

Section 42A Officer’s Report

Hearing Stream 5:	Natural Hazards
Subjects:	Strategic Directions on Climate Change and Natural Hazards
	Natural Hazards
	Coastal Environment (provisions relating to coastal hazards)
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Appendix A1: Recommended amendments to the Proposed District Plan**Error!**
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2 Introduction

2.1 Purpose and Scope

- (1) This is the section 42A Officer's Report for the Natural Hazards and Coastal Environment (Coastal Hazards) portions of the Proposed Lower Hutt District Plan (the PDP).
- (2) This report is prepared under section 42A of the Resource Management Act 1991 (the RMA) to:
 - Assist the Hearing Panel in making their recommendations on the submissions and further submissions on the Strategic Directions, Natural Hazards, Coastal Environment, and Definitions chapters of the PDP, and
 - Provide submitters with information on how their submissions/further submissions have been evaluated by the reporting officer for these chapters, and the reporting officer's recommendations to the Hearing Panel on the decisions requested.
- (3) This report considers submissions/further submissions received by Council on the Natural Hazards and Coastal Environment chapters of the PDP, definitions within the Definitions chapter that primarily relate to natural and coastal hazards, and strategic direction CCSD-O2 (Natural Hazards), and concludes with the officer's recommendations with respect to decisions requested by submitters on these parts of the PDP.
- (4) Some provisions in other chapters address natural hazards as an issue or depend on mapped hazards overlays, such as the Infrastructure, Earthworks, and Subdivision chapters. These will be dealt with in the hearing streams for their overall topic chapters.
- (5) The Hearing Panel may choose to accept or reject the conclusions and recommendations of this report, or may come to different conclusions and make different recommendations, based on the information provided to them, including evidence provided to them by submitters.

2.2 Author

- (6) My full name is Stephen Davis. I am a Senior Policy Planner in the Policy Planning team at Hutt City Council (the Council).
- (7) I hold the qualifications of Bachelor of Science from Victoria University of Wellington, and Master of Urban Planning (Professional) from the University of Auckland. I am an intermediate member of the New Zealand Planning Institute.
- (8) I have seven years' experience in planning and resource management roles in local government, covering this district plan review, previous council-initiated and private plan changes, monitoring, and compliance.
- (9) I have been involved in the District Plan Review since 2020, including working on the Industrial Zones, Commercial and Mixed Use Zones, Seaview Marina Zone, Light, Noise, and Temporary Activities chapters, the urban design approach (cross-zone), and the maps, including their associated s32 reports. I helped prepare and was lead reporting officer for Hutt City Council's Intensification Planning Instrument in 2022-2023 (although did not lead natural hazards parts of that plan change). I also serve on the Ministry for Cities, Environment, Regions and Transport working group for standardised plan content under the government's proposed resource management reforms.
- (10) I had no significant involvement in the preparation of the Strategic Directions, Natural Hazards, or Coastal Environment portions of the plan prior to notification.
- (11) I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. I have complied with the Code of Conduct when preparing my written report and will follow it when I give any oral evidence.
- (12) Other than where I state that I am relying on the advice of another person, this evidence is within my areas of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- (13) Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I

express my opinion. Where I have set out opinions in my evidence, I have given reasons for those opinions.

2.3 Supporting evidence

- (14) The s32 evaluation reports for these chapters remain relevant. I also include as appendices updated natural hazard evidence from experts in five of the six modelled natural hazards (appendices B1–B5) and a regional comparison of natural hazard modelling and policy approaches prepared by Urban Edge Planning (appendix B6). I do reference other existing publicly available reports¹ and I have processed and analysed some existing council records (e.g. GIS maps), which will be shown in the body of the report.

2.4 Glossary and abbreviations

Term or abbreviation	Meaning
CE	Coastal Environment chapter of the Proposed District Plan
FENZ	Fire and Emergency New Zealand
Forest and Bird	Royal Forest and Bird Protection Society of New Zealand, Inc. (submitter 424)
The Fuel Companies	The joint submission of BP Oil New Zealand Ltd, Mobil Oil New Zealand Ltd and Z Energy Ltd ² (submitter 471).
GIS	Geographic Information System
GNS	(former) Institute of Geological and Nuclear Sciences
GW, GWRC, WRC	Wellington Regional Council, t/a “Greater Wellington” and “Metlink” (submitter 452)
HCC	Hutt City Council

¹ Which will be footnoted like so.

² Note that Z Energy Ltd also made a separate individual submission (468), although not on the provisions in this report.

Term or abbreviation	Meaning
IPCC	Intergovernmental Panel on Climate Change
LIM	Land Information Memorandum
MPHRCIS	Manor Park and Haywards Residents Community Incorporated Society
NH	Natural Hazards chapter of the Proposed District Plan
NHC	Natural Hazards Commission / Toka Tū Ake
NPS-NH	National Policy Statement for Natural Hazards
ODP	Operative District Plan
PDP	Proposed District Plan
Policy Planning Team	Policy Planning Team of the Hutt City Council (submitter 440). For the avoidance of doubt this is a submission by officers, not a submission of the Hutt City Council.
RCP	Representative Concentration Pathway (in the context of Intergovernmental Panel on Climate Change projections)
RMA or 'the Act'	Resource Management Act 1991
RPS	Regional Policy Statement for the Wellington Region
SMZ	Seaview Marina Zone
SSP	Shared Socioeconomic Pathway (in the context of Intergovernmental Panel on Climate Change projections)
The Telecommunication Companies	Joint submission (311) of Connexa, Chorus, FortySouth and Spark
Wellington Water (Ltd)	Submitter 422 on the PDP, a predecessor organisation to Tiaki Wai Ltd before 1 July 2026 ³ .
WREMO	Wellington Region Emergency Management Office

³ For consistency, I will refer to the submitter using the name given in their submission, Wellington Water.

2.5 Procedural issues

2.5.1 Conferencing and additional evidence

- (15) I met with representatives of the Natural Hazards Commission and Wellington Regional Council on 1 July 2026 to discuss and clarify issues relating to their submissions on the Natural Hazards and Coastal Environment chapters, and subsequently discussed further via phone and email. This was not with the intent of reaching a joint position, but to clarify what additional evidence the submitters might provide before or after the publication of this report.
- (16) Wellington Regional Council submitted additional evidence⁴ relating to two provisions, NH-R9 and NH-R13, and so I will discuss their updated position on those provisions in this report.
- (17) I will discuss other relevant matters arising from these discussions throughout the report as it chiefly relates to particular submission points of these submitters.

2.5.2 Scope and validity

- (18) Some submissions seek changes to the plan that in themselves would be invalid – for example, by being contrary to the National Planning Standards. I have discussed these in their relevant topics, and they should be considered to the extent that the broader aims of the submission might be achieved by some other means.
- (19) Other submissions seek relief that is not, or could not, be advanced through changes to the plan. These are discussed in section 5.2.3.

4

https://hccpublicdocs.azurewebsites.net/api/download/d8937615b4d04c4eabe99da68ac79ed3/_dplanreview/13a9505b1221e56947d6bf416cb599fdb63f

2.5.3 Assignment of submissions to hearings streams and topics

- (20) Submitters and their individual submission points have been covered in this report where:
- They explicitly seek changes to provisions in the Natural Hazards and Coastal Environment chapters, Slope Assessment Overlay earthworks provisions, or strategic direction CCSD-O2,
 - They explicitly seek changes to maps linked to the chapters,
 - They explicitly seek changes to definitions mostly used in these chapters, or whose issues would mostly impact these chapters,
 - They seek broad relief, and mainly reference or relate to the chapters,
 - They seek broad relief and are more closely linked with these chapters than others, or
 - They have no other obvious topic/hearing stream that they better sit within. For such submissions reporting officers have attempted to group them with the aim of reducing duplication and the number of hearing streams a particular submitter would be involved in. This notably covers strategic direction CCSD-O1, which is not otherwise closely connected to this topic.
- (21) Some submission points cover broad, cross-plan issues, especially structural issues, and may be covered both in this report and reports on other topics.
- (22) For this report, submissions are divided into points on the Strategic Directions, chapter text provisions and cross-hazard issues, sections for the mapping and modelling of each individual hazard, and then definitions that are primarily relevant to natural and coastal hazards.

2.5.4 Partial withdrawal of the PDP

- (23) For the Natural Hazards provisions and the individual coastal hazards provisions within the Coastal Environment chapter, there are no notable issues for integration with the remaining parts of the Operative District

Plan (ODP). The non-withdrawn provisions of the PDP will replace in full the Natural Hazards chapter of the ODP and related definitions, and hazards-related provisions elsewhere in the ODP. There are no significant cross-references to withdrawn chapters.

- (24) However, the coastal hazards provisions sit within the wider Coastal Environment chapter, which as notified also contained provisions relating to coastal natural character, indigenous vegetation, development in the coastal environment, and other coastal environment issues not related to hazards. While every individual provision not relating to hazards in the chapter has been withdrawn, consequential changes are needed to the introduction, headings, and other structural elements to reflect that the chapter will now contain only hazards provisions. My recommendations for these are shown in Appendix A1.

2.6 Statutory and Policy Context

2.6.1 National and Regional Direction

- (25) The broader context of statutory considerations and national and regional direction as set out in the s32 report for the chapter remains relevant. However, there are two significant changes:
- Provisions relating to natural hazards in the Regional Policy Statement (RPS) have been substantially overhauled. At the time of notification, these were still uncertain as they were subject to appeals with quite a wide scope.
 - There is a new National Policy Statement for Natural Hazards (NPS-NH), which is directive and has implications for managing natural hazard risks in district plans.
- (26) The RPS direction is principally contained in Policies 29, 51, and 52. These set out a risk-based approach to addressing natural hazards, including accounting for at least 100 years of climate change, the use of hazard overlays to identify hazards or risks, identification of hazards and risks as low, medium, or high, and avoiding hazard sensitive activities (as defined in the RPS) where hazards or risks are high.

- (27) The NPS-NH direction sets out a proportional risk-based approach to addressing natural hazards, including accounting for at least 100 years of climate change, a detailed methodology for identification of hazards as low, medium, high, or very high, and avoiding subdivision, use and development where risk is very high.
- (28) Despite similarities, these two instruments are not designed to work together, with RPS provisions being notified prior to the NPS-NH, and the NPS-NH anticipating that the RPS will need to be updated in response. The district plan, in turn, was not prepared with the NPS-NH in mind. While it was prepared considering the decisions version of the RPS, the wide scope of appeals meant there was uncertainty around the outcome and the RPS provisions are now quite different.
- (29) Some major issues to be aware of in navigating the RPS and NPS-NH direction arise from this.
- (30) The district plan as notified, the RPS, and the NPS-NH each use a concept of ranking hazards as “low”, “medium”, “high”, and (for the RPS and NPS-NH) “very high/greater than high”. None of the three documents use these terms to mean precisely the same thing as the others.
- (31) The RPS contains direction around the management of natural hazards but does not contain detailed direction around the process of evaluating and categorising the risk, leaving that up to local authority discretion.
- (32) The NPS-NH on the other hand contains prescriptive direction around evaluating and categorising the risks from hazards, but leaves substantial scope for local authorities to choose a policy approach in response (providing that the response is proportionate). Neither document intended to prescribe *both* the evaluation *and* the policy response.
- (33) The RPS contains two separate plan-making directions, one that applies only to plan-making, and another that applies to all RMA decision-making including plan-making. These have different directions to each other.
- (34) Both RPS and NPS-NH contain direction around incorporating consideration of the effects of climate change at least 100 years into the future, but do not provide direction as to what predicted scenario should be used, or how the risks from natural hazards in the future should be

handled compared to risks that exist today or during the lifetime of the plan.

- (35) The district plan was prepared with heavy consideration for regional consistency, both to manage the costs of commissioning modelling, but also as a policy approach as housing and business development exists in a regional environment and it would be a perverse outcome for inconsistent provisions to end up pushing development from a somewhat unsafe area in one city to an even less safe area in another solely because the former city had a different and stricter methodology. However, all neighbouring cities now have settled natural hazards provisions and will not, in the foreseeable future, be likely to update them to reflect the NPS–NH or new RPS provisions.
- (36) The new national policy direction is intended to standardise the categorisation of risk. It is worth noting that while the PDP contains overlays using similar high/medium/low terminology, these maps identify the severity of the hazard, but not risk.

2.6.2 Guidance and other documents

- (37) Some non-statutory guidance, evidence, and other documents have been introduced or updated since the Section 32 report that are relevant to this topic. Notable changes are:
- An updated Table of Actions in the National Adaption Plan⁵, although the relevant changes it makes to this topic (e.g. adding reference to the proposed new Planning Bill and NPS on Natural Hazards) are generally all relevant in their own right.
 - A new implementation guide from the Ministry for the Environment for the NPS on Natural Hazards⁶. While non-binding, this provides useful context for the PDP.

⁵ <https://environment.govt.nz/assets/publications/climate-change/New-Zealands-first-national-adaptation-plan-Table-of-actions-Addendum-2025.pdf>

⁶ <https://environment.govt.nz/assets/publications/RMA/national-policy-statement-for-natural-hazards-implementation-guide.pdf>

- A new high-level National Adaptation Framework⁷. This is not detailed enough to substantially affect decisions on the plan, but reinforces that there is unlikely to be any significant funding for implementing adaptation planning or hazard mitigation measures for managing climate change effects in the near future.
- A letter from the Minister for Climate Change around the selection of climate scenarios for infrastructure planning and “regulatory decision-making”⁸. While not a form of direction under the RMA it is useful as context for the likely future funding environment for infrastructure and hazards mitigation.

⁷ <https://environment.govt.nz/what-government-is-doing/areas-of-work/climate-change/adapting-to-climate-change/national-adaptation-framework/>

⁸ https://www.huttcity.govt.nz/__data/assets/pdf_file/0034/75769/Letter-from-Minister-Watts-regarding-climate-change-assumptions-in-council-planning.pdf

3 Cross-topic resource management issues

- (38) Some issues cut across numerous provisions in the chapters for this topic in the plan, and submitters have presented either a package of requested changes or different submitters have raised the same issue in multiple contexts. I will consider some of these overall issues before trying to apply these submissions to individual provisions. I will however make recommendations on some very wide-ranging, general submission points that do not address specific provisions.

3.1 General approach

3.1.1 Regional direction and regional consistency

- (39) As set out in the Section 32 Report⁹, the PDP's approach to hazards reflects an evolution on a regionally agreed natural hazards management strategy¹⁰, with four objectives:
- "Our natural hazards and risks are well understood"
 - "Our planning takes a long term risk-based approach"
 - "Consistent approaches are applied to natural hazard risk reduction"
 - "We have an agreed set of priorities to reduce the risk from natural hazards"
- (40) This is reinforced by directions around natural hazard risk in the RPS (including changes proposed in RPS Change 1), discussed more below in section 3.1.2.

⁹ Section 32 Report, Natural Hazards, p41

¹⁰ https://www.huttcity.govt.nz/_data/assets/pdf_file/0033/75768/Wellington-region-natural-hazards-management-strategy_May-2019.PDF

- (41) The PDP accordingly takes a deliberately similar approach to natural hazard identification and management as in other recent plans, particularly Wellington and Porirua's recent full plan reviews. A more detailed comparison of both the modelling and management of hazards is available in Appendix B6.
- (42) I think this approach is appropriate, particularly as an inconsistent approach to either the identification or management of hazards risks displacing development from one council with more pessimistic modelling or more restrictive rules to another with more optimistic modelling or more enabling rules, even if the risk to that development would be no less or even greater.

3.1.2 Proportionate approach to risk

- (43) One consequence of the regional approach described above in section 3.1.1, is the evolution of the approach over time and in response to changing hazard mapping, national direction, and policy and technical guidance. The six different hazards modelled in the PDP were each modelled at different times, using different assumptions around climate change, and different versions of LIDAR elevation data and vertical land movement predictions (with the latter not included at all in some models). They are mostly consistent with the modelling of that same hazard in at least one neighbouring council, as the modelling was usually either jointly commissioned with another council, or carried out by a regional body (such as the Wellington Regional Council or Wellington Water).
- (44) The risk-based approach means some hazards are categorised into Low, Medium, and High overlays. These are not in themselves a description of Low, Medium, or High risk, either within the terminology of the NPS for Natural Hazards or in general – rather, they describe in some form the severity or likelihood of the natural hazard in a particular place.
- (45) The different hazards are categorised in different ways. The Flood, Coastal Inundation, and Tsunami hazards are categorised as Low, Medium, and High, but based on different distinctions:
- The flood modelling describes a single event (a 1:100 year/ 1% AEP flood event, with assumptions based around the IPCC RCP8.5M

scenario), with Low, Medium, and High reflecting the depth and velocity of floodwaters.

- The tsunami modelling describes three composite events, with Low, Medium, and High reflecting different return periods of 1:1000 years/0.1% AEP, 1:500 years/0.2% AEP, and 1:100 years/1% AEP respectively, with assumptions based around 1m of sea level rise (which does not correspond exactly to an IPCC scenario).
- The coastal inundation modelling categorises Medium and High only, with the difference reflecting assumptions around climate change – High considers a current-day 1:100 year/1% AEP event, and Medium considers such an event with assumptions based on the IPCC RCP8.5M scenario.

(46) The areas at potential risk of fault rupture are categorised based on the quality and certainty of information about the location of the fault, rather than the severity of the event.

(47) Areas of slope stability risk and liquefaction risk, while both modelled using an approach with tiers of risk, are each mapped as a single overlay, given the limited effect of the proposed associated rules.

(48) The provisions for each hazard nonetheless each attempt to take a risk-based approach, with provisions responding at least one of the severity, likelihood, or immediacy of an event, all of which are associated with higher risk. In some cases the approach also reflects the uncertainty in the information, which reflects the RMA's overall approach to uncertain information¹¹ and Policy 5 of the NPS for Natural Hazards:

Natural hazard risk assessment and decisions must be based on the best available information and must be made even when that information is uncertain or incomplete

(49) The Petone Community Board (502.2, 502.3, 502.4) seeks that the hazard overlays be simplified and not divided into low, medium, and high categories, considering that they are challenging to interpret.

¹¹ RMA, s32(2)(c)

- (50) My view is that the overall approach is appropriate, given the information available to Council. Classifying hazards into low, medium, and high allows for interim measures between the most restrictive and most enabling, allowing a reduction in risk while balancing the need for the ongoing adaptation and evolution of areas unlikely to be abandoned. It is also consistent with national and regional direction. I thus recommend rejecting these submission points.
- (51) There are specific concerns around both regional and inter-hazard consistency, which I discuss in section 3.2 in general and in section 6 in relation to each specific natural hazard.

3.1.3 Residual risk

- (52) The submission of the Natural Hazards Commission (327.7, 327.8, 327.18, 327.19) raises the issue of “residual risk”¹², the potential risk from natural hazards where mitigation measures are not successful or fail (which could in turn be due to a different natural hazard). This is particularly relevant in the case the NHC raises of river flooding, where the course of the Hutt River / Te Awa Kairangi is protected through stopbanks throughout almost all of Lower Hutt. I agree with the submitter that a failure of these stopbanks could well be catastrophic.
- (53) In general, and given the overall approach of the PDP, the only way to manage residual risk is through the identification of natural hazard events, and making assumptions around the likelihood of failure of mitigation measures. The only hazard for which modelling includes the effects of mitigation measures or residual risk from their failure is flooding, and the assumptions around these are set out in detail in the technical reports for the flood modelling. I do not think that a general consideration of residual risk is practical at the consenting stage – a consent would need to first be triggered, and this can only happen if the risk is identified at the plan-making stage so that a rule can hinge off an identified overlay.
- (54) I met with representatives of the Natural Hazards Commission prior to finalising this report, who suggested that an approach to the residual risk

¹² Submission 327 – Natural Hazards Commission, pp3-4

of stopbank failure could be the use of a 2024 Wellington Regional Council report modelling the impact of a potential stopbank failure¹³.

- (55) Having reviewed that evidence, I do not think it aligns well with any of the flood hazard scenarios modelled in the plan, as it is a less than 1% AEP scenario. To the extent that it would expand the coverage of high, medium, or low hazard areas I also do not think it was well enough signalled in the original submission that potentially affected owners and occupants would have been aware of this potential and so there are natural justice in such an expansion at this stage. Finally, the key area affected is the central city, as the modelling does not account for the additional protection provided by the (under construction) Riverlink stopbank improvement project. I accordingly do not recommend use of this modelling.

3.1.4 Protection of natural values

- (56) Forest and Bird (424) seek a number of changes with the general intent to “acknowledge the natural character, natural landscape and biodiversity values that must be protected” in a natural hazards context.
- (57) This is now outside the scope of the Plan Stop exemption as this would fall within the subject matter of withdrawn chapters.
- (58) In any case, a district plan’s purpose is carried out through managing land use, subdivision, and development – it cannot affect risks to natural values that arise from natural processes (such as natural hazards) with no human involvement.
- (59) I thus recommend not adding these references.

3.1.5 Seaview and Petone areas carve-out

- (60) The plan as notified has a different policy approach within an area it describes as the “General Industrial Zone and Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone and the Seaview Marina Zone”. This provides an alternative planning approach for commercial and industrial areas which have regional significance as set out in Policies 30

¹³ <https://www.gw.govt.nz/document/23844/hutt-river-flood-modelling-and-hazard-mapping/>

and 32 of the RPS, and which cannot feasibly be relocated without a wider strategy for hazards adaptation¹⁴.

Mapping of areas

- (61) The Policy Planning Team (440.48a, 440.48b, supported by Seaview Marina Ltd F14.1 and F14.2) submits that the naming of areas in each relevant provision is both imprecise and overly wordy, and seek that the relevant area be represented as an overlay on the maps instead.
- (62) This area is identified due to meeting the criteria in Policies 30 and 32 of the Regional Policy Statement, which cover the protection of certain regionally significant commercial and employment centres, while also falling within national, regional, and district plan strategic directions around natural hazards, as part of these areas are identified as hazard-prone.
- (63) In terms of plan usability, I agree that an overlay would be easier for plan users and provide appropriate precision, and recommend that this area be represented as a "Regionally Significant Coastal Business Areas Overlay".

Requested alterations to area

- (64) Winstone Aggregates (444.28, 444.29, 444.30, 444.31) seeks that the area in question also encompass the Quarry Zone, considering that it is similar in nature to Petone and Seaview.
- (65) I do not agree that the area is similar. The identification of Petone and Seaview is because of the regional significance of the areas under Policies 30 and 32 of the Regional Policy Statement respectively, and how this interacts where an area is subject to a potentially very restrictive policy approach because of the identification of multiple hazards. The Quarry Zone does not have an analogous situation. Petone and Seaview need special treatment for hazard adaptation because they cannot be easily moved or replaced, are significant regional economic drivers with a large employment base, and need to adapt and evolve over time to keep fulfilling these roles. These areas are impacted by multiple natural

¹⁴ See resource management issue 5 in the Section 32 Report, p66.

hazards, including several areas considered to be high hazard. If an alternative framework was not created for these areas, then there would be the potential that all future development potential would be removed, which would have wider economic and social impacts.

- (66) The Quarry Zone is subject to a single hazard, flooding, and only a small portion of the overall zone is impacted by the hazard, with the majority of the area being impacted by either low or medium hazards and not high hazard areas. In this regard, the Quarry Zone does not have the same restrictions or limitations from a natural hazards perspective as the properties covered by the proposed overlay.
- (67) Accordingly, I do not recommend the inclusion of the Quarry Zone.
- (68) The Adrian Palmer Family Trust (315.23a, 315.23b, 315.24a, 315.24b) supports the “carve out” and seeks that it be expanded to Gracefield and Light Industrial Zones.
- (69) I agree with the expansion to Gracefield. Gracefield and Seaview, while separate named suburbs, work together as a single cohesive area and other council strategies treat them as one¹⁵. In my view Gracefield qualifies as regionally significant under Policy 32 of the RPS in the same way as Seaview.
- (70) I do not agree with the inclusion of Light Industrial Zones. There is very little Light Industrial Zone land in Petone and none in Seaview or Gracefield, and none of it is connected with the main existing business areas in question. I do not think these areas meet the test of regional significance in Policy 32 of the RPS.

Conclusion

- (71) I recommend that the submission point of Winstone Aggregates (444) be rejected, and that the submission point of Adrian Palmer Family Trust (315.23a, 315.23b) be accepted in part, to the extent that the carve-out be extended to industrial zones in Gracefield; and

¹⁵ E.g. the Seaview Gracefield Vision 2030, https://hccpublicdocs.azurewebsites.net/api/download/8e9200db38b84fa4a6474c52c55cd409/_CM9-WE/3b204f06125e00b440e8641f8d62dd40328

- (72) I recommend that the submission point of the Policy Planning Team (440.48b) be accepted, that a new "Regionally Significant Coastal Business Areas Overlay" (as shown in Appendix A3 of this report) be added to the PDP maps, and that references to the carve-out areas be updated to refer to this overlay.
- (73) My overall recommended overlay area is represented in Appendix A3.

Section 32AA Evaluation

- (74) In my view the justification of the Seaview/Gracefield area in the s32 report still applies, but the altered mapping better aligns with the actual boundaries of the industrial area.

3.1.6 Property values and insurance

- (75) Numerous submitters raise concerns around natural hazard identification on the grounds that identification of hazards on plan maps might affect property values of listed properties, or make it more difficult for property owners to obtain insurance.
- (76) In my view, it is primarily the existence of the natural hazard risk itself that causes these issues, not the identification of the natural hazard risk by the Council.
- (77) Property prices in themselves are not an effect within the domain of the RMA. Nor is the price of insurance, although if insurance is completely unavailable or unaffordable this may have environmental effects associated with the unplanned abandonment of land and buildings. I consider this risk extremely low as insurers do not typically rely primarily on district plan maps. In any case, this risk is itself mitigated through the controls implemented in the proposed plan, which limit development and building in risk areas, thus limiting the number and value of buildings that could potentially be abandoned.

3.1.7 Terminology

General

- (78) Michael Rachlin (232.4) seeks that "natural and coastal hazards provisions are integrated across all relevant chapters, including use of consistent terms and language, and activity status for developments."
- (79) I make recommendations for making such corrections and changes for consistency in response to individual provisions in sections 4, 5, and 6.

High Hazard Areas

- (80) The Policy Planning Team (440.33) seek for various specific provisions that the terms "high hazard areas" (etc) be replaced with the name of the relevant overlay or a defined term for a group of overlays, e.g. "High Natural Hazard Overlays". I agree this is an error that should be corrected. The relevant changes are shown in Appendix A1.

Use of High, Medium, and Low

- (81) Charmy Mistry (392.3) seeks that the High Flood Hazard Overlay be renamed to something "more neutral" such as "Moderate Flood Risk" or "Flood Management Zone", considering that the name "High Flood Hazard" could be alarming or affect the marketability of properties.
- (82) Joe Jeffries (514.2a, 514.8, opposed by Wellington Water F36.353) seeks that overlays not use the words "low", "medium", and "high" and instead describe the specific hazard event being modelled, considering that the language is inaccurate when applied to present day conditions as they model potential future events with assumptions around climate change.
- (83) I do not think the district plan should use language with the intent of affecting the marketability of properties one way or the other – it should be designed to be as clear as possible for plan users.
- (84) Using the terms "high", "medium", and "low" has the advantage of aligning with direction in the RPS, which may well be relevant as a consideration, and with district plans of neighbouring councils.
- (85) There is the disadvantage that the names "high", "medium", and "low" are also used in the NPS for Natural Hazards in relation to risk, whereas the PDP

overlays are not maps or direct measures of risk, and do not align with the categorisation of risks in Appendix 1 of the NPS.

(86) Overall, I think the advantage to plan users is greatest by retaining the names, as it makes it clearer how each overlay sits within the approach described in policies NH-P1, NH-P2, CE-P8, and CE-P9.

(87) Accordingly, I recommend rejecting these submission points.

Activities sensitive to natural hazards

(88) David Surrey (427.15a, 427.15b) seeks that the terms for sensitive activities align with other district plans in the region, e.g. *less hazard sensitive activities*, *potentially hazard sensitive activities*, and *hazard sensitive activities*.

(89) The terms used in the PDP are consistent with how activities sensitive to other things are described, e.g. *activities sensitive to noise* or *activities sensitive to hazardous substance risks*. I think consistency within the plan is of greater value than consistency with other plans, and so recommend rejecting this submission point.

3.2 Modelling and mapping

3.2.1 Accounting for climate change

(90) The RPS¹⁶ and NPS for Natural Hazards¹⁷ both direct councils to include consideration of the future effects of climate change for at least 100 years in the future in their natural hazard modelling. Neither document, however, gives a specific projection of future climate effects to use.

(91) I will not discuss the different possible scenarios here – I recommend the discussion in the (then) Ministry for the Environment’s *Coastal Hazards and Climate Change Guidance*¹⁸ publication.

¹⁶ Policy 29

¹⁷ Policy 6

¹⁸ <https://environment.govt.nz/assets/publications/climate-change/MFE-AoG-20664-GF-National-Adaptation-Plan-2022-WEB.pdf>

- (92) As set out in the technical reports accompanying the Section 32 report and evidence of the specialists attached to this report, the hazards have been modelled using different assumptions at different times. These varying assumptions are also compared regionally in Appendix B6. The hazard-specific reports in Appendices B1-B3¹⁹ provide comments around the use and sensitivity of the specific modelling to climate change assumptions.
- (93) The National Adaptation Plan²⁰ directs the use of at least the Intergovernmental Panel on Climate Change SSP5-8.5 or RCP8.5 scenarios to *screen* for hazards and risks, and that vertical land movement should be incorporated, but does not direct the use of a specific scenario for land use controls.
- (94) Non-statutory guidance has been provided by the (then) Ministry for the Environment in its document *Coastal Hazards and Climate Change Guidance*²¹, which sets out that for changes in land use such as intensification, the IPCC SSP-8.5M and SSP-8.5H+ scenarios should be used. By contrast, the Council has also received a letter from the Minister of Climate Change²² discouraging the use of the SSP-8.5 group of projections in “regulatory decision-making”.
- (95) The status of this letter in relation to the Ministry for the Environment guidance is uncertain at time of writing although I understand the Council is hoping to get clarification.
- (96) In any case, there is no firm statutory direction about which scenario to use. This means that the choice is ultimately up to the Council and, due to submissions on this issue, something on which the panel will need to make a recommendation.

¹⁹ The fault rupture and slope stability hazard modelling do not incorporate assumptions around climate change as the former is not expected to be affected by climate change and the latter would affect the frequency of events rather than the area covered.

²⁰ <https://environment.govt.nz/assets/publications/climate-change/MFE-AoG-20664-GF-National-Adaptation-Plan-2022-WEB.pdf>

²¹ <https://environment.govt.nz/assets/publications/Coastal-hazards-and-climate-change-guidance-2024-ME-1805.pdf>

²² https://www.huttcity.govt.nz/_data/assets/pdf_file/0034/75769/Letter-from-Minister-Watts-regarding-climate-change-assumptions-in-council-planning.pdf

- (97) The Natural Hazards Commission (327.1, opposed by Wellington Water F36.289, 327.2) seeks that "Natural hazard risk [is] assessed on a multi-hazard basis, over multiple timeframes, to at least 50, or preferably 100, years into the future, and using multiple climate change scenarios", which I infer as partial support and partial opposition to the climate change assumptions made in the modelling used in the proposed plan.
- (98) Various submitters consider the assumptions, especially for flooding, as unrealistic, e.g. Edward Oosterbaan and Sarah-Kaye Oosterbaan (114), Chris Moore (448), and Denise Anglesey (366), and seek a lower IPCC scenario be used or the hazard overlays be withdrawn entirely.
- (99) As I discuss in section 3.1.1, in my view regional consistency is deeply important for the issue of natural hazards risk. The identification of hazard areas also needs to consider the overall effect on development of restricting development in particular for natural hazard reasons. This is particularly so in coastal areas of Lower Hutt such as further inland areas of Petone where natural hazard risks will not arise for a long period of time, there is uncertainty around to what degree mitigation measures could address the issue when it arises, and until and unless a decision is made to make a managed retreat from those areas, they need to continue functioning for their existing community. If development is restricted in too many areas, it may drive development out of the city, region, or country even though that does not necessarily reduce risks overall if people move to other jurisdictions with a less restrictive approach. An approach that restricts development over so much of the city that it could not meet its own development needs while meeting those restrictions also risks simply being unenforceable in practice.
- (100) Joe Jeffries (514) seeks in relation to various specific provisions that distinctions be made based on whether the natural hazard risk currently exists or will only arise in future after the climate has further changed.
- (101) Given the rate at which plans are made and updated and the climate situation evolves, and the limited difference in policy approach that would likely be justified in the different areas, I do not recommend making such a distinction (except for retaining it in the Coastal Inundation Hazard Overlay, where such an approach is used in the PDP as notified for the distinction between High and Medium hazards). While risks to life are not

immediate, risks to property are locked in when development occurs, even if the risk will only arise in future. A major role of the plan is in limiting sunk costs in development that inevitably will be subject to unacceptable risk in future.

- (102) Due to the differing assumptions made for each hazard, I will otherwise make overall recommendations about climate assumptions at a hazard-specific level in section 6 of this report, which addresses submissions on modelling and mapping for specific hazards.

3.2.2 Cumulative risk

- (103) The Natural Hazards Commission (327.104, 327.105, opposed by the Fuel Companies F32.20 and F32.21) seeks that provisions be added to address cumulative risk, that is, risk exacerbated because of the presence of two or more natural hazards simultaneously. This would effectively be by considering it in individual resource consents.
- (104) While I agree that this is a potential issue, to meaningfully address it in either the plan-making or resource consent stage, there would need to be sufficient evidence to assess the cumulative hazards in terms of risk relative to a single hazard, such as the annual exceedance probability of a cumulative natural hazard event or the consequences to life and property of that event.
- (105) No evidence has been presented by the Council or the submitter about the magnitude and relative importance of the interaction of the different hazards modelled in the PDP. I do not think it is practical to expect this to be produced for an individual resource consent – I would imagine the cost of this modelling is of the order of the hundreds of thousands of dollars spent by the Council (so far) on the modelling that informed the PDP.
- (106) The Natural Hazards Commission may want to consider presenting further evidence about the possible interactions between the hazards modelled in the plan, and in meeting with them while preparing this report I have invited them to do so for the hearing.
- (107) In the meantime, I recommend no specific reference to cumulative natural hazard risk be made in the plan.

3.2.3 Issues and accuracy in modelling

- (108) Perhaps the single largest issue for submitters was site-specific or area-specific concerns with the quality of the modelling. These have been assessed individually by experts in the relevant modelling, as discussed in section 6.

4 Strategic Directions

4.1 Chapter Summary

- (109) As discussed in the s42A report for Hearing Stream 1 – Opening, most strategic direction provisions will be discussed in the report for the topic most relevant to that particular objective. That report also has a broader discussion of the role and intent of the strategic directions as a whole.
- (110) One strategic direction objective is primarily relevant to natural hazards: CCSD-O2²³ (Natural Hazards). In addition, while it does not sit well in any one hearing stream, the nature of the submissions on CCSD-O1 (Carbon Neutral) mean that it fits better in this stream than any other. All submitters on this provision would have an interest in this topic stream in any case, and so dealing with it here will reduce the burden on those submitters.

4.2 Discussion of submissions and recommendations

4.2.1 Objectives

CCSD-O1 (Carbon Neutral)

- (111) The Fuel Companies (471.85) support the objective as notified.
- (112) Royal Forest and Bird (424.8, supported by the MPHRCIS F10.56 and Director-General of Conservation F29.1) seek that the objective be amended as follows:

The urban form, ~~and~~ built development and carbon sequestering potential of indigenous biodiversity, including

²³ This provision should have been numbered SD-CC-O2 to meet the National Planning Standards. See the s42A report for Hearing Stream 1 – Opening for a discussion and recommendation on actioning that numbering. For continuity I will refer to the provision using the non-compliant notified reference, as this is what is used in submissions and the summary of submissions.

wetlands, in Lower Hutt supports the transition of the city to be carbon neutral by 2050.

- (113) The submitter considers that this would support measures to protect indigenous biodiversity to the extent this helps achieve carbon neutrality.
- (114) With the withdrawal of the Indigenous Biodiversity chapter of the PDP, and given that the district plan (as opposed to regional plans) does not have a role in direct emissions offsetting, I do not think the plan can meaningfully advance this goal at a broad strategic level.
- (115) Wellington Regional Council (452.16, supported by the Natural Hazards Commission F15.5, opposed by Michael Rachlin F4.6), seeks that the objective be amended as follows:

CCSD-O1 Carbon Neutral and Climate-Resilient

The urban form and built development in Lower Hutt supports the transition of the city to ~~be~~ become more climate-resilient, and carbon neutral by 2050.

- (116) The submitter considers that, while climate resilience is addressed in relation to urban development and infrastructure it should also be considered in other situations.
- (117) I note that maintaining climate resilience for natural hazards is also covered in CCSD-O2.
- (118) The change sought by the submitter would still apply specifically to “urban form and built development”. For urban areas, I do not think this meaningfully adds much to the existing proposed direction in UDSD-O2:

Urban development supports the creation of liveable, well-functioning urban environments that are:

...

(g) resilient to the impacts of natural hazards and climate change.

...

- (119) The impact of the change as I see it would therefore be to extend the consideration of climate resilience to built development in rural environments for situations other than natural hazards. The strategic

direction already broadly recommends urban containment (e.g. UDSD-O4, UDSD-O8).

- (120) I think that managing urban form generally, and managing development at potential risk from natural hazards, are the major strategic ways in which the district plan has scope to advance climate resilience. Generally, the plan can restrict development that might undermine resilience but has few if any tools to proactively advance resilience, particularly in rural areas where there are no tools to shape gross development outcomes in the absence of significant redevelopment or intensification, which there is already strategic direction discouraging. The submitter also has not sought relief in rural zones that this strategic direction might link with or support, but may wish to comment at the hearing on what relief sought by other submitters might advance this sought strategic direction.
- (121) Accordingly, I do not recommend accepting either of the changes proposed by submitters.
- (122) If the panel is nonetheless of a mind to accept the relief of Wellington Regional Council, I think as the issue raised by WRC is around climate change adaptation and CCSD-O1 as proposed is purely around climate change mitigation, this issue would be better addressed as a new standalone strategic direction objective rather than forming part of CCSD-O1 as requested.

CCSD-O2 (Natural Hazards)

- (123) Fire and Emergency NZ (374.13) and the Fuel Companies (471.86) support the objective as notified.
- (124) Their reasons for that support are fairly general and in my view are unaffected by the discussion below.
- (125) Michael Rachlin (232.1) seeks to delete the provision, amend it in line with his concerns, or replace it with an equivalent provision from the then²⁴ Porirua Proposed District Plan Appeals Version 2024, which is REE-O3:

²⁴ At the time Mr Rachlin made his submission this was still only a proposed plan and subject to appeals. The appeals have now been resolved, and the plan was made operative on 1 November 2025, with no changes to objective REE-O3.

There is no significant increase in the risk from natural hazards, including the effects of climate change, to people, property and infrastructure as a result of subdivision, use and development.

(126) The submitter considers that:

- The avoidance or minimisation of risk is not practical given Lower Hutt's hazards profile and susceptibility to climate change.
- The district plan should be designed for its expected 10-year lifetime [and I infer from this, that he means that it should not necessarily be designed to apply beyond that].
- The lower-order PDP provisions do not implement the strategic objective, for example provisions that carve out commercial and industrial areas in Petone, Seaview, and Gracefield from the stronger levels of risk management.
- The objective is vague as "minimise" is not defined.

(127) I agree with the submitter that there is significant existing risk from natural hazards in much of Lower Hutt and that this is likely to increase in the future due to the impacts of climate change. Given the tools available under the District Plan it is not possible to avoid or minimise the existing risk to built development. Similarly, the District Plan cannot manage an increase in risk from natural hazards impacted by climate change to existing built development. This is because the District Plan cannot cancel existing use rights, nor can it require retrospective actions to existing developments to address natural hazard risk.

(128) While the Proposed District Plan has only a ten-year review period²⁵, it would be prudent to consider the possibility of it having a longer lifespan – the current Operative District Plan, for example, was notified 31 years ago. More broadly, while the District Plan covers land uses as they establish and change, development now can be expected to last indefinitely and

²⁵ At the time of writing this ten-year review requirement is on hold subject to s79(10) of the Act but, barring further legislative change such as from the Planning Bill currently before the House, the requirement will automatically resume before the Proposed District Plan will have had a chance to accumulate 10 years of time being operative.

create “sunk” investments at risk in future, which is an inefficient use of natural resources. National direction also sets out that the “potential impacts of climate change to at least 100 years into the future must be considered”.²⁶

- (129) I also agree with the submitter that the detailed provisions in the plan as proposed also do not take an absolute approach of avoidance or minimisation in all circumstances, especially where they interact with other important resource management issues such as enabling infrastructure, and given the national direction to adopt a proportional rather than absolute approach²⁷.
- (130) I will discuss the potential need for a definition of “minimise” in section 7.1.3.
- (131) I agree some amendments would better reflect the approach the District Plan is taking (and must take) overall, to cover that the plan is only managing (and only able to manage) increased risk from development and land use change.
- (132) While I agree that the plan also needs to balance natural hazard issues with other resource management issues, this does not need to be reflected in the strategic objective, as other strategic objectives exist for those other issues and will need to be read alongside this one.
- (133) The PDP is attempting to match a regional approach to natural hazards as described in Section 3.1.1, and so I agree with the submitter that language in the Porirua District Plan is appropriate as a guide. I have also considered the language in the Wellington District Plan, Kāpiti Coast District Plan, Regional Policy Statement, and NPS on Natural Hazards, although I think the Porirua language best fits the overall PDP approach. I am of the view that this can be best achieved through changes to the wording of the proposed objective. This includes the requirement for the risk to be reduced to an acceptable level, as this level of risk is not defined within the District Plan.
- (134) I accordingly recommend rewording as follows:

²⁶ NPS on Natural Hazards, Policy 6.

²⁷ NPS on Natural Hazards, Objective 1 and Policy 2.

~~The Increased~~ risk to people, communities, and property from natural hazards, and from the potential effects of climate change on natural hazards, as a result of subdivision, land use and development, is avoided or minimised ~~to acceptable levels~~.

5 Chapter provisions

5.1 Chapters summary

- (135) Natural hazards provisions are spread in the plan across the *Natural Hazards* and *Coastal Environment* chapters, as required by the National Planning standards. Both chapters have similar objectives, and a similar suite of general policies. Then, each chapter has policies and rules specific to each of the mapped hazard overlays.
- (136) Provisions relating to earthworks, infrastructure, and subdivision for natural hazards are also located in their eponymous chapters.
- (137) The exception to this approach is the Slope Assessment Overlay, which is implemented primarily through policies, and entirely through rules, in the subdivision and earthworks chapters.
- (138) In this section, I will attempt to group together or cross-reference submissions that sought similar relief for both the Natural Hazards chapter and Coastal Environment chapter. In some cases individual submission points are worded to apply to both chapters.

5.2 Discussion of submissions and recommendations

- (139) This section will discuss submission points on the text of the plan (as opposed to the maps) and overall general points. Due to the structural similarity of the Natural Hazards and Coastal Environment chapters, and that submitters have often made equivalent points on equivalent provisions, I will usually discuss each Natural Hazards chapter provision alongside its Coastal Environment chapter counterpart.
- (140) I will also discuss some minor errors and consequential changes not raised by submitters.

5.2.1 Provisions not in dispute

(141) The following provisions only have submissions in support, with no changes sought, and on which I do not think any further comment is necessary:

Objectives

- **NH-O5 (Natural Systems and Features)** – supported by Wellington Fish and Game Council (509.5), the Natural Hazards Commission (327.34, F15.20), and the Wellington Regional Council (452.78).

Policies

- **NH-P1 (Risk-Based Approach)** – supported by Christine Potaka-Kelly (84.2a, supported by Wellington Water F36.280), Rafael Gonzalez-Montero (175.2a)*, Allison Thwaite (250.2a)*, Mukesh Chandra (201.1a, opposed by Wellington Water F36.239)*, Lin Streefkerk (297.6)*, Vicki McCabe (38.2)*, the Fuel Companies (471.173), the New Zealand Transport Agency (385.49), the Natural Hazards Commission (327.35, F15.21), Fire and Emergency NZ (374.37), the Ministry of Education (399.34), the New Zealand Defence Force (404.13a), the Wellington Regional Council (452.79). Submitters marked with a * also supported the rules associated with the policy in general terms. I note this support, although I will discuss the rules individually due to more specific submission points raised on them.

Rules

- **NH-R4 (Construction of new buildings and structures and the conversion of existing buildings for activities least sensitive to natural hazards within all areas of the Fault Location Area)** – supported by the Wellington Regional Council (452.92, supported by NHC F15.34). Note a recommended change to the rule title from Hearing Stream 1.
- **NH-R6 (Construction of new buildings and structures and the conversion of existing buildings for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards within the well-defined or well defined extension)**

areas of the Fault Location Area) – supported by the Natural Hazards Commission (327.50) and Wellington Regional Council (452.94, supported by NHC F15.36). Note a recommended change to the rule title from Hearing Stream 1.

- **CE-R18 (Hard engineering coastal hazard mitigation works in all areas of the Coastal Hazard Overlay)** – supported by the Wellington Regional Council (452.171, supported by NHC F15.78).

- (142) As these points are all thus beyond contention, they all should be accepted.
- (143) Where other provisions in the chapter are not listed in this report, they did not receive provision-specific submissions.

5.2.2 General

General support

- (144) Jaimie-Leigh Cann and Nathaniel Cann (266.2) and Woolworths New Zealand (271.17) support the Natural Hazards chapter and general approach.
- (145) Te Rūnanga o Toa Rangatira (353.7e) expresses general support for the Coastal Environment chapter. In context this is likely primarily support for the now withdrawn sections of the chapter, but otherwise this support for the Coastal Environment chapter is noted, subject to any further evidence from the submitter.
- (146) Subject to the more detailed points on provisions discussed throughout this report I recommend accepting these submission points.
- (147) The Natural Hazards Commission (327.3, 327.4, 327.6, 327.7, 327.8, 327.9) seeks that:
- “Risks are mitigated to tolerable levels for the community and council”,
 - “New developments do not create any new or further risks for neighbouring suburbs – now, or in the future.”
 - “‘Status quo’ of risk and risk tolerance are acceptable where long-term decisions are being made. E.g., an existing community being

flood-, liquefaction-, or tsunami-prone is not justification for a new development having the same risks.”

- (148) I infer these points as partial support and partial opposition for the chapter. As the submitter also has more specific points on individual provisions I will discuss their relief at a provision level.
- (149) Andrea Ebbitt (98.2) seeks to “encourage council to ensure that the proposed rules strike a balance, recognising the unique characteristics of individual properties to enable reasonable use and development”.
- (150) I believe that the PDP’s natural hazard provisions (including my other recommendations in this report) do so, and so recommend accepting this relief in part to the extent it already does so (or is improved in doing so via my other recommendations).

Whether natural hazard provisions and overlays should be used at all

- (151) Rowan Swain and Kim Weber-Swain (317.4a, 317.5a, opposed by Wellington Water F36.120, F36.150), Grant and Kristin Gunn (369.1a, 369.3a, supported by the Trustees of the Gunn Family Trust F7.1 and F7.8, opposed by Wellington Water F36.121, F36.122), Andrew Robinson and Robyn Robinson (380.4a, 380.15a, F9.8, F9.17, supported by Kris Connell F3.8, F3.17, supported by H Mackenzie F28.1, opposed by Wellington Water F36.123, F36.124), and Sensible Solutions for Eastbourne (383.4a, 383.22a, opposed by NHC F15.88, F15.89 and Wellington Water F36.125, F36.126) seek that all of the natural hazard overlays be removed, and consider that the maps are inaccurate, untested, and do not match historical flood events.
- (152) Susan Locke (61.1, opposed by Wellington Water F36.293) seeks that the natural hazard overlay provisions are removed, considering they will increase costs and not benefit owners and residents.
- (153) Kate Harris (454.1) and Jon Harris (457.1, opposed by Wellington Water F36.348) seek that “proposed changes to reduce property rights including building and subdivision should be deleted” (refer to original submission).
- (154) Denise Anglesey (366.2, opposed by Wellington Water F36.288) seeks that the Natural Hazards chapter be removed considering it an unreasonable burden and based on “extreme” modelling assumptions. (I discuss the climate assumptions in general in section 3.2.1 and for specific hazards in section 6).

- (155) Lars Schmidt (480.2) seeks that implementation of the Tsunami Hazard Overlay be delayed by 5-10 years to allow for more investigation of the technical modelling.
- (156) The RMA²⁸ and NPS for Natural Hazards²⁹ require that the Council manage significant risks from natural hazards using the best available information, even if it is imperfect, and that it considers increases in risk due to climate change even where there is no historical record of natural hazard events in the past and current climate.
- (157) Accordingly, I do not recommend the complete removal of the natural hazard overlays.
- (158) These submissions do nonetheless provide the panel with significant scope to grant the relief *in part* by reducing the area or hazard tier of identified natural hazard risk areas. In this report, I will discuss whether this should be done in the context of the more specific submission points, reasons, and evidence given by submitters on the basis of the expert evidence mentioned in section 6. I thus recommend accepting these points only to the relatively minor extent that I recommend some reductions in the mapped hazard areas in section 6.
- (159) However, the submitters above are able to provide further evidence in support of a reduction in the hazard overlays for specific areas at the hearing.

Overall restrictiveness of approach

- (160) David Surrey (427.14, opposed by Wellington Water F36.351, 427.17), Kelvin Sanderson (95.5, 95.6), and Chris Moore (448.5, opposed by Wellington Water F36.344) seek in general terms to allow a greater scale of development as-of-right in flood and coastal hazard overlays.
- (161) In order to achieve the objectives of the chapter to various reduce, not increase, or reduce risk, I do think that substantial restrictions on development are necessary to limit the number of people and value of property affected.

²⁸ Resource Management Act 1991, s6(h) and s31(1)(b)(i).

²⁹ NPS for Natural Hazards, Objective 1 and Policies 2, 5 and 6.

Control of development and subdivision

- (162) Creative Insight (274.3, opposed by Wellington Water F36.355) seeks that instead of applying a "High Natural Hazard Area" classification in the plan, any potential flood hazard should be assessed in the event of future redevelopment.
- (163) Lynne Birch (493.1b) seeks likewise for the Slope Assessment Overlay to keep "the present RMA and District Plan policies and rules requiring property owners or developers to get specific geotechnical advice prior to applying for building or development consents".
- (164) In both cases these are the general approach of the plan, and built in to the RMA, which by its design controls changes in land use and new development and subdivision, and changes to plans do not place requirements on existing activities.
- (165) However, the plan can only require assessment of flood risk in a way with regulatory impact through rules, which need to be triggered by either general district-wide provisions (which I think would be inefficient) or based off a plan overlay, which needs to be identified in the maps. Accordingly, I recommend accepting this relief in part to the degree that the plan already provides for it.
- (166) Ron Beernink and Glenda McCallum (303.8) seek that the District Plan focus on "high-density development other [than] subdivision, e.g. infill housing, replacing or heightening existing houses" and consider the plan to focus too much on subdivision.
- (167) The PDP needs to include provisions that cover (or choose not to regulate) all possible land uses and subdivision applications, and thus must have policies and rules that can be applied to all possible applications (or have chosen for some reason not to have policies and rules). That does not mean that the plan necessarily encourages activities because it has provisions around those activities – indeed, often a policy will be needed to give a direction that the plan intends to avoid an activity or effect occurring.
- (168) Subdivision (which includes schemes such as unit title used in higher density development) in itself does not have environmental effects, but is controlled for practicality due to the flow-on effects of land use

associated with that subdivision. I thus think it is appropriate for the plan (subject to my other recommendations) to retain policies relating to the management of subdivision for natural hazards reasons.

Reverting to approach in Operative District Plan

- (169) Kate Harris (454.5) and Jon Harris (457.5), opposed by Wellington Water (F36.347, F36.349) seek, in effect, to keep the Operative District Plan approach to natural hazards.
- (170) The rationale for the PDP being an improvement over the Operative District Plan approach and mapping is set out in the Section 32 report. Particular issues where I think the PDP is vital are:
- Ensuring consistent hazard rules across zones
 - Using updated modelling and modelling in areas where modelling had not been completed at the time the ODP maps were last updated
 - Improving regional consistency
- (171) Accordingly, subject to the other recommendations in this report, I recommend the PDP approach be retained.

Artificial and natural hazards

- (172) Mark Struthers (15.1) seeks that “man-made environmental risks” be separated from natural hazards in the map overlays, and considers that doing so would encourage owners of assets that contribute to natural hazard risk to improve those assets.
- (173) Natural hazard risks are, in general, a combination of natural processes interacting with human activities, and so I do not think making a distinction of this nature would be achievable. While it may be desirable to encourage the owners of existing assets to improve them to reduce risk, this is already encompassed to the limited degree possible for a district plan e.g. by NH-P3 (Natural systems and features) and NH-P4 (Natural hazard mitigation).
- (174) I accordingly recommend rejecting this point.

Interaction with zone provisions

- (175) Teh Meh Hing (9.4, 9.5) seeks that the plan include material clarifying the interaction of the Slope Assessment Overlay with the Medium Density Residential Zone.
- (176) I believe the chapters under the *How The Plan Works* heading adequately set out this interaction (i.e. that the provisions in both the zone chapter and Earthworks and Natural Hazards chapters apply) and so recommend accepting this point to the extent that the plan already provides for it.
- (177) Craig Davis (112.3) seeks clarification around how the Tsunami and Coastal Hazard overlays interact with zones.
- (178) I believe the chapters under the *How The Plan Works* heading adequately set out this interaction (i.e. that the provisions in both the zone chapter and Coastal Environment chapters apply) and so recommend accepting this point to the extent that the plan already provides for it.

Application to infrastructure

- (179) Transpower New Zealand (504.89b) seeks that, should the Natural Hazards chapter apply to the National Grid, then the Natural Hazard policies and rules be amended to recognise "the broader technical and operational constraints associated with infrastructure within natural hazard areas, and clarify that it is not the requirement of infrastructure to reduce the risk to others, rather that the infrastructure does not in itself cause or increase the risk".
- (180) In the PDP as notified, rules relating to the National Grid sit within the Infrastructure chapter, a structure which I do not think is in contention in this hearing. While policies do technically apply, the wording of policies is either very generic and not specific to activity types, or policies that support specific rules that do not apply to infrastructure. Accordingly, I do not think the condition that this relief is conditional on (being "should the Natural Hazards chapter apply to the National Grid") is met, and so no recommendation or action is necessary unless the panel is of a mind to accept some other relief in the Infrastructure topic that would affect this, which can be discussed in the relevant hearing (Stream #6).

Application to non-habitable or minor buildings and structures

- (181) The Fuel Companies (471.57, 471.178, 471.181) raise in general and for some specific provisions the issue of the application of rules to “non-habitable buildings or structures” which would not typically produce risks to life, only minor risks to property, and incur substantial compliance costs if they triggered consents. I generally think it is appropriate to limit the application of rules to buildings (rather than structures that are not buildings) and only require conditions such as minimum floor levels for habitable spaces.
- (182) There are some limits with scope to cleanly fixing this issue for all natural hazard rules, and so I recommend fixing this issue through a combination of changes to specific rules where scope exists and the definition of *activities least sensitive to natural hazards*, discussed in section 7.

Application of provisions to small, isolated high hazard areas

- (183) Summerset Group Holdings (326.26a, opposed by Kāinga Ora F26.52) seeks in general terms a consenting pathway for areas where small isolated pockets of High Flood Hazard are located interspersed among larger areas of Low and Medium Flood Hazard.
- (184) The proposed chapter does not have prohibited activities, and so any such activity would have a consenting pathway of some kind.
- (185) The submitter considers that the rules are generally disproportionate for this type of situation.
- (186) The modelling approach for each hazard has included some filtering to account for small isolated pockets, although the details of this vary by hazard. Where small pockets nonetheless remain, I think it is entirely possible that the high hazard is genuine and concentrated in that place, and not an artefact. Submission points seeking specific changes to modelling on this basis are discussed in section 6. If there are local specific reasons to reconsider that modelling after the plan becomes operative, that can be considered in the resource consent process.
- (187) I accordingly recommend rejecting this submission point.

Operation and maintenance of stormwater assets

- (188) Vicki McCabe (38.3), Christine Potaka-Kelly (84.3), Rafael Gonzalez-Montero (175.3a), Lin Streefkerk (297.3, 297.9, opposed by Wellington Water F36.306), Mukesh Chandra (201.1c, 201.3a, opposed by Wellington Water F36.303, F36.304), and Alison Thwaite (250.1c, 250.3a, opposed by Wellington Water F36.300, F36.305) seek that “there is a schedule for regular maintenance stormwater assets, including culverts and streams, along Manor Park golf course” (or similar relief in other terms).
- (189) Peter Borley (145.1b) seeks that more regular proactive maintenance be carried out on the stormwater network.
- (190) The District Plan cannot control how existing assets, or assets that already have resource consents or designations, are operated and maintained. This is an operational question for the Wellington Regional Council and Tiaki Wai as operators of the relevant assets, and to the extent the submissions relate to existing infrastructure are not in scope of this process.
- (191) However, new assets could potentially be subject to conditions on a resource consent or designation covering maintenance or operational requirements. This would need to be addressed in the resource consent or designation process as a plan cannot directly dictate these conditions.
- (192) It is possible for objective, policies, matters of discretion, and rule conditions to indirectly influence whether, for example, an ongoing management plan would be a condition of consent. However, for this situation, in my view this is best left to the judgement of the consent decision-maker as it is likely to be highly detail, context, and proposal-specific.

Use of floor levels

- (193) David Surrey (427.12, opposed by Wellington Water F36.350) seeks that provision is made in the policies and rules for the floor levels to not be met in the flood hazard overlay, providing flood resistant design is used, and suggests this could be as a restricted discretionary activity, with appropriate policy support.
- (194) I believe the approach as notified in NH-P9, NH-R8, and NH-R12 already implements this approach and so recommend accepting this relief to the

extent that the plan already provides for it, subject to by other recommendations on those provisions.

Application to low and medium hazard overlays

- (195) Rowan Swain and Kim Weber-Swain (317.4d, opposed by Wellington Water F36.336), Grant Gunn and Kristin Gunn (369.1d, 369.3c, supported by the Trustees of the Gunn Family Trust F7.4 and F7.10, opposed by Wellington Water F36.337, F36.338), Andrew Robinson and Robyn Robinson (380.4d, 380.15c, F9.11, F9.19, supported by Kris Connell F3.11 and F3.19, opposed by Wellington Water F36.339, F36.340), and Sensible Solutions for Eastbourne (383.4d, 383.22c, opposed by NHC F15.91, F15.92 and Wellington Water F36.341, F36.342) seek that the natural hazard rules apply only to high hazard areas and not low or medium hazard areas.
- (196) As I discuss in section 3.1.2, covering low and medium hazard areas allows for development to be controlled in less restrictive way, encouraging hazard to be mitigated or development to be limited, while not facing the as many of the economic and social costs associated with the stricter approach in the high hazard areas. It is also consistent with the approach directed by the RPS and NPS for Natural Hazards approach. On this basis, I recommend retaining policies and rules for low and medium hazard areas (subject to my other recommendations in this report).

Operational and functional need

- (197) The Adrian Palmer Family Trust (315.18, opposed by Wellington Water F36.299) in relation to a number of provisions seeks that the tests for operational or functional needs for activities in the High Hazard Overlays be removed.
- (198) It is not appropriate for this change to be made. The provisions that apply to the High Hazard Area are intentionally restrictive, largely to prevent new development from occurring in these areas. However, it is recognised that some activities may need to occur in a High Hazard Area for operational or functional reasons. As such, it is appropriate that a pathway is provided for these activities. If this pathway is not provided, then there is the potential for there to be undue regulatory burden for these activities that do have an operational or functional need to be located in the High

Hazard Areas. On this basis, I do not support the relief that is being sought by this submitter.

5.2.3 Not in scope of this process

General concerns and requests for information

- (199) Andrea Ebbitt (98.1) seeks further details on how the proposed objectives, policies and rules will affect properties in high hazard areas, specifically on property rights, potential development restrictions, and implications for insurance coverage.
- (200) This is not a request that can be implemented through decisions on the content of the plan, but hopefully this report itself can provide some of those details. More generally, I expect that once the Council makes decisions on the PDP and the provisions take effect, it will communicate the impacts and implications of the District Plan's natural hazards approaches proactively and in response to queries.
- (201) Mark Gunkel and Evangeline Gunkel (7.7) seeks that in future natural hazard assessments are conducted on a rolling basis or at defined shorter intervals (e.g. every ten years).
- (202) The Act already requires review of provisions that have been operative for ten years. The district plan itself cannot contain provisions that affect the Council's decisions around reviewing the district plan.
- (203) Mark Gunkel and Evangeline Gunkel (7.4) and Teh Meh Hing (9.2a) request Council conduct and release economic assessments of the effects of hazard classifications on property owners.
- (204) I do not think this information would help the Council make its decisions on the Proposed District Plan and if Council were to produce this information for any other reason it would be an operational question.
- (205) Mark Gunkel and Evangeline Gunkel (7.2, opposed by Wellington Water F36.137) seeks that assessment criteria and margins of error applied when determining flood risk is published, and that owners can challenge assessments through independent assessments.
- (206) Information on the flood modelling that has informed the PDP is available on Council's website. While this may not specifically detail criteria and

margins of error in the way that the submitter is after, it outlines what is considered in the modelling. In addition, property owners are able to 'challenge' the areas identified in the flood hazard overlays, either through a submission on the PDP (or future plan change) or as part of a resource consent process.

- (207) Patsy Jorgensen (208.15) has a submission point coded in the summary of submissions summarised as "no relief requested" with concerns around the evidence base for identifying natural hazards and impacts on property insurance and property values. This may have been an error in the summary of submissions. For the avoidance of doubt I consider that this submission point is discussed in general in sections 3.1.6 and 3.2, and that the relief sought in the submission is summarised in the other coded submission points, and those relevant to natural hazards are addressed in this report.

Property purchases and financial support

- (208) The Gilbert Trust seeks that:
- properties in High Natural Hazard Overlays be purchased from their owners by Council or central government (172.1),
 - that financial assistance be provided to owners of properties in High Natural Hazard Overlays (171.2),
 - that rates be reduced by 50% on properties in High Natural Hazard Overlays (172.3), and
 - that Council construct natural hazard mitigation works to reduce the risk of flooding (172.4).
- (209) These requests are made both in general and specifically for the area around Bryant Grove, Taitā.
- (210) Teh Meh Hing (9.2b, 9.3a, 9.9) seeks other forms of financial support for owners of property affected by natural hazards.
- (211) These are options available to Council and central government but cannot be directed by a district plan. In the case of the Council, this is a decision it would need to take through its Long Term Plan, probably in response to a broader natural hazard adaptation strategy, and cannot be advanced through the District Plan hearings process.

Land information memoranda

- (212) Jo-Ella Sarich (91.3) seeks that slope risk mapping is not put on Land Information Memoranda (LIMs) on the grounds of the effect this would have on property values.
- (213) Elizabeth Mary Nightingale (434.1) seeks that the Slope Assessment Overlay is not included on LIMs unless there has been a specific issue on that property.
- (214) Producing Land Information Memoranda is a statutory, non-discretionary function of Council under the Local Government Official Information and Meetings Act 1987 and Council is obliged to provide the information it holds. There is no ability for Council to avoid this duty through a change to its District Plan, and even if Council were to remove hazard information from the District Plan, it would still hold that information and be required to put it, if relevant, on a land information memorandum.

Building consents

- (215) Rowan Swain and Kim Weber-Swain (317.5b), Grant and Kristin Gunn (369.2b, supported by the Trustees of the Gunn Family Trust F7.6), Andrew Robinson and Robyn Robinson (380.5b, F9.13, supported by Kris Connell F3.13), and Sensible Solutions for Eastbourne (383.5b) seek that “the building consent processes consider the type of construction for new standalone structures where the existing construction meets the new hazard rules”.
- (216) Peter Borley (145.2) seeks that “consents for all new dwelling works” upstream of LOT 40 DP 12752 (in Wainuiomata) be put on hold.
- (217) Building consents are processed by Council under the Building Act 2004 using criteria set out in regulations. While natural hazard information held by Council can be relevant to processing these consents even if that information was originally developed for the District Plan, the District Plan itself cannot affect how building consents are processed.

Mitigation works and operational issues

- (218) Ian and Raylene Caddis (433.3) seeks that Council undertake various improvements to the stormwater network.

- (219) This is an operational decision for Council and/or Tiaki Wai, which would need to be budgeted in the Long Term Plan, and cannot be directed by a district plan.
- (220) Rafael Gonzalez-Montero (175.1e), Mukesh Chandra (201.1e), Allison Thwaite (250.1e), and Lin Streefkerk (297.5) seek that the Wellington Regional Council provide information about its plans to improve flood protection measures in Manor Park.
- (221) This cannot be directed in a district plan, although as the Wellington Regional Council is also a submitter in this process (452) I invite it to comment if possible.
- (222) Dieter Engel (475.7) seeks "that HCC provide a plan of how the overall rainfall will be managed in the light of the future increases of rainfall".
- (223) Increased rainfall is accounted for in the PDP modelling of Flood Hazard Overlays. Otherwise, this is not relief that can be advanced through a district plan.

Wellington Water information

- (224) Damon Smith (27.2) seeks that changes be made to non-district plan information held by Wellington Water. This cannot be directed through a district plan.

Statement about valuation and insurance

- (225) Lyn Bromley and Keith Bromley (211.2) and Neil Blackie (33.2) seek that "there should be specific instruction in the District Plan wording that the Slope Assessment Overlay is not provided for the purpose of property valuations or setting or reviewing of insurance premiums" or similar wording.
- (226) The District Plan is a document freely available to the public and the Council cannot set conditions on how information in the plan is used for purposes outside the RMA.

Artesian well harvesting

- (227) Dieter Engel (475.5) seeks "that a geological assessment is undertaken about the mechanics of artesian well harvesting and the speed of replenishment, to identify limits of this process and potential risks".

- (228) This is a regional council function, not a city council function, and cannot be advanced through a district plan.

Resource consent processes, incentives, etc

- (229) Mark Gunkel and Evangeline Gunkel (7.5) seek a streamlined resource consent processes for low-risk cases, and also seek a guide outlining when consent is required.
- (230) These are operational questions for Council's management of the resource consent process and cannot be directed by a district plan.
- (231) Jacob McInteer (108.3, opposed by Wellington Water F36.290) seeks that "the district plan should allow for an additional classification of properties which demonstrates whether the property has built protections that may alter the underlying land risk as it relates to the buildings and people on the site", similar to NBS adherence for earthquake resilience under the building code, or alternatively "provide other incentives for encouraging investment in climate resilience such as waiving resource consent fees or temporary rate reductions to offset the cost."
- (232) Providing non-regulatory information about property is a council function implemented through issuing Land Information Memoranda, and also in a non-statutory way through Council's online GIS maps and property file tools. However, it cannot be directed by a district plan.
- (233) Providing incentives such as waived resource consent fees or rates reductions are an operational function of Council that would need to be budgeted in the Long Term Plan.

Consultation, communication, and process

- (234) Michael Kerslake (501.1) seeks "that Council agree to meet its obligations under the RMA and the Local Government Act 2002, and:
- recognise and make a formal decision to acknowledge obligations under the two Acts, and their accountability to deliver on this responsibility,
 - agree to pro-actively advise Eastbourne rate payers and property owners of possible mitigation strategies to reduce the risk of hazards occurring, and

- decide to include existing engineering solutions already proved to be successful in mitigating coastal hazards in Eastbourne, thereby reducing hazard risk classifications to a lower setting."
- (235) These are operational, procedural, and communications issues, not things controlled by a district plan.
- (236) Patricia Cleland (367.2, opposed by Wellington Water F36.352) seeks to "interrogate scope of overlays, including slopes, foreshore and hazard areas, for justification, transparency and evidence."
- (237) The evidence supporting the PDP approach is set out in this report and its appendices and the Section 32 report and supporting technical reports.

5.2.4 Invalid and unclear relief

Location of chapters

- (238) Laura Skilton (314.1) and Christine Loweth (267.1) seek that the Coastal Environment chapter appears directly under the top-level *Part 2: District Wide* header rather than under the *General District-Wide Matters* heading, considering that its location is hard to find.
- (239) While I agree with the submitters about the confusion caused by some of the natural hazards provisions sitting in the *Coastal Environment* chapter, this layout is dictated by the National Planning Standards and cannot be altered³⁰. Were it not for the National Planning Standards, I would recommend that all of the natural and coastal hazard provisions be located in one chapter.

5.2.5 Use of overlays

Contextual and historical information

- (240) Andrea Ebbitt (98.3, opposed by Wellington Water F36.119) seeks that the plan maps include layers showing "historical natural hazard data and

³⁰ National Planning Standards, std. 7.23.b requires that coastal hazards be in the Coastal Environment chapter and std. 4.3 and Table 4 require that that chapter be under the *General District-Wide Matters* heading.

case studies” and considers this would aid property owners in understanding and preparing for risks.

- (241) The use of comparisons to historic flood events in particular has been important in Council’s engagement on natural hazard risks in the PDP process. However, this material, as it would not trigger provisions in the plan, is better presented outside the District Plan where it is easier to maintain and add material to.

Whether overlapping natural hazard overlays in Petone should be combined in a precinct

- (242) The Natural Hazards Commission (327.20, 327.21, 327.14, 327.15, 327.16, 327.17, 327.107, neutral further submission from Wellington Water F36.335) seeks that various provisions relating to natural and particularly coastal hazards in Petone be combined into a single precinct³¹ designed to manage an area at risk of multiple hazards.
- (243) While a potentially interesting idea, the submitter has not provided the detailed specific provisions to implement such a precinct in their submission. I think thoughtfully and practically implementing such an approach would require substantial further technical work and broader consultation.
- (244) The District Plan has provisions that apply to each natural hazard and coastal hazard overlay. While these do not cumulatively consider each overlay, the rule provisions require consideration of each hazard. This means that if there are multiple hazards on a site and a development triggered the relevant natural or coastal hazard rules, then the development would be required to be designed to address the resulting natural hazard risks. As such, it is considered that there is no significant regulatory gap by not having a natural hazard precinct within the Petone area.
- (245) Finally, the introduction at this stage of such provisions would be so great a departure from the notified plan that it would raise natural justice issues

³¹ The submission uses the term “precinct”, which has a specific meaning in the National Planning Standards which cannot be applied to this situation, and so if this relief were to be implemented, a different name would need to be used, probably “overlay”. For consistency with the submission, and as I am not recommending accepting the relief, I will use their language of “precinct” here.

for owners and occupants of sites in the proposed precinct. Accordingly, this may be an idea better suited to a future plan change.

(246) I therefore recommend that these submission points are not accepted.

Site-specific provisions for 30 Benmore Crescent

(247) Te Kārearea Ltd and Rosco Ice Cream Ltd (447.6.1b, opposed by the MPHRCIS F10.12 and supported by Waste Management F39.14) seeks in general terms site-specific faultline provisions for 30 Benmore Crescent, Manor Park.

(248) In my view the standard provisions for the Fault Location Area (including my recommended amendments) are suitable for managing urban, rural, and greenfield areas for all types of land use regardless of the outcomes of the submitter's other relief around rezoning of the site, and no site-specific fault hazard provisions are necessary. I recommend accepting this relief only to the extent that the Fault Location Area already provides spatially specific provisions.

5.2.6 Structure of hazard layer-specific policies and rules

Organisation of policies

(249) David Surrey (427.20a, 427.20b, 427.16) seeks in general terms and for some specific provisions to reconfigure the policies and rules for readability, suggesting that they be reorganised by activity types (e.g. *activities least sensitive to natural hazards, activities potentially sensitive to natural hazards, and activities most sensitive to natural hazards*) and also the overlay (hazard type and severity level).

(250) Laura Skilton (314.14a) seeks specifically that NH-P8 be separated into separate policies for the Low, Medium, and High flood overlays.

(251) Many of the policies and rules are highly complex due to taking different approaches that depend on the specific activity and overlay. I agree plan usability would be enhanced by separating these, and so recommend reorganising the policies in the fashion sought by those submitters. However, as there are other submission points on these policies, I will discuss those first in the structure of the plan as proposed, then make an

overall recommendation for restructuring including my recommendations on those individual policies. This is shown in Appendix A1.

- (252) Laura Skilton (314.13, 314.20b) also seeks generally that the sets of rules include a table setting out which rule is applicable for each interaction of risk classification (high, medium, low) and activity sensitivity (activities least sensitive, potentially sensitive, or most sensitive to natural hazards).
- (253) This issue will I think be largely fixed with the reorganisation I am proposing to the rules, so I recommend this relief be accepted in part to the extent that this reorganisation will provide the same general outcome.
- (254) My overall recommended restructure is summarised in Appendix A4 and shown in detail in Appendix A1.
- (255) Due to the requirement of the National Planning Standards that rules within a section be ordered by activity status³², some reordering of rules will be required. This is not completely shown in Appendix A1, as fully implementing this renders the appendix more difficult to follow for substantive changes to provisions. I recommend use of sections and subsections to keep provisions for particular overlays and activities together, ordering first by overlay and then by activity, which means interleaving the additions and new buildings rules. This can be implemented once substantive decisions on the chapters are made by the panel.

5.2.7 Other natural hazards not in proposed plan

Ground shaking

- (256) Dieter Engel (475.2, inferred) seeks that the plan include rules for taller buildings, particularly in the High Density Residential Zone, to ensure that they withstand earthquakes.
- (257) This is an issue addressed in considerable detail in the building consent process and I do not think duplicating that in the District Plan would provide any value. I accordingly recommend rejecting this point.

³² Standard 10.3

5.2.8 Chapter Introduction – both chapters

Application to infrastructure

- (258) Transpower New Zealand (504.61) seeks that a statement be added to the Coastal Hazards introduction:

Other than for the Policies – Coastal Hazards, General Policies, provisions relevant to infrastructure within the coastal environment are contained within the Infrastructure Chapter.

- (259) Or alternatively seeks in general terms that “there is appropriate recognition of the National Grid within the [Coastal Environment] chapter”.

- (260) Transpower (504.89a) seeks a similar statement for the Natural Hazards chapter:

Other than for Green infrastructure and flood mitigation works, and Hard engineering coastal hazard mitigation works, provisions relevant to infrastructure within hazard areas are contained within the Infrastructure Chapter.

- (261) The Telecommunication Companies (311.80, supported by Wellington Water F36.286) likewise seek in general terms a statement in the introductions stating that the chapter does not apply to infrastructure.

- (262) The General Approach and Relationships Between Spatial Layers chapters under the *How The Plan Works* heading in Part 1 set out in detail how the plan works structurally, including when provisions relating to infrastructure apply. This is also set out in the Infrastructure chapter.

- (263) It would lengthen the plan, creating a burden for other plan users, to repeat this material in each zone and district-wide chapter heading, as if this relief were to be adopted, for the sake of consistency, it would also need to:

- Mention that provisions relevant to renewable electricity generation, and in some cases temporary activities and papakāinga, are likewise included in their own chapters, and

- Have a similar statement in all of the other chapter introductions where provisions do not necessarily apply to infrastructure, which would include every zone, and most district-wide chapters.

- (264) One significant problem with the structure of the ODP that was identified in the District Plan Review is the overuse of cross-references, especially references ambiguously intended to alter the effect of rules. This creates an interpretation challenge where this language is inconsistent between chapters, or rules appear to be worded in a way that trigger additional rules.
- (265) I thus think it is more effective for these type of statements to remain where they are as notified, in the General Approach and Infrastructure chapters and so recommend rejecting this relief.

Descriptions of hazards

- (266) Argosy Property (237.5, supported by the Fuel Companies F32.2) and Oyster Management (272.5, 272.6) seek in general terms that the mapped hazards be described in more detail in either the introduction or Definitions chapter. I agree and consider the introduction the better location. I recommend some expansion of the description shown in Appendix A1.
- (267) The Policy Planning Team (440.29) seek for the Flood Hazard Overlay that the terms “stream corridor”, “overland flowpath”, and “inundation area” (which applied to the draft district plan) be replaced by descriptions of the High, Medium, and Low Flood Hazard Overlay velocities and depths. Go Architecture (331.7, supported by Wellington Water F36.287) seek similar relief in more general terms. I agree this correction should be made and show this in Appendix A1.
- (268) The Natural Hazards Commission (327.90) seek that the tables consistently use an annual exceedance probability, 1:X year description, or have both, rather than using some for one hazard and others for other hazards. I agree this aids plan usability, and recommend how this should be done in Appendix A1.

5.2.9 Chapter Introduction – Natural Hazards

General support

- (269) The Fuel Companies (471.169) support the Natural Hazards chapter introduction as notified.

Wildfire

- (270) The Natural Hazards Commission (327.28) seeks that the introduction be amended to “clarify” that wildfire is not currently managed through other statutory instruments or processes.
- (271) I do not agree with this view, and consider that the Council does have a role in managing wildfire, for example by providing firebreaks on council reserve land, a function it exercises under the Local Government Act 2002, one of the listed instruments, and under the Reserves Act 1977³³.
- (272) I accordingly recommend rejecting this point.

References to Local Government Act

- (273) The Policy Planning Team (440.30) seek that the text “Local Government Act 1974 and 2002” be expanded to “Local Government Act 1974 and Local Government Act 2002” due to limitation of the e-plan software restricting how these terms can hyperlink to the underlying legislation on legislation.govt.nz. I agree for the reasons given in the submission and recommend accepting this point.

Natural Hazard Overlay table

- (274) Wellington Water (422.15) supports the description of the Flood Hazard Overlay calculations as notified.
- (275) The Natural Hazards Commission (327.29) seeks to reclassify either some or all of the Liquefaction Hazard Overlay as Medium, rather than Low.
- (276) The submitter generally supports the overall policy approach for liquefaction, which I think is more comparable to the other Low hazards for

³³ See the Hutt City Council Bush Reserves Management Plan 2002, https://hccpublicdocs.azurewebsites.net/api/download/3379bf11af2a47feac71dd620eb57e67/_CM9-WE/3a250858132598d490787009155abfdcefc, pp11-12.

flooding and tsunامي, so I think retaining it as Low is more useful for plan users, and recommend rejecting this submission point.

- (277) Jarred Gustafson and Paula Gentle (6.1) seek that the Slope Assessment Overlay be removed from the table of hazards in the introduction. This is part of a broader relief sought in the submission to remove the Slope Assessment Overlay, but the submitter's concerns relevant to the specific issue of the introduction include the communications issues arising from "considering properties within the overlay as higher risk, despite the absence of site-specific evidence".
- (278) While I do not agree with the submitter's more general relief around removing the overlay (as discussed in section 6), I agree that classifying the overlay as a natural hazard overlay alongside the others using the low/medium/high system is misleading, as the overlay is solely a trigger for assessment and does not attempt to assess either the annual probability or severity of a hazard event. For the other listed hazards this is either a core part of the description of the layer (tsunami, coastal inundation, flooding) or is used in the methodology of and can be inferred from the supporting technical reports (fault rupture, liquefaction).
- (279) I thus agree that the Slope Assessment Overlay should be removed from the table and recommend it being described as not falling within the low/medium/high system. This is shown in Appendix A1.
- (280) Wellington Water (422.14) seeks that where the 1% AEP flood is referenced that it refer to including "climate change" rather than just "sea level rise" to reflect that sea level rise is not the only climate change impact that alters the modelling – increased rainfall is also an important input. I agree that this would be more accurate and recommend making this change as shown in Appendix A1.

Groups of activities

- (281) Laura Skilton (314.11) seeks to amend the last paragraph of the introduction as follows:

...

Different activities by their nature present different consequences to natural hazards. For the provisions in this chapter, activities are classified as:

- *Activities most sensitive to natural hazards, such as residential*
 - *Activities potentially sensitive to natural hazards, such as commercial and industrial, and*
 - *Activities least sensitive to natural hazards, such as recreation facilities.*
- For a full list of activities in each category, refer to the definitions.*

- (282) The submitter's concerns are around plan usability for people using printed or PDF versions of the plan as plan users need to read the definitions to know what activities are covered.
- (283) The PDP is designed to be used primarily as an e-plan, which addresses the issue of definitions by providing for clickable, popup definitions. As with any National Planning Standards-compliant plan to a degree, and plans in the general format used by the Council and shared with Wellington, Porirua, etc., in particular, plan users will need to cross reference material in multiple sections to make use of the plan. Even for users of a printed plan, the introduction could be ten or more pages away from the provision they are actually using. Plan usability for both e-plan and print users is enhanced by avoiding any unnecessary or repeated material. For the e-plan, repetition can have value if it allows for provision-level filtering, which is why I recommend some repetition be added in order to break up the policies and rules into versions specific to the activities and overlays covered, as discussed in section X. Otherwise, I think plan usability is best advanced by avoiding unnecessary explanations of material that can simply be linked and cross-referenced instead, and so recommend rejecting this relief.

References to risk

- (284) The Natural Hazards Commission (327.27, supported by Wellington Water F36.285) seeks to, under the heading "Natural Hazard Overlays", amend
- ... Each of these natural hazards is assigned a Hazard Ranking, based on the future risk associated with the hazard and likely development. ...*

- (285) The submitter considers that "With the likely impacts from climate change well understood, we recommend clarifying whether this ranking is based on current or future risks. If based on current risk, then any required risk assessments need to include future development and climate change scenarios."
- (286) The introduction is describing the natural hazard overlays that are proposed in the plan, not setting policy for how natural hazard overlays should be identified in future. The amendments proposed would be inaccurate – the risk assessed is the current risk, with in some cases an allowance for climate change, but none of the mapped overlays account for any future development that might either exacerbate or mitigate risks. For some overlays, particularly the Flood Hazard Overlays, they depend in quite a detailed way on the layout of existing buildings and the stormwater network. Accordingly, I recommend rejecting this relief.
- (287) The Wellington Regional Council (452.73, supported by NHC F15.15) seeks to add a bullet point to the list under the heading Natural Hazard Risk as follows:

... priority has been given in this plan as follows to:

- The protection of people from loss of life and injury,*
- Reducing damage to buildings from natural hazard events, and*
- The protection of essential infrastructure to ensure the health, safety and resilience of communities.*
- Building long-term resilience to the impacts from natural hazards and effects of climate change.*

- (288) While a worthy ambition, I think the existing three bullet points already cover what the PDP does or is capable of doing, and recommend rejecting this relief.

5.2.10 Chapter Introduction – Coastal Environment

General

- (289) Argosy Property (237.19) and Oyster Management (272.24) support the introduction as notified.

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- (290) Forest and Bird (424.78) seeks in general terms that the chapter introduction clarify how the NZCPS is given effect to, with particular reference to Policy 11 (Indigenous biological diversity (Biodiversity)).
- (291) With regards to coastal hazards, I consider that the introduction adequately describes the policy approach, which gives effect to the NZCPS directions around coastal hazards. Specific reference to the NZCPS is unlikely to assist plan users and better sits in supporting documents such as the section 32 report.
- (292) With regards to issues for the coastal environment other than coastal hazards, the relevant provisions have been withdrawn, and this aspect of the submission point does not fall within the Plan Stop exemption.

Issues not raised by submitters

- (293) The Council's partial withdrawal of the Coastal Environment chapter and the mapped Coastal Environment layer is discussed in the Section 42A Report for Hearing Stream 1³⁴. This withdrawal did not include any withdrawal of the introduction to the chapter, which describes the mapping approach.
- (294) As the chapter now only contains provisions about natural hazards and the introduction is inaccurate in relation to coastal environment provisions in the ODP, I recommend deleting the additional material that does not relate to natural hazards as a consequential change of minor effect under Schedule 1 clause 16 of the Act. These deletions are shown in detail in Appendix A1.

³⁴ Section 42A Report, Opening Hearing, para 49.

5.2.11 Objectives – Natural Hazards and Coastal Environment

NH-O1 (Risk from Natural Hazards in High Natural Hazard Overlays)

This is the counterpart objective to CE-O3

- (295) Argosy Property (237.6), Oyster Management (272.7), the Fuel Companies (471.170), the Ministry of Education (399.32), the New Zealand Transport Agency (385.48), and the Natural Hazards Commission (327.30) support the objective as notified.
- (296) Rafael Gonzalez-Montero (175.1a, opposed by Wellington Water F36.295), Allison Thwaite (250.1b, opposed by Wellington Water F36.296), Vicki McCabe (38.1), Christine Potaka-Kelly (84.1), Mukesh Chandra (201.1b, opposed by Wellington Water F36.297), and Lin Streefkerk (297.1) support the objective conditional on relief around the mapping, which they all have direct submission points on, and I discuss in section 6. Otherwise, this support is noted.
- (297) Michael Rachlin (232.6, opposed by Wellington Water F36.294) seeks to delete the objective or amend it to require the “avoidance of inappropriate activities in high hazard overlays”, and considers that “reduce or avoid increasing the existing risk” is a lower bar than the test of “minimise” in NH-O2.
- (298) I agree with the principle that as a proportionate approach, NH-O1 should set a higher bar for the high hazard areas than NH-O2 does for medium and low hazard areas. However, I believe the language does so. “Reduce or avoid increasing” sets a clear direction that the risk cannot be greater than the existing level. “Minimise” allows for an increase in risk, as long as that increase is limited to the minimum necessary.
- (299) The Policy Planning Team (440.31) note a minor error that grammatically “reduce or avoid” should be “reduces or avoids”, which I agree should be corrected.
- (300) The Wellington Regional Council (452.74), supported by the Natural Hazards Commission (F15.16), seeks “reduce or avoid increasing the

existing risk” be altered to just “avoid increasing the existing risk”, giving the reason that “[i]n high hazard areas increases in existing risk should be avoided, as even reducing an increase in existing risk would still produce significant risk”.

(301) I do not think that the reason given supports the relief requested. The policy as written requires that the existing risk be reduced or increases to it be avoided, which appears to be compatible with the thrust of the submission. The submitter may want to expand on their reasons for seeking this relief.

(302) Accordingly, I recommend the objective be altered as follows:

Subdivision, use and development within the High Natural Hazard Overlays reduces or avoids increasing the existing risk from natural hazards to people, buildings and infrastructure.

NH-O2 (Risk from Natural Hazards in Low Natural Hazard Overlays and Medium Natural Hazard Overlays)

This is the counterpart objective to CE-O4

(303) Horokiwi Quarries (246.8), the Fuel Companies (471.171), the Ministry of Education (399.33), the New Zealand Transport Agency (385.48), and the Wellington Regional Council (452.75, supported *in part* by NHC F15.17) support the objective as notified.

(304) Michael Rachlin (232.7, opposed by Wellington Water F36.298) seeks to delete the objective or amend it to require activities in these areas to mitigate risk to an acceptable level based on the level of risk.

(305) I do not agree with this submission point. It would reduce the directive nature of the objective around the outcomes that are sought as the District Plan does not define what is an acceptable level of risk.

(306) The Natural Hazards Commission (327.31, F15.17, opposed by Michael Rachlin F4.2) seeks that the objective be modified as follows:

Subdivision, use and development within the Low Natural Hazard Overlays and Medium Natural Hazard Overlays

minimise the risk from natural hazards to people, buildings and infrastructure to as low as reasonably practicable.

- (307) I also discuss this issue in the context of the submitter's request to add a definition of "minimise" (see section 7.1.3).
- (308) I think this statement would confuse rather than assist the interpretation of the policy – the term "minimise" is well enough understood without being restated more verbosely.
- (309) The Policy Planning Team (440.32) note a minor error that grammatically "minimise" should be "minimises", which I agree should be corrected.
- (310) Accordingly, I recommend the objective be altered as follows:

Subdivision, use and development within the Low Natural Hazard Overlays and Medium Natural Hazard Overlays minimise^s the risk from natural hazards to people, buildings and infrastructure.

NH-O3 (Subdivision, Use and Development in the General Industrial Zone and Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone and the Seaview Marina Zone and within the Medium Flood Hazard Overlay or High Flood Hazard Overlay)

This is the counterpart objective to CE-O5

- (311) Argosy Property (237.7), Oyster Management (272.8), the Fuel Companies (471.172), the New Zealand Transport Agency (385.48), and the Wellington Regional Council (452.76, supported *in part* by NHC F15.18) support the objective as notified.
- (312) The Natural Hazards Commission (327.32, F15.18) seeks to amend the objective as follows:

Provide for subdivision, use and development in the General Industrial Zone and Heavy Industrial Zone in Seaview, Metropolitan Centre Zone in Pito One and Seaview Marina Zone while also ensuring development and use in this area minimises the risk from flood hazards to people,

buildings and infrastructure to as low as reasonably practicable.

- (313) I also discuss this issue in the context of the submitter's request to add a definition of "minimise" (see section 7.1.3).
- (314) I think this statement would confuse rather than assist the interpretation of the policy – the term "minimise" is well enough understood without being restated more verbosely.
- (315) Winstone Aggregates (444.28) seeks that the policy also covers the Quarry Zone in addition to the identified areas. I discuss why I do not support this expansion in section 3.1.5.
- (316) The Policy Planning Team (440.48c, supported by Seaview Marina Ltd F14.3) seeks that the area in question be represented as an overlay. I discuss this issue and my recommended resolution in section 3.1.5.
- (317) The Adrian Palmer Family Trust (315.17a, 315.17b, 315.17c) supports the "carve out" for the Seaview and Petone areas and requests that it be expanded to include Gracefield and the Light Industrial Zones. I support the expansion to Gracefield but not Light Industrial Zones, as I discuss with my recommended resolution in section 3.1.5.
- (318) I accordingly recommend the objective be amended as follows:

NH-03 (Subdivision, Use and Development in the ~~General Industrial Zone and Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone and the Seaview Marina Zone~~ Regionally Significant Coastal Business Areas Overlay and within the Medium Flood Hazard Overlay or High Flood Hazard Overlay)

Provide for subdivision, use and development in the ~~General Industrial Zone and Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone and the Seaview Marina Zone~~ Regionally Significant Coastal Business Areas Overlay while also ensuring development and use in this area minimises the risk from flood hazards to people, buildings and infrastructure.

NH-O4 (Planned Natural Hazard Mitigation Works)

This is the counterpart objective to CE-O6

- (319) The New Zealand Transport Agency (385.48) and the Wellington Regional Council (452.77, supported *in part* by NHC F15.19) support the objective as notified.
- (320) Vicki McCabe (38.3), Christine Potaka-Kelly (84.3), Rafael Gonzalez-Montero (175.1c, opposed by Wellington Water F36.301, 175.3a), Lin Streefkerk (297.3, 297.9), Mukesh Chandra (201.1c, 201.3a) and Alison Thwaite (250.1c, 250.3a) support the objective (inferred) conditional on other submission points that I discuss in section 5.2.2, and which I do not recommend accepting. As they do not present alternative relief in the case those other points are not accepted, I will otherwise just note their potential support for the objective, although they may wish to provide alternative ways of achieving the relief they request in the hearing.
- (321) The Natural Hazards Commission (327.33, F15.19), supported by the Wellington Regional Council (F38.4), seeks that the objective be amended as follows:

Risk to people, buildings and infrastructure from flood hazards is reduced through ~~mitigation works~~:

- 1. Mitigation works where appropriate and practicable; and*
- 2. The management of residual risks.*

- (322) I discuss residual risk (in the sense used by the Natural Hazards Commission) in more detail in section 3.1.3.
- (323) The key issue with managing residual risk is the information base on which it can be done. Residual risk was not incorporated into the hazards modelling except for flooding, where it was limited to the sensitivity assessment used for freeboard, as discussed in Mr Osborne's evidence in Appendix B1.
- (324) While I agree that residual risk should in principle be taken into account in natural hazards planning where information is available, it is implicit as a type of risk managed in objectives NH-O1, NH-O2, and NH-O3. Objectives set high level outcomes and do not need to cover every detail of how issues are managed. I think the issue of residual risk if it is to be covered is

better covered at the policy level. However, I do not see what useful policy guidance could be given either unless the plan itself includes hazard mapping that incorporates residual risk. At this stage I do not see that could be done in the PDP, and would require a separate plan change.

(325) If the panel is nonetheless of a mind to think that residual risk should be addressed in an objective or policy as well, I recommend it be done as a new standalone objective and/or standalone policy, as it is not well connected to the subject matter of NH-O4, or any of the other existing objectives and policies.

(326) Accordingly, I recommend the objective remain as notified.

CE-O3 (Risk from Coastal Hazards in the High Tsunami Hazard Overlay and High Coastal Inundation Hazard Overlay)

This is the counterpart objective to NH-O1

(327) Argosy Property (237.20), Horokiwi Quarries (246.23), Oyster Management (272.25), the Fuel Companies (471.188), the Ministry of Education (399.39), the Natural Hazards Commission (327.91, F15.56), and Wellington Regional Council (452.134, supported by NHC F15.56) support the objective as notified.

(328) Laura Skilton (314.21) seeks that the language of “reduce or avoid increasing the existing risk” be changed to just “avoid increasing the existing risk”, considering that the policies and rules are not capable of ensuring that there is a reduction.

(329) While I agree that a district plan is not capable of *ensuring* that risk is reduced, it is capable of encouraging that outcome indirectly, and it can ensure that the risk is *either* reduced or at least not increased.

(330) I also note that this change is in conflict with the submitter’s relief sought on CE-O4, where she seeks that the language of “reduce” be added to the objective.

(331) Christene Loweth (267.9) seeks a rewrite of the objective as follows:

Subdivision, use, and development within the High Tsunami Hazard Overlay and High Coastal Inundation Hazard Overlay reduce Overlays must minimise or avoid increasing the existing prevent any increase in risk from coastal

~~hazards~~ to people, buildings, and infrastructure from
coastal hazards.

- (332) The submitter considers that the objective and rules in the chapter are insufficient to prevent loss of life in coastal hazard overlays.
- (333) In my view this is primarily a question for the rules, on which the submitter has made more detailed points. I do not think the other aspects of the rewrite would materially advance the plan's goals or implementation, particularly in that it would align less with the language in the RPS.
- (334) Forest and Bird (424.81a, supported by the MPHRCIS F10.93), as they do in other provisions, seek in general terms that the objective be altered to also "acknowledge the natural character, natural landscape and biodiversity values that must be protected". I discuss why I do not support this change in section 3.1.1.
- (335) Accordingly, I do not recommend accepting any of the changes sought by submitters and recommend the objective remain as notified.

CE-O4 (Risk from Coastal Hazards in the Low Tsunami Hazard Overlay, Medium Tsunami Hazard Overlay, and Medium Coastal Hazard Overlay)

This is the counterpart objective to NH-O2

- (336) Horokiwi Quarries (246.24), the Fuel Companies (471.189), the Ministry of Education (399.40), and Wellington Regional Council (452.135, supported *in part* by NHC F15.57) support the objective as notified.
- (337) Laura Skilton (314.22) seeks that the language of "minimise" be changed to "reduce" and (inferred) considers that the objectives and rules are insufficient to ensure lives are not endangered.
- (338) The District Plan cannot eliminate all risk, and if it could, the risks of natural hazards are inevitably a trade-off against other values. All land in New Zealand is at least at some risk of natural hazards. The plan as notified thus uses a risk-based approach, which the NPS for Natural Hazards describes as a "proportionate" approach³⁵, with higher risk areas having

³⁵ NPS for Natural Hazards 2025, Objective 1 and Policy 2.

greater restrictions and lower – but still significant areas – facing lesser levels of restriction. This philosophy is also supported by the RPS and consistent with the approach used in neighbouring councils. As this objective specifically applies to medium and low hazard areas, not high risk areas (as these are covered in CE-O3), I believe the outcome of “minimise risk” is appropriate.

(339) Michael Rachlin (232.17) seeks in general terms that the outcomes for low hazard areas be differentiated from medium risk areas and considers that using the same language for both is not consistent with a risk-based approach. While worded differently, this has similar themes with the submitter’s point on the coastal hazards counterpart, CE-O4.

(340) While I agree that there should be a differentiation between low and medium areas this is more a question of the scope of “minimise” being interpreted in light of context in the policies and rules, and does not need to be reflected with a distinction at the objective level.

(341) Christine Loweth seeks a rewrite of the objective as follows:

Subdivision, use, and development within the Low and Medium Tsunami Hazard Overlay, ~~Medium Tsunami Hazard Overlay, Overlays and the~~ Medium Coastal Inundation Hazard Overlay must minimise ~~the risk from natural hazards~~ to people, buildings, and infrastructure from natural hazards.

(342) This is structurally similar to the submitter’s relief on CE-O3 and I recommend rejecting it for the same reasons (that I do not think the rewrite would materially advance the plan’s goals or implementation, particularly in that it would align less with the language in the RPS).

(343) The Natural Hazards Commission (327.92, F15.57) seeks that the objective be modified as follows:

Subdivision, use and development within the Low Tsunami Hazard Overlay, Medium Tsunami Hazard Overlay, and Medium Coastal Inundation Hazard Overlay minimise the risk from natural hazards to people, buildings and infrastructure to as low as reasonably practicable.

- (344) I also discuss this issue in the context of the submitter's request to add a definition of "minimise" (see section 7.1.3).
- (345) I think this statement would confuse rather than assist the interpretation of the policy – the term "minimise" is well enough understood without being restated more verbosely.
- (346) Forest and Bird (424.81b, supported by the MPHRCIS F10.94), as they do in other provisions, seek in general terms that the objective be altered to also "acknowledge the natural character, natural landscape and biodiversity values that must be protected". I discuss why I do not support this change in section 3.1.1.
- (347) Accordingly, I do not recommend any of the changes sought by submitters (although I do recommend a correction as discussed below).

Issues not raised by submitters

- (348) CE-O4 refers to "natural hazards", rather than "coastal hazards" like CE-O3.
- (349) For consistency and to fit within the scope of the chapter, I recommend changing "natural hazards" to "coastal hazards", with non-coastal hazards being dealt with in NH-O2. This is shown in Appendix A1.

CE-O5 (Subdivision, use and development in the General Industrial Zone and Heavy Industrial Zone in Seaview, Metropolitan Centre Zone in Petone and Seaview Marina Zone and within Medium and High Hazard Areas of the Coastal Hazard Area)

This is the counterpart objective to NH-O3

- (350) Argosy Property (237.21), Oyster Management (272.36), and the Wellington Regional Council (452.136, supported *in part* by NHC F15.58) support the objective as notified.
- (351) Forest and Bird (424.81c, supported by the MPHRCIS F10.95), as they do in other provisions, seek in general terms that the objective be altered to also "acknowledge the natural character, natural landscape and biodiversity values that must be protected". I discuss why I do not support this change in section 3.1.1.

- (352) The Natural Hazards Commission (327.93, F15.58) seeks that the objective be amended as follows:

Provide for subdivision, use and development in the General Industrial Zone and Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone and the Seaview Marina Zone while also ensuring development and use in this area minimises the risk from coastal hazards to people, buildings and infrastructure to as low as reasonably practicable.

- (353) I also discuss this issue in the context of the submitter's request to add a definition of "minimise" (see section 7.1.3).
- (354) I think this statement would confuse rather than assist the interpretation of the policy – the term "minimise" is well enough understood without being restated more verbosely.
- (355) The Fuel Companies (471.190) seek that "Coastal Hazard Area" be changed to "Coastal Hazard Overlays" for consistency with the term used elsewhere in the plan and to clarify that it applies to both tsunami and coastal inundation hazards. I agree.
- (356) The Policy Planning Team (440.48d, supported by Seaview Marina Ltd F14.4) seeks that the area in question be represented as an overlay. I discuss this issue and my recommended resolution in section 3.1.5.
- (357) Accordingly, I recommend that the objective be amended as follows:

CE-O5 (Subdivision, use and development in the ~~General Industrial Zone and Heavy Industrial Zone in Seaview, Metropolitan Centre Zone in Petone and Seaview Marina Zone~~ Regionally Significant Coastal Business Areas Overlay and within Medium and High Hazard Areas of the Coastal Hazard Area the Medium Coastal Hazard Overlays and the High Coastal Hazard Overlays)

Provide for subdivision, use and development in the General Industrial Zone and Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone and the Seaview Marina Zone Regionally Significant Coastal

Business Areas Overlay while also ensuring development and use in this area minimises the risk from coastal hazards to people, buildings and infrastructure.

CE-O6 (Measures to reduce damage from sea level rise, coastal inundation, and coastal erosion)

This is the counterpart objective to NH-O4

- (358) The Natural Hazards Commission (327.94, F15.59) and the Wellington Regional Council (452.137) support the objective as notified.
- (359) Forest and Bird (424.81d, supported by the MPHRCIS F10.96), as they do in other provisions, seek in general terms that the objective be altered to also “acknowledge the natural character, natural landscape and biodiversity values that must be protected”. I discuss why I do not support this change in section 3.1.1.
- (360) Accordingly, I recommend the objective remain as notified.

CE-O7 (Natural systems and features)

This is the counterpart objective to NH-O5

- (361) The Natural Hazards Commission (327.95) and the Wellington Regional Council (452.138) support the objective as notified.
- (362) Forest and Bird (424.81e, supported by the MPHRCIS F10.97), as they do in other provisions, seek in general terms that the objective be altered to also “acknowledge the natural character, natural landscape and biodiversity values that must be protected”. I discuss why I do not support this change in section 3.1.1.
- (363) The Director-General of Conservation (405.53) seeks that the objective be amended as follows:

Natural Systems and features that reduce the susceptibility of people, buildings and infrastructure from damage from coastal hazards are created, ~~retained~~ protected, restored or enhanced.

- (364) The submitter considers that this would better align with the language in Policy 26 of the NZCPS.

(365) While I do not think that the District Plan within the scope of the Plan Stop exemption can give full effect to Policy 26, I agree with the submitter that the language would be a better alignment, other than the replacement of “or” with “and”, as Policy 26 uses “or”. Accordingly, I recommend accepting the relief in part.

(366) This would mean amending the objective as follows:

Natural Systems and features that reduce the susceptibility of people, buildings and infrastructure from damage from coastal hazards are created, ~~retained~~ protected, restored or enhanced.

5.2.12 General Policies – Natural Hazards and Coastal Environment

NH-P2 (Levels of Risk)

This is the counterpart policy to CE-P9

(367) Christine Potaka-Kelly (84.2b, supported by Wellington Water F36.281), Vicki McCabe (38.2), the New Zealand Transport Agency (385.49), Rafael Gonzalez-Montero (175.2b)*, Argosy Property (237.8), Allison Thwaite (250.2b)*, Mukesh Chandra (201.2b), Lin Streefkerk (297.7), Oyster Management (272.9), the New Zealand Transport Agency (385.49), Fire and Emergency NZ (374.38a), the Ministry of Education (399.35), the New Zealand Defence Force (404.13b), and the Natural Hazards Commission (327.36, F15.22, conditional) support the policy as notified. Submitters marked with a * also supported the rules associated with the policy in general terms. I note this support, although I will discuss the rules individually due to more specific submission points raised on them.

(368) The Natural Hazards Commission’s support is conditional on their submission points on their requested definitions of “reduce” and “minimise”, for which see section 7.1.3.

(369) Winstone Aggregates (444.29) seek, as with other provisions, that the Quarry Zone be grouped with the commercial and industrial areas in Petone and Seaview. I discuss why I do not support this relief in section 3.1.5.

(370) Wellington Regional Council (452.80) seeks that clause 1 be amended to replace “existing risk” with just “risk”, and gives the view that “existing risk” “does not seem to be the correct term”.

(371) In my view this would weaken the policy and does not seem to be supported by the general thrust of the regional council’s submission. They may wish to provide additional reasons for seeking this relief in the hearing.

(372) The Fuel Companies (471.174, opposed by WRC F38.84) seek to amend clause 4 of the policy as follows:

*Subdivision, use and development manages the natural hazard risk to people, buildings and infrastructure by:
[...]*

4. Enabling use, or development within the Natural Hazard Overlays that ~~have~~ either:

a. Have a low occupancy,

b. ~~or~~ A low replacement value,

c. Are of a limited size, or

d. Are resilient to the impacts of natural hazards ~~within the Natural Hazard Overlays.~~

(373) This is opposed by the Wellington Regional Council (F38.84).

(374) Other than restructuring the policy, the two consequential changes would be enabling development of a limited size or that is “resilient to the impacts” of a hazard.

(375) The two key reasons for managing natural hazard risk are to protect people’s lives and valuable property. Low occupancy and low replacement value are the two directly connected ways to minimise these impacts. A land use having a “limited size” would only be an imperfect proxy to these more direct measurements, and so I do not support this addition.

(376) The latter option of how resilient a land use is to natural hazards is I think implicit in the management of risk. Risk is always a product of both a hazard event and the development in the way of that hazard event. However, the plan maps hazards, rather than risks, and so risk needs to be evaluated in the consent stage. The option of reducing risk through replacing an activity with another that is more resilient does not need to

be spelled out unless it is a particularly likely scenario. Whether simply making a development “hazard proof” is possible very much depends on the hazard in question, and so in my view is better handled in the hazard-specific policies from NH-P6 onwards (e.g. minimum floor levels for flood areas set out in NH-P9) and the associated rules.

- (377) Accordingly, I recommend the policy remain as notified, with the exception of the use of the overlay I recommend in section 3.1.5 (changes shown in Appendix A1).

NH-P3 (Natural systems and features)

This is the counterpart policy to CE-P10

- (378) The Natural Hazards Commission (327.37), New Zealand Transport Agency (385.49), and Wellington Fish and Game Council (509.6) support the policy as notified.
- (379) Wellington Regional Council (452.81), supported by the Natural Hazards Commission (F15.23), seek that the policy be amended as follows:

Maintain and enhance natural systems and features where they will reduce the existing risk posed by natural hazards to people, buildings and infrastructure and manage activities so that significant adverse effects on these systems or features are avoided and other adverse effects are avoided, minimised or remedied.

- (380) The submitter gives context in their submission that they intend this to mean that activities are specifically managed to retain the natural hazard mitigation functions of those natural systems and processes, rather than any adverse effects³⁶.
- (381) In the context of Lower Hutt, I think that this maintenance and enhancement of natural features is primarily an operational question for Council and the regional council working on public land, and to the extent it is achieved through regulatory means is much more closely associated

³⁶ Most other potential effects would be either not within the functions of a territorial authority, or not within the scope of the Plan Stop exemption, which does not include for example the protection of indigenous biodiversity or significant natural features and landscapes.

with regional plan functions, e.g. controlling the diversion of waterways and protecting wetlands.

(382) This does not necessarily mean there is no role for district plan regulation, but I do not believe any rules or methods in the plan as notified, or any of the other relief sought by the submitter, would have the effect of managing activities to avoid significant adverse effects on mitigation functions of natural features. The submitter may wish to comment in the hearing on how they see the policy with their requested amendments being implemented. In the meantime, I recommend not accepting this relief.

(383) Orlando & Franziska Ravera (459.3) seek in general terms that the policy clarify who is responsible for maintaining and enhancing the natural systems in question, particularly with reference to slope stability.

(384) I agree that a district plan policy should be clear whose action it directs, and as written the policy leaves this ambiguous.

(385) In my view, the primary responsibility for managing any natural feature or process (on land) is the owner of the land that natural feature or process covers. However, for Lower Hutt, in practice, the landowner will often be the Council or another arm of the state. Even for natural features partly on private land, a collective solution between government and private landowners, or between multiple private landowners and coordinated by the government, may be necessary.

(386) The distribution of responsibility will in practice be allocated through a resource consent, especially when subdivision or financial contributions are involved. Work may also be funded through grants or other financial support from central or local government, and this may come with conditions. These will largely be influenced by out-of-plan factors and is likely to evolve over time, particularly as climate adaptation planning progresses.

(387) Therefore, I do not think that detailed allocation is needed at a policy level, and so recommend giving effect to this relief simply by stating that central government, local government, and landowners will all have a role.

(388) Accordingly, I recommend the policy be amended as follows:

Central government, local government, and landowners

~~m~~Maintain and enhance natural systems and features where they will reduce the existing risk posed by natural hazards to people, buildings and infrastructure.

NH-P4 (Natural hazard mitigation)

This policy has no direct CE counterpart but CE-P11, CE-P12, and CE-P13 generally address comparable issues to NH-P4 and NH-P5.

- (389) Christine Potaka-Kelly (84.2c, supported by Wellington Water F36.282), Rafael Gonzalez-Montero (175.2c)*, Vicki McCabe (38.2), Allison Thwaite (250.2e)*, Mukesh Chandra (201.2c)*, Lin Streefkerk (297.8)*, Argosy Property (237.9), Oyster Management (272.10), New Zealand Transport Agency (385.49), Natural Hazards Commission (327.38, F15.24), KiwiRail (442.68), and the Wellington Regional Council (452.82) support the policy as notified. Submitters marked with a * also supported the rules associated with the policy in general terms. I note this support, although I will discuss the rules individually due to more specific submission points raised on them.
- (390) No submissions directly on this policy seek changes. However, I consider that there is a minor issue that should be addressed. The policy specifically calls out the Council and the regional council, NZTA, and KiwiRail. However, the rules implementing the policy refer more generically to central government and local government and their agents. These are defined terms in the PDP and will continue to be accurate despite any local government restructuring or central government reorganisation over the life of the plan.
- (391) Accordingly, I recommend changing the wording in the policy to match that in the rules:

Enable natural hazard mitigation works undertaken by ~~the Wellington Regional Council, Hutt City Council, New Zealand Transport Agency (Waka Kotahi), KiwiRail or their nominated contractors or agents~~ central government, local government, or their agents within Natural Hazard Overlays where these will decrease the existing risk to people, buildings and infrastructure.

NH-P5 (Green infrastructure)

This policy has no direct CE counterpart but CE-P11, CE-P12, and CE-P13 generally address comparable issues to NH-P4 and NH-P5.

(392) The Natural Hazards Commission (327.39) supports the policy as written.

(393) The New Zealand Transport Agency (385.50) seeks the policy be amended as follows:

Encourage the use of green infrastructure or Mātauranga Māori approaches when undertaking natural hazard mitigation works ~~by the Wellington Regional Council, Hutt City Council, New Zealand Transport Agency (Waka Kotahi), KiwiRail or their nominated contractors or agents~~ within Natural Hazard Overlays where practicable to do so.

(394) The submitter considers that this places an unreasonable burden on central and local government agencies and contractors, and it may not be possible or practical to use green infrastructure or a Mātauranga Māori approach.

(395) This is opposed by the Wellington Regional Council (F38.13).

(396) The plan as notified, in my view, intended to implement this policy through being more enabling of green infrastructure than it otherwise might have, but as notified the rule structure could not have achieved this and interacts uncomfortably with the Infrastructure chapter. The key rule is NH-R18 which enables flood mitigation work *whether using a green infrastructure approach or not.*

(397) I agree with the submitter that it will at least in some circumstances be unreasonable to expect or even impossible to implement a green infrastructure or Mātauranga Māori approach to natural hazard mitigation, although the plan only intends to “encourage” such approaches rather than require them.

(398) The plan however has no mechanism to do the encouraging that it seeks as most natural hazard works will be permitted activities regardless of what approach they take.

(399) I thus do not think there is anything the plan either can or should do to implement the policy. I recommend accepting the submitter’s relief, but as

written this would amend the policy down to having no function at all. I think the simpler way to achieve this relief is to delete the policy.

- (400) Note that this situation is *not* necessarily the same for coastal hazards, which I discuss in CE-P11, CE-P12, and CE-P13 below.

CE-P8 (Risk-based approach)

This is the counterpart policy to NH-P1

- (401) Argosy Property (237.22), Oyster Management (272.27), Natural Hazards Commission (327.96, F15.60), Fire and Emergency NZ (374.56), Ministry of Education (399.41), Wellington Regional Council (452.146), Joe Jeffries (514.3), and the Fuel Companies (471.192) support the policy as notified.
- (402) Forest and Bird (424.89a, supported by the MPHRCIS F10.101) seek that the policy be amended to give effect to Policy 11 of the NZCPS, which relates to indigenous biodiversity.
- (403) I discuss why I do not support this change in general in section 3.1.1, which includes that the request is not in scope of the Plan Stop exemption. In addition, the issue raised by the submitter does not logically fit in this policy and, if it were to be advanced, relates to the subject matter of CE-P11, CE-P12, and/or CE-P13.
- (404) Accordingly, I recommend the policy remain as notified.

CE-P9 (Levels of risk)

This is the counterpart policy to NH-P2

- (405) Argosy Property (237.23), Oyster Management (272.28), Fire and Emergency NZ (374.57), the Ministry of Education (399.42), and the Wellington Regional Council (452.147), supported by the Natural Hazards Commission (F15.61, subject to their own relief discussed below), support the policy as notified.
- (406) Laura Skilton (314.23) seeks that the policy is amended as follows:

Ensure, subdivision, use and development manages the coastal hazard risk to people, buildings and infrastructure by:

1. Avoiding new buildings and activities in the High Tsunami Hazard Overlay and High Coastal Inundation Hazard

Overlay (with the exception of the General Industrial Zone and Heavy Industrial Zone in Seaview, Metropolitan Centre Zone in Petone and Seaview Marina Zone) ~~unless there is an operational need or functional need for the subdivision, use, or development to be located in this area and the subdivision, use, or development minimises the existing risk from coastal hazards to people, buildings and infrastructure.~~

...

3. Avoiding increased buildings and activities ~~Requiring subdivision, use, or development to minimise the risk to development from coastal hazards to people, buildings and infrastructure in the Low and Medium Coastal Hazard Overlays; and...~~

(407) The submitter gives reasons for this change that do not seem to connect with the relief sought.

(408) The net effect of these changes would be to be more lenient towards the expansion of existing activities and buildings in high hazard areas, and remove the consideration of functional and operational needs, while being more restrictive in the low and medium hazard areas. I do not think this is consistent with a proportionate risk-based approach and so do not support this relief. The submitter may want to provide additional reasons for this relief in the hearing.

(409) Christine Loweth (267.11) seeks that the policy be rewritten as follows:

Ensure subdivision, use, and development effectively manage coastal hazard risks to people, buildings, and infrastructure by:

1. Avoiding new buildings and activities in the High Tsunami and High Coastal Inundation Hazard Overlays, except in the General Industrial Zone and Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone, and the Seaview Marina Zone—where development is permitted only if there is an operational or functional need, and risks are minimised.

2. Recognising the regional significance of the General Industrial and Heavy Industrial Zones in Seaview, the Metropolitan Centre Zone in Petone, and the Seaview Marina Zone, while ensuring that development in these areas mitigates risks from coastal hazards in the Medium and High Coastal Hazard Overlays.

3. Requiring subdivision, use, and development in Low and Medium Coastal Hazard Overlays to minimise risks to people, buildings, and infrastructure.

4. Allowing development with low occupancy or low replacement value within Coastal Hazard Overlays.

- (410) For the sake of readability, I have not tracked these changes against the original version, as the bulk of this relief would not significantly change the meaning of the policy.
- (411) The submitter contends that the policy is ambiguous as “areas within the Low Tsunami Hazard Overlay fall within the Medium Coastal Overlay”. This is not the case – while the bulk of the Low Tsunami Hazard Overlay is also covered by the Medium or High Coastal Inundation Hazard Overlays, there are areas of Low Tsunami Hazard Overlay that do not, particularly in western Petone, Lowry Bay, Days Bay, and Eastbourne.
- (412) The substantive changes are the same as those sought by Laura Skilton discussed above. Therefore, I do not recommend accepting the relief (other than to the extent it corrects minor errors, as discussed below).
- (413) Forest and Bird (424.89b, supported by the MPHRCIS F10.102) seek that the policy be amended to give effect to Policy 11 of the NZCPS, which relates to indigenous biodiversity.
- (414) I discuss why I do not support this change in general in section 3.1.1, which includes that the request is not in scope of the Plan Stop exemption. In addition, the issue raised by the submitter does not logically fit in this policy and, if it were to be advanced, relates to the subject matter of CE-P11, CE-P12, and/or CE-P13.
- (415) The Fuel Companies (471.193) seek that the policy be amended as follows:

Ensure, subdivision, use and development manages the coastal hazard risk to people, buildings and infrastructure by:

1. Avoiding buildings and activities in the High Tsunami Hazard Overlay and High Coastal Inundation Hazard Overlay (with the exception of buildings or structures of limited size or in the General Industrial Zone and Heavy Industrial Zone in Seaview, Metropolitan Centre Zone in Petone and Seaview Marina Zone) unless there is an operational need or functional need for the subdivision, use, or development to be located in this area and the subdivision, use, or development minimises the existing risk from coastal hazards to people, buildings and infrastructure.

[...]

4. Enabling use, or development within the Coastal Hazard Overlays that have either:

- a. Have a low occupancy,*
- b. ~~or~~ A low replacement value,*
- c. Are of a limited size, or*
- d. Are resilient to the impacts of natural hazards ~~within the Coastal Hazard Overlays.~~*

(416) For the changes in clause 1 this would undermine the proportionate and risk-based approach to natural hazards, and fail to give effect to CE-O3.

(417) For the changes in clause 4, I discuss this issue and why I do not support the relief in the similarly worded NH-P2 above.

(418) The Natural Hazards Commission (327.97) seek that the policy be amended as follows:

...

2. Within the General Industrial Zone and Heavy Industrial Zone in Seaview, Metropolitan Centre Zone in Petone and Seaview Marina Zone, recognise the regional importance of these areas, while ensuring that subdivision, use, or development located in these area minimises the risk from coastal hazards in the Medium and High Coastal Hazard

Overlays to people, buildings, and infrastructure to as low as reasonably practicable.

3. Requiring subdivision, use, or development to minimise the risk to development from coastal hazards to people, buildings and infrastructure in the Low and Medium Coastal Hazard Overlays to as low as reasonably practicable; and

...

- (419) I also discuss this issue in the context of the submitter's request to add a definition of "minimise" (see section 7.1.3).
- (420) I think this statement would confuse rather than assist the interpretation of the policy – the term "minimise" is well enough understood without being restated more verbosely.
- (421) Accordingly, I recommend the policy remain as notified, except for correcting some minor typographical errors and inconsistencies (some included indirectly in the submission point of Christene Loweth), fixing the duplication of Medium hazard areas in clauses 2 and 3, and implementing the Petone/Seaview overlay discussed in section 3.1.5:

Ensure, subdivision, use and development manages the coastal hazard risk to people, buildings and infrastructure by:

1. Avoiding buildings and activities in the High ~~Tsunami Hazard Overlay and High Coastal Inundation Hazard Overlays~~ (with the exception of the ~~General Industrial Zone and Heavy Industrial Zone in Seaview, Metropolitan Centre Zone in Petone and Seaview Marina Zone Regionally Significant Coastal Centres Overlay~~) unless there is an operational need or functional need for the subdivision, use, or development to be located in this area and the subdivision, use, or development minimises the existing risk from coastal hazards to people, buildings and infrastructure.

2. Within the ~~General Industrial Zone and Heavy Industrial Zone in Seaview, Metropolitan Centre Zone in Petone and~~

~~Seaview Marina Zone Regionally Significant Coastal Centres Overlay~~, recognise the regional importance of these areas, while ensuring that subdivision, use, or development located in these areas minimises the risk from coastal hazards in the Medium and High Coastal Hazard Overlays to people, buildings, and infrastructure.

3. Requiring subdivision, use, or development to minimise the risk to development from coastal hazards to people, buildings and infrastructure in the Low ~~Tsunami Hazard Overlay~~ and Medium Coastal Hazard Overlays; and

4. Enabling use, or development that ~~have~~ has either low occupancy or low replacement value within the Coastal Hazard Overlays.

CE-P10 (Natural systems and features)

This is the counterpart policy to NH-P3

- (422) The Natural Hazards Commission (327.98) supports the policy as notified.
- (423) The Wellington Regional Council (452.148), supported by the Natural Hazards Commission (F15.62), and Forest and Bird (424.89c) each seek the equivalent relief as they do on NH-P3, discussed above, which I recommend rejecting for the same reasons.
- (424) The Director-General of Conservation (405.61) seeks that “Maintain and enhance” be replaced with “Protect, restore and enhance” to better align with the language in Policy 26 of the NZCPS.
- (425) This is a similar issue to their submission point on CE-O7. As there, I recommend that the point be accepted, except that “or” be used instead of “and” to better align with the NZCPS.
- (426) This means amending the policy as follows:

~~Maintain~~ Protect, restore and or enhance natural systems and features where they will reduce the existing risk posed by coastal hazards to people, buildings and infrastructure.

CE-P11 (Coastal hazard mitigation works)

This policy has no direct NH counterpart but CE-P11, CE-P12, and CE-P13 generally address comparable issues to NH-P4 and NH-P5.

- (427) Argosy Property (237.24), Oyster Management (272.29), the Natural Hazards Commission (327.99), and the Wellington Regional Council (452.149), supported by the Natural Hazards Commission (F15.63) support the policy as notified.
- (428) Forest and Bird (424.89d, supported by the MPHRCIS F10.103) seek that the policy be amended to give effect to Policy 11 of the NZCPS, which relates to indigenous biodiversity.
- (429) I discuss why I do not support this change in general in section 3.1.1, which includes that the request is not in scope of the Plan Stop exemption.
- (430) Accordingly, I recommend that the policy remain as notified.

CE-P12 (Coastal hazard mitigation works involving green infrastructure)

This policy has no direct NH counterpart but CE-P11, CE-P12, and CE-P13 generally address comparable issues to NH-P4 and NH-P5.

- (431) The Natural Hazards Commission (327.100, F15.64), Te Rūnanganui o Te Āti Awa (503.43a), and Wellington Regional Council (452.150, supported by NHC F15.64) support the policy as notified.
- (432) Forest and Bird (424.89e, supported by the MPHRCIS F10.104) seek that the policy be amended to give effect to Policy 11 of the NZCPS, which relates to indigenous biodiversity.
- (433) I discuss why I do not support this change in general in section 3.1.1, which includes that the request is not in scope of the Plan Stop exemption.

CE-P13 (Hard engineering coastal hazards mitigation works)

This policy has no direct NH counterpart but CE-P11, CE-P12, and CE-P13 generally address comparable issues to NH-P4 and NH-P5.

- (434) The Wellington Regional Council (452.151), supported by the Natural Hazards Commission (F15.65, subject to their own relief discussed below), supports the policy as notified.

- (435) Forest and Bird (424.89f, supported by the MPHRCIS F10.105) seek that the policy be amended to give effect to Policy 11 of the NZCPS, which relates to indigenous biodiversity.
- (436) I discuss why I do not support this change in general in section 3.1.1, which includes that the request is not in scope of the Plan Stop exemption.
- (437) Argosy Property (237.25) and Oyster Management (272.30) seek that the policy be made more enabling of hard engineering mitigation works by amending the policy as follows:

~~Only allow for~~ Enable hard engineering coastal hazards mitigation works for the reduction of the risk from coastal hazards where:

1. There is a demonstrable risk to life, private property or existing nationally or regionally significant infrastructure from the coastal hazard ~~and it can be demonstrated that there is no practicable alternative to reduce this risk.~~

- (438) The Natural Hazards Commission (327.101) seeks that the policy contain more detail around matters to consider in a consent for hard engineering mitigation works, by amending it as follows:

Only allow for hard engineering coastal hazards mitigation works for the reduction of the risk from coastal hazards where:

...

6. Relevant matters to consider when assessing the environmental and social costs of permitting hard protection structures to protect private property include assessments of:

a. the short- and long-term direct and indirect costs from the proposed hard protection structure,

b. the impacts of sea-level rise and other climate change effects, and how long the proposed hard protection structure would be viable,

c. the likelihood that more development (or development intensification) will be undertaken that relies on the hard protection structures over the long term; and

d. the impacts on communities (including future costs and liabilities for councils) associated with:

i. any future abandonment of hard protection structures (particularly where constructed on public land); and

ii. assistance to (and compensation actions by) private property owners in the event of failure of the hard protection structures and damage to private property.

(439) NHC's concerns include that:

- Allowing hard engineering protection for private property will set an expectation for these works rather than community-scale public works, and
- Not enough regard is given to NZCPS policies 25 and 27.

(440) Hard engineering works for hazards mitigation are governed by fairly directive policies in both the RPS (Policy 52) and the NZCPS (Policies 25 and 27). In general neither contain the strongest level of direction (e.g. terms with established directive meanings like "avoid" or "only allow for") but rather a softer direction ("discourage", "have particular regard") that set out a detailed list of considerations to weigh up when deciding if hard engineering works are the appropriate way forward. The one exception is the RPS direction of "having particular regard to ... avoiding hard engineering methods unless it is necessary to protect existing development, regionally significant infrastructure or property from unacceptable risk and the works form part of a hazard risk management strategy that represents the best practicable option for the future". "Having particular regard to avoiding" is however an unusual formulation. I have thus interpreted this as sitting somewhere beneath "avoid" on its own, but making it a more important consideration than others that fall under "have particular regard to".

(441) For NHC's concerns, I think it is worth noting the practical context of Lower Hutt and the likely need for hard engineering hazard mitigation in future. Lower Hutt has few areas of private property with a direct exposure to the coast. Most of the coastline is bounded by council owned land, roading or reserve land.

- (442) As identified in the coastal hazard modelling within the PDP, coastal hazards are likely to affect broad areas of the city including both private property and significant amounts of regionally significant infrastructure. Major arterials (which are regionally significant infrastructure) such as the Esplanade and Marine Drive separate most private property from the sea. It is likely that this infrastructure will see demand for protection from hazards in the coming years, and some areas (such as State Highway 2 between Ngauranga and Petone) have had recent hard engineering works to protect them.
- (443) It is highly likely therefore that significant hard engineering works would be likely to meet the situations set out in NZCPS Policy 27(4) – that they are designed to protect private property and sit on public land, but have significant public benefits in both the number of properties protected and the protection of public infrastructure.
- (444) It is also worth noting that the policy as written applies to any hard engineering works, regardless of scale, whether they sit on public or private property, and what they protect. Thus, the situations envisaged in the RPS and NZCPS where individual private property owners build isolated works without regard to their wider context are certainly possible, but has limited applicability given the limited number of private properties who share a boundary with the coastline.
- (445) Putting those considerations together, I think that the language of “only allow for ... where” is unwarranted as being stronger than the NZCPS or RPS direction while “enable ... where” fails to discourage unnecessary works as set out in the NZCPS. To be most compatible with the NZCPS language, I recommend the term be “discourage ... unless”, which I think sits between the PDP as notified and the submissions of Oyster and Argosy.
- (446) I do not agree with removing the test of “there is no practicable alternative”, as this is a key part of the logic of NZCPS Policy 27(2)(a).
- (447) I agree with some but not all of the additional considerations proposed by NHC. Their proposed matters “a” (short and long term costs), “b” (impact of sea level rise and other climate effects on how long the structure is viable) are matters addressed in NZCPS Policy 27 and likely to be major issues in whether hard engineering is acceptable and so I recommend accepting these parts of the relief.

- (448) However, matter “c” (the likelihood of whether more development or intensification would be undertaken that relies on the structure) is speculative and not a useful consideration – a resource consent for a protection structure, even if the Council is the applicant, cannot have conditions placed on it that might control development conducted by a third party, or control the Council’s plan-making functions. There is nothing meaningful for the consent decision-maker to assess.
- (449) Matter “d(i)” (future abandonment of structures) is speculative and in my view not something on which any meaningful information could be provided in a resource consent process. While decision-makers can take into account an applicant’s track record of compliance, for works on public land the applicant would be central or local government, who one imagines will have a good compliance track record. For works on private property I think it is very unlikely that the applicant will have a track record of abandoning coastal protection structures, and if it is, the decision-maker can have regard to this even without policy wording.
- (450) Matter “d(ii)” (compensation for property owners) is not within the domain of the Resource Management Act – to the extent there is a risk here, it would sit with the resource consent applicant themselves and so not be relevant to a consent decision.
- (451) Accordingly I recommend the policy be amended as follows:

~~Only allow for~~ Discourage hard engineering coastal hazards mitigation works for the reduction of the risk from coastal hazards ~~where~~ unless:

1. There is a demonstrable risk to life, private property or existing nationally or regionally significant infrastructure from the coastal hazard and it can be demonstrated that there is no practicable alternative to reduce this risk,
2. The construction of the hard engineering measures will not increase the risk from Coastal Hazards on adjacent properties that are not protected by the hard engineering measures,
3. It minimises the modification or alteration of natural features and systems in a way which ensures their function as natural defences is not compromised,

4. *Hard engineering structures are designed to minimise adverse effects on the coastal environment, significant natural features and systems and any adverse effects are avoided, remedied or mitigated, and*
5. *It can be demonstrated that green infrastructure measures would not provide an appropriate level of protection in relation to the significance of the risk.*

Relevant matters to consider when assessing the environmental and social costs of permitting hard protection structures to protect private property include assessments of: 6. the short- and long-term direct and indirect costs from the proposed hard protection structure, and 7. the impacts of sea-level rise and other climate change effects, and how long the proposed hard protection structure would be viable.

Section 32AA Assessment

- (452) The proposed amendments to policies NH-P4, CE-P9 and CE-P10 are largely administrative in nature and are to improve readability and implementation . The proposed changes do not change the tests within the policies from what was notified. On this basis, it is considered that the changes are sufficiently minor that a Section 32AA Evaluation is not required.
- (453) The deletion of NH-P5 is more effective and efficient than retaining the policy as there are no means for the plan to implement the policy.
- (454) The alterations to CE-P13 are more effective and efficient than what was notified in achieving the directives of the Proposed District Plan because:
- The proposed wording more closely aligns with NZCPS in respect to discouraging hard engineering structures; and
 - It requires a wider consideration of the implications of hard engineering structures in respect to private properties, and ensuring they are appropriate designed for long term protection as well as any potential costs arising from their construction.

- (455) There are no significant costs associated with this suggested policy change to CE-P13, other than for private property owners who may look to construct hard engineering structures. This policy change would require these to be appropriately designed for the long-term protection of the property. Given the few number of private properties that have a boundary with the coastline in the Hutt Valley context, these additional costs are very limited.

5.2.13 Policies – Fault Location Area

NH-P6 (Additions to existing buildings and structures within the Fault Location Area)

- (456) Oyster Management (272.11) supports the policy as notified.
- (457) Go Architecture Ltd (331.8) seeks that clause 2 of the policy be amended as follows:

...

2. Provide for additions to existing buildings and structures for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards within the poorly constrained, uncertain constrained, well-defined or well-defined extension areas where:

a. They ~~are located more than 20m from the edge of the fault deformation zone, or~~ do not increase the risk to the occupants over the existing situation.

b. ~~Mitigation measures are incorporated into the building to maintain life safety of the occupants and the structural integrity of the building in the event of fault rupture.~~

- (458) They note the inconsistency of the policy with NH-R2, which allows for additions up to 25m² as a permitted activity within the poorly constrained or the uncertain constrained areas of the Fault Location Area, and that the rule does not implement the principle around providing for additions where they are more than 20m from the edge of the fault deformation zone.
- (459) The Active Fault Guidelines for New Zealand, recommend that construction should not occur within 20m of a fault deformation zone. This is to prevent

significant damage that occurs to buildings from fault rupture (noting that this is different than ground shaking). The District Plans around the region consistently require a 20m setback from the fault deformation zone. On this basis, I do not support the change sought by the submitter around the need for additions to be constructed more than 20m from the fault deformation zone.

(460) I would note that there is a reason that small additions are provided for in the poorly constrained and uncertain constrained areas of the Fault Hazard Overlay. In these areas, the position of the fault line is less well understood and as a result, the fault hazard overlay is wider. As such, more properties are captured within this overlay, and a portion of these will be more than 20m from the fault deformation zone. However, as the fault position is less well understood, it is not appropriate from a planning perspective to prevent any reuse or adaptation of these residential properties. For this reason, a low level of additions are provided for. This is consistent with the approach with other District Plans in the region.

(461) The submitter also seeks for the removal of the consideration of mitigation measures. This arm of the policy provides a pathway for those additions that are within 20m of the fault deformation zone. The test provided by this policy is intentionally high, where life safety of the occupants and the structural integrity of the building are maintained. If this second limb did not exist, there would be not policy framework to guide decision making around additions that are less than 20m from fault deformation zone. On this basis, I do not support removing this aspect of the policy.

(462) The Natural Hazards Commission (327.40, opposed by the Fuel Companies F32.17) seeks that clause 2 be amended as follows:

...

2. Provide for additions to existing buildings and structures for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards within the poorly constrained, uncertain constrained, well-defined or well-defined extension areas where:

a. They are located more than 20m from the edge of the fault deformation zone, ~~or~~

b. Mitigation measures are incorporated into the building to maintain life safety of the occupants and the structural integrity of the building in the event of fault rupture.

c. Additions are for non-habitable rooms

- (463) They consider that requiring rooms be non-habitable would reduce life safety risk.
- (464) I agree that this would advance life safety, but it is only one example of many possible mitigation measures, which is already covered more generically in sub-clause (b). I think it is also potentially artificial to separate the occupancy of the room that happens to be nearest the fault from the overall structural integrity of the building, which are considered alongside each other in (b).
- (465) No reasons are given for removing the word “or”, which I infer is with the intent of making the conditions additional rather than exclusive. I do not think there is any good reason to do so: the first condition applies due to uncertainty around the location of the fault in some areas. Where a building is more than 20 metres from the fault where its location has been identified, that risk from fault rupture is no longer significantly elevated, and this has governed the identification of the Fault Location Area in those places where its location is better established. This 20 metre setback is in line with the advice in the Ministry for the Environment / GNS publication “Planning for the Development of Land on or Close to Active Faults”³⁷.
- (466) Wellington Regional Council (452.83), supported by the Natural Hazards Commission (F15.25), seeks to “[d]efine where the 20m is to be measured from, e.g. the fault trace or an identified fault rupture zone.”
- (467) The submitter considers this ambiguous and refers to the above referenced document, “Planning for the Development of Land on or Close to Active Faults”.
- (468) I agree this should be clarified and recommend doing so on the basis of that guidance document.

³⁷ <https://environment.govt.nz/assets/Publications/Files/planning-development-faults-graphics-dec04-1.pdf>, see p12.

- (469) Accordingly, I recommend clause 2 be amended as shown, and the policy otherwise remain as notified (other than the restructuring proposed in section 5.2.6):

...

a. They are located more than 20m from the edge of the fault trace or fault deformation zone, or

...

NH-P7 (Subdivision, use and development within the Fault Location Area)

- (470) Oyster Management (272.12), Fire and Emergency NZ (374.38b), and the Ministry of Education (399.36) support the policy as notified.
- (471) The Adrian Palmer Family Trust (315.19, inferred) supports clause 3.c of the policy specifically.
- (472) The Natural Hazards Commission (327.41, opposed by the Fuel Companies F32.18) seek in general terms to clarify the relation of the policy with the Building Code and specifically that the policy be amended as follows:

New subdivision, use and development within the Fault Location Area are managed as follows:

...

2. Provide for new allotments, new buildings and the conversion of existing buildings for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards within the poorly constrained and uncertain constrained areas of the Fault Location Area where:

- a. The new building platforms, new buildings or conversions are located more than 20m from the edge of the fault deformation zone, ~~or~~*
- b. Mitigation measures are incorporated into the building to maintain life safety of the occupants and the structural integrity of the building in the event of fault rupture.*
- 3. Avoid new allotments, new buildings and the conversion of existing buildings for activities potentially sensitive to*

natural hazards and activities most sensitive to natural hazards within the well-defined or well-defined extension areas of the Fault Location Area unless:

...

*b. If locating the activity more than 20m from the edge of the deformation zone is not a practicable option **and there is an operational or functional need** to locate within the well-defined or well-defined extension areas of the Fault Location Area; mitigation measures are incorporated into the building **to minimise the risk** to life of the occupants and the structural integrity of the building on the event of fault rupture, or*

*c. If locating the activity more than 20m from the edge of the deformation zone is not a practicable option **but there is no operational or functional need** to locate within the well-defined or well-defined extension areas of the Fault Location Area; mitigation measures are incorporated into the building **to not increase risk** to life of the occupants and the structural integrity of the building in the event of fault rupture.*

...[emphasis added]

- (473) In my view the relationship between district plans and the building consent process is well-understood by plan users likely to be reading this provision and there is no need to address it in the text of provisions. The plan's intent is not to duplicate the building code but to ensure that a range of mitigation measures are considered and weighed up.
- (474) The submitter's concerns for the text changes they seek are that clauses 3.b and 3.c are duplicative as there is no difference based on whether the operational or functional need test is met, and the policy is confusing as to whether the operational or functional need test needs to be met.
- (475) While the wording of 3.b and 3.c are similar, there are differences. Clause 3.b applies to those activities with an operational and functional need. The test for these activities is that they need to minimise the risk from natural hazards. Clause 3.c applies to those activities that do not have an operational or functional need to locate in the fault hazard overlay. These

activities need to avoid or not increase the risk from fault hazards. This is a higher test than those activities with an operational or functional need.

- (476) On this basis, I do not support the relief sought by this submission as it would create a policy gap for those activities that do not have an operational or functional need. Accordingly, I recommend the policy remain as notified, other than the restructuring proposed in section 5.2.6.

5.2.14 Policies – Flood Hazard Overlay

NH-P8 (Additions to existing buildings and structures in the Flood Hazard Overlays)

- (477) Argosy Property (237.10), Oyster Management (272.13), the New Zealand Transport Agency (385.49), and the Ministry of Education (399.37) support the policy as notified.
- (478) Lisa Caddis (252.2, opposed by Wellington Water F36.307) seeks that the policy be deleted. Most of the reasons given are site-specific and so they are addressed in the submitter's site-specific submission point in section 6.2.3. In general, the submitter also considers that application of the policy lacks evidence and risks landowners not being able to obtain insurance.
- (479) The evidence behind the flood modelling is covered in the section 32 report and associated technical reports, and by Alistair Osborne in his evidence in Appendix B1. I discuss the issue of insurance in section 3.1.6. I thus do not support deleting the policy and consider it is necessary to meet the council's duty to manage the risk of significant natural hazards.
- (480) Ron Beernink and Glenda McCallum (303.10) support in part the policy but consider the definition of "addition" too narrow and seek that it also include placing residential units above existing industrial buildings.
- (481) I think the definition of "addition" as notified does cover this situation and so recommend accepting this relief to the extent that the plan already provides for it.
- (482) Christine Loweth (267.2) seeks that the term "1% Annual Exceedance Probability flood" be clarified. I agree, but consider that this is better done through the introduction (for which see section 5.2.9) and relief sought by

other submitters of providing a definition of “annual exceedance probability” (for which see section 7.1.3).

- (483) The Fuel Companies (471.175), opposed by the Wellington Regional Council (F38.85), seek that the policy be amended to add to clause 2.a:

...

a. The risk to people, and buildings on site from the 1% Annual Exceedance Probability Flood is minimised due to the incorporation of mitigation measures where necessary.

...

- (484) The submitter considers (I infer) that mitigation measures may not be necessary to minimise the risk. They state that mitigation may not be required based on “the use, location, size and design of the existing “building” (which is broadly defined by the PDP) and the hazard risk of each site”.
- (485) In my view the appropriate level of mitigation measures is highly situation-specific and a matter to be addressed in individual resource consents. The submitter’s wording would add confusion and potentially undermine the intent of the policy, where mitigation measures are provided to reduce the damage to additions from flooding.
- (486) Michael Rachlin (232.8) seeks to delete sub-clause 2.c, considering it unclear why buildings in the Low Flood Hazard Overlay would obstruct the Medium and High overlays. I agree and recommend deleting the clause.
- (487) Michael Rachlin (232.9) also seeks to delete or amend clauses 3 and 4 and considers them confusing. I agree that there is confusion and this can be addressed through separating the policy based on activity and overlay (as discussed in section 5.2.6) and through the use of a named overlay for the Petone/Seaview area discussed in the policy (as discussed in section 3.1.5).
- (488) Michael Rachlin (232.10a, 232.10b, opposed by Wellington Water F36.316) finally seeks to amend the policy to separate out the treatment of the Medium and High overlays, with the former changing from an “only allow ... where” direction to “provide for ... where”, considering that as notified it does not provide a risk-based approach.

- (489) In my view the policy does present a risk-based approach, particularly about whether the existing risk can be increased, but this can be more clearly expressed through separating the policy as discussed above. I thus recommend accepting the relief in part to the extent of separating the Medium and High arms.
- (490) Wellington Regional Council (452.84), supported in part by the Natural Hazards Commission (F15.26), seeks that the policy set out that additions in high hazard areas cannot be used for residential activities.
- (491) The original submitter does not give specific reasons for this relief. The further submitter considers that residential activities have a particularly high vulnerability to natural hazard events.
- (492) While I agree that residential activities have a high vulnerability to natural hazards, and support their retention within the definition of *activities most sensitive to natural hazards*, I do not think they have a greater vulnerability than the other activities in that category. Singling out residential activities does not fit well with the overall risk-based approach to activities or the ability to potentially mitigate the risks for residential activities in other ways, and I recommend rejecting this relief.
- (493) I also note that under the policy, there is a high test for additions for *activities most sensitive to natural hazards* in the High Flood Hazard Overlay, being the existing risk to people, buildings and infrastructure is not increased. In this regard, there is already a proposed high regulatory framework for additions in the High Flood Hazard Overlay.
- (494) The Natural Hazards Commission (327.42, inferred), supported by the Wellington Regional Council (F38.5), seeks to amend the policy as follows:

Additions to existing buildings and structures in the Flood Hazard Overlays are managed as follows:

- 1. Allow for additions to existing buildings and structures for activities least sensitive to natural hazards in the Low and Medium Flood Hazard Overlays and
a. The conveyancing of flood waters through the Low and Medium Flood Hazard Overlay is still able to occur unimpeded and is not diverted onto adjacent properties*

...

5. People have access to safe evacuation routes in the event of a 1% Annual Exceedance Probability Flood event.

- (495) The submitter considers that this would make the policy more consistent with the direction in CE-P14, which is the equivalent policy for coastal inundation and tsunami hazards.
- (496) I do not agree that either of the submitter's changes would provide any consistency with CE-P14. Both CE-P14 and this policy, as notified, do not provide for additions in Medium hazard areas unless tests are met around the scale and type of the activity. The proposed change to subclause 1.a would remove this distinction. I also do not think that the test around flood waters is practical for the Low Flood Hazard Overlay, which covers a large fraction of properties in the city and would require site-specific resource consent assessment for all additions in order to implement.
- (497) There is an inconsistency with NH-P9, which applies to new subdivision, use and development, and provides a test around whether evacuation is possible. However, I think this distinction is warranted. The practicality of evacuation depends principally on the surrounding context of the activity, e.g. how flooding will affect the immediate road network. The policy around additions applies to existing development which cannot affect their evacuation situation, but where the question is around what level of evolution in land use over time is practical, even in existing locations at risk from hazards.
- (498) In terms of consistency with CE-P14, I also note the discussion of the same issue in submissions on that policy, which I discuss in section 5.2.17.
- (499) Laura Skilton (314.14a, inferred) seeks that the policy is amended to only allow activities most sensitive to natural hazards in the Medium Flood Hazard Overlay "if controlled" and avoid activities most sensitive to natural hazards in the High Flood Hazard Overlay.
- (500) The submitter's reasons are not specific to this relief but generally considers that the policy is not strong enough to protect people and property from hazard risks.
- (501) In my view the policy already does place significant limits on *activities most sensitive to natural hazards* in the Medium and High overlays, and in particular, the formula of "only allow ... where" is equivalent to "avoid ...

unless". Accordingly, I recommend accepting this relief to the extent that the plan already provides for it.

- (502) Laura Skilton (314.14a) also seeks that NH-P8 is divided into three policies for the Low, Medium, and High overlays. I agree, and recommend this divide, as discussed in section 5.2.6.

NH-P9 (Subdivision, use and development in the Flood Hazard Overlays)

- (503) Argosy Property (237.11), Oyster Management (272.14), the Natural Hazards Commission (327.43), Fire and Emergency NZ (374.38c), and the Ministry of Education (399.38) support the policy as notified.
- (504) Winstone Aggregates (444.30, 444.31) seek, as with other provisions, that the Quarry Zone be grouped with the commercial and industrial areas in Petone and Seaview. I discuss why I do not support this relief in section 3.1.5.
- (505) Lisa Caddis (252.3) seeks that the policy be deleted. Most of the reasons given are site-specific and so they are addressed in the submitter's site-specific submission point in section 6. In general, the submitter also considers that application of the policy lacks evidence and risks landowners not being able to obtain insurance.
- (506) The evidence behind the flood modelling is covered in the section 32 report and associated technical reports, and by Alistair Osborne in his evidence in Appendix B1. I discuss the issue of insurance in section 3.1.6. I thus do not support deleting the policy and consider it is necessary to meet the council's duty to manage the risk of significant natural hazards.
- (507) Grant Gunn and Kristin Gunn (369.3b, supported by the Trustees of the Gunn Family Trust F7.9, opposed by Wellington Water F36.308), Andrew Robinson and Robyn Robinson (380.15b, F9.18, supported by Kris Connell F3.18, opposed by Wellington Water F36.309), and Sensible Solutions for Eastbourne (383.22b, opposed by Wellington Water F36.310), opposed by the Natural Hazards Commission (F15.97), seek in general terms that the policy is amended as it is "impracticable for private owners to convert to above 1% AEP". I infer this is a reference to the minimum floor level requirement.

- (508) The policy (and the scope of the RMA in general) does not require existing buildings to be converted or redeveloped to meet a minimum floor level or add any other mitigation method. Rather, that is proposed as a condition for new development and as a trigger for resource consent assessment where the condition is not met. I believe this is appropriate. If meeting the minimum floor level is impractical in any given situation, this can be considered in a resource consent and weighed up with other costs and benefits as to whether consent should be granted despite not meeting the standard or declined as the adverse effects and risks would be too great.
- (509) Rowan Swain and Kim Weber-Swain (317.4c, opposed by Wellington Water F36.311), Grant Gunn and Kristin Gunn (369.1c, supported by the Trustees of the Gunn Family Trust F7.3, opposed by Wellington Water F36.312), Andrew Robinson and Robyn Robinson (380.4c, F9.10, supported by Kris Connell F3.10, opposed by Wellington Waer F36.313), and Sensible Solutions for Eastbourne (383.4c, opposed by Wellington Water F36.314), opposed by the Natural Hazards Commission (F15.90), also seek that “the requirement within Medium Flood Hazard overlays for all subdivision, use and development to provide for unimpeded and unobstructed conveyancing of flood waters” is removed.
- (510) In my view, unless there is a particular good reason to allow it such as an operational or functional need, or if the risks can be adequately mitigated, the Council should avoid allowing development that would divert floodwaters into areas not currently at risk. Unplanned and uncoordinated interference with natural processes risks worsening the effects of natural hazards on people that may not be prepared or property that may not be designed to manage those additional risks, through no fault of their own.
- (511) The Fuel Companies (471.176) seek that subclauses 2.a, 3.a, 3.b, 4.a, 4.c, and 5.a (which all relate to mitigation measures) be qualified with the words “where necessary”.
- (512) I discuss this issue in the context of policy NH-P8 above and recommend it be rejected for the same reasons.
- (513) The Fuel Companies (471.176) further seek that “Major Hazardous Facility” be replaced with “Significant Hazardous Facility” to match the defined term, with which I agree, as discussed in more detail in the context of the

definitions in section 7.1.2, and I recommend accepting this part of the requested relief.

- (514) Stephen Flaunty (34.11b) seeks to remove the “avoid” policy in relation to the High Flood Hazard Overlay and considers that “new subdivision and development can occur in these areas safely with appropriate mitigation being provided. Furthermore, the high flood hazard mapping does not sufficiently account for site-specific context such as changed ground levels from natural ground (e.g. a tennis court) and drainage or other mitigation measures that may already be in place.”
- (515) For the former issue of mitigation measures, I believe this is already handled through the policy’s wording in subclause 6.b.
- (516) The latter issue, of whether changes in real-world conditions mean the mapped hazard is no longer accurate is in my view not explicitly handled in this policy or any other. However, Policy 5 of the NPS for Natural Hazards is relevant:

Natural hazard risk assessment and decisions must be based on the best available information and must be made even when that information is uncertain or incomplete.

- (517) Some inaccuracies in the mapping can be handled in this hearing process, as discussed in section 6. However, the issue in principle can continue to arise with changes to ground levels, infrastructure, and surrounding development in future after the plan becomes operative, and a policy such as NH-P9 as notified would continue to direct plan users to “avoid new buildings [etc] ... within the High Flood Hazard Overlay ... unless [the] subdivision, development and use has an operational need or functional need to locate within the high hazard area”.
- (518) A district plan could possibly include policy guidance around how to deal with updated information. However, I do not think any submissions provide clear scope to do so, and I also do not think such a policy is strictly necessary, as the resource consent process allows in general for considering updated hazard information through sections 104, 106 and 106a of the RMA.

- (519) Accordingly, I think that the "avoid" policy will still be relevant in most circumstances and can be interpreted critically in situations where it is not. I thus recommend rejecting this submission point.
- (520) Christine Loweth (267.2) seeks that the term "1% Annual Exceedance Probability flood" be clarified. I agree, but consider that this is better done through the introduction (for which see section 5.2.9) and relief sought by other submitters of providing a definition of "annual exceedance probability" (for which see section 7.1.3).
- (521) Wellington Regional Council (452.85), supported in part by the Natural Hazards Commission (F15.27), seeks that clause 1 be amended as follows:

...

1. Allow for new buildings, structures, building platforms, and the conversion of existing buildings that will contain activities least sensitive to natural hazards in the Low Flood Hazard Overlay, will not impede or block pathways of flood water and will not significantly increase the risks to adjacent buildings and people,

...

- (522) This would relate to the Low Flood Hazard Overlay, and if any such test were to be added it would be implemented in rule NH-R10. This is not consistent with the submitter's position that they support rule NH-R10 as notified (submission point 452.98), although there is potential scope as other submitters have sought changes.
- (523) Given the large area of Lower Hutt covered by the overlay, I think it is impractical and disproportionate to the issue to require a discretionary assessment in the Low Flood Hazard Overlay, which is what would be required to implement this policy. Given that flood waters in the area are (by definition, from the identification of the layer) shallow and slow-moving, I think the risks of displaced flood waters are relatively low.
- (524) Michael Rachlin (232.12) seeks to delete clause 5 or otherwise amend it as follows:

Subdivision, use and development in the Flood Hazard Overlays are managed as follows:

....

5. ~~Only allow~~ Provide for new buildings and structures, building platforms and the conversion of existing buildings for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards within the Medium Flood Hazard Overlay in all zones (with the exception of General Industrial Zone in Seaview, the Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone and the Seaview Marina Zone) where:

a. The risk to people and buildings on site from the 1% Annual Exceedance Probability Flood is ~~minimised~~ low due to the incorporation of mitigation measures;

...

- (525) The submitter considers that this would make the policy more consistent with the objectives, and other reasons more connected with his relief sought on rules, which I will discuss in the submission points on the rules. Otherwise, I do not support these changes as these would be less consistent with other language in the chapter.
- (526) Michael Rachlin (232.11) further seeks to delete or amend clauses 4 and 5 and considers them unclear.
- (527) As I discuss for policy NH-P8, and for the submission of Laura Skilton below, I believe the clarity matter with the policy can be addressed by breaking the policy up into multiple policies.
- (528) Laura Skilton (314.15b, inferred) seeks that the policy is amended to only allow activities most sensitive to natural hazards in the Medium Flood Hazard Overlay "if controlled" and avoid activities most sensitive to natural hazards in the High Flood Hazard Overlay.
- (529) The submitter's reasons are not specific to this relief but generally considers that the policy is not strong enough to protect people and property from hazard risks.
- (530) In my view the policy already does place significant limits on *activities most sensitive to natural hazards* in the Medium and High overlays, and in particular, the formula of "only allow ... where" is equivalent to "avoid ... unless". Accordingly, I recommend accepting this relief to the extent that the plan already provides for it.

- (531) Laura Skilton (314.15a) further seeks that the policy is split up into separate policies, which as discussed in section 5.2.6, I agree with, and propose specific changes in Appendix A1.

NH-P10 (Residential apartments in the Medium Flood Hazard Overlay and High Flood Hazard Overlay)

- (532) The Adrian Palmer Family Trust (315.20) seeks to remove the requirement that buildings be at least four storeys high and that the policy apply to residential use and development in general. The submitter does not give specific reasons for this.
- (533) Christene Loweth (267.6) seeks to flip the requirement of the policy to provide for residential activities only where they are two storeys or less, rather than four or more. She considers this conflicts with the High Density Residential Zone that will often also apply and raises issues with civil defence and flood management generally.
- (534) The purpose of the policy is to provide for residential development, which is able to be designed to be resistant to the impacts of flooding, and which can accommodate residential occupants safely even if a flood event is to occur.
- (535) The four-storey building height has been identified as under the building code it is at this point where engineering design changes from , lightweight timber framed construction to construction methodologies that may incorporate concrete and steel (although timber framing may still be used). These construction materials are generally more resistant to the impacts from flood hazards. For this reason, lower-height residential development is unlikely to be appropriate within the High Flood Hazard Overlay. As a resource consent is required either way, and the difference is primarily activity status, a more detailed assessment of the risks and benefits is still available if for some reason a shorter building would also advance the policy goals.
- (536) Wellington Regional Council (452.86), supported in part by the Natural Hazards Commission (F15.28), seeks that the policy either be deleted, or alternatively be amended to add two more requirements:

Provide for residential apartments within the Medium Flood Hazard Overlay and High Flood Hazard Overlay where:

...

6. Access & egress during flood events and the requirement for an emergency response plan to be put in place by the building owner.

7. Not increase flood risk to neighbouring properties or impede over land flow paths

- (537) They consider that the policy does not support a risk-based approach.
- (538) In my view providing for development that can withstand a hazard event and provide safe vertical evacuation is consistent with the risk-based approach. The requirement for an emergency response plan is better dealt with at the resource consent stage, particularly given that this consent pathway will often apply to sites that are not currently at risk and will not become at risk for decades until after further climate change – an emergency response plan that is not yet useful but mandated through a resource consent is unlikely to be an efficient or even practically enforceable requirement in that situation.
- (539) I do agree that account should be given to potential displacement of flood waters but this is already addressed in the policy in clause 5.
- (540) The consideration of access and egress overlaps with the submission of NHC which I will now discuss.
- (541) The Natural Hazards Commission (327.44) seeks to add a condition that:
6. People have access to safe evacuation routes in the event of a 1% Annual Exceedance Probability Flood event.
- (542) They do not give specific reasons for this relief, however, I consider that this is desirable for consistency with NH-P9 and recommend accepting it in part, to the extent it is already addressed through the .
- (543) Given the potential confusion of issues in this and other policies, I recommend that the language be “People have access to safe [vertical or external](#) evacuation routes in the event of a 1% Annual Exceedance Probability flood event”.

- (544) As with NH-P8 and NH-P9, in response to the submission of David Surrey (427), I recommend the flood policies be divided into activity types and overlays. This is shown in Appendix A1. I will thus not show NH-P10 individually here.

5.2.15 Policy – Liquefaction Hazard Overlay

NH-P11 (Subdivision, Use and Development in the Liquefaction Hazard Overlay)

- (545) Argosy Property (237.12), the Adrian Palmer Family Trust (315.21), Oyster Management (272.15), Fire and Emergency NZ (374.39), and the Wellington Regional Council (452.87), supported by the Natural Hazards Commission (F15.29) and the Fuel Companies (F32.23), support the policy as notified.
- (546) Laura Skilton (314.17) and Christene Loweth (267.7) seek that clause 4 be expanded to cover (inferred) land use activities other than “child care services, retirement villages, educational facilities, hospitals, emergency service facilities and health care facilities” as set out in the policy.
- (547) The constraint in the policy is limited to emergency services and activities with similar concerns around functionality in the immediate aftermath of an earthquake. This rationale is set out in the Section 32 report³⁸, as for these activities in particular, there is a particular concern that they should not just be capable of evacuation, but continue to function in the disaster itself.
- (548) Given the risk-based approach, the wide coverage of the overlay, and liquefaction’s status as not being a primary risk to life, I think this is appropriate.
- (549) The Natural Hazards Commission (327.45) seeks to amend the policy as follows:

...

3. Provide for new building platforms, new buildings and structures and the conversion of existing buildings for activities most sensitive to natural hazards (with the

³⁸ Section 32 Report, Natural Hazards and Coastal Hazards, pp77–78.

exception of child care services, retirement villages, educational facilities, hospitals, emergency service facilities and health care facilities) within the Liquefaction Hazard Overlay, where:

a. Foundations are designed by a certified engineer to prevent liquefaction induced deformation of the building, ...

- (550) Clause 4.b of the policy already requires that foundation designs are undertaken by a certified engineer to prevent liquefaction induced deformation of the building. As such, this relief is already provided for in the policy framework and there I recommend to accept the relief sought in this submission point in part to the extent that the PDP already provides for it.
- (551) As I discuss in relation to the submissions of Laura Skilton and Christene Loweth above, the reason for the controls on emergency services (etc.) is that these activities need to continue functioning in the immediate aftermath of a disaster. There is no quantitative evidence yet before the panel about the costs of such a requirement, although the NHC may be able to provide this at the hearing. In the meantime, I think that it is likely that extending a costly engineering requirement in excess of the building code to all *activities most sensitive to natural hazards*, which would include all residential activities for example, with the aim of ensuring buildings can withstand liquefaction rather than simply avoid risks to life, is in excess of the benefits gained.
- (552) Accordingly, I recommend that no change be made to the policy based on the submission. As there is only one distinction by category of activities in the policy and the overlay is not broken up by severity, I do not recommend breaking the policy up as for the fault and flood policies as discussed in section 5.2.6.

5.2.16 Policy – Slope Assessment Overlay

NH-P12 (Subdivision in the Slope Assessment Overlay)

- (553) Winstone Aggregates (444.24, inferred), Oyster Management (272.16), the Natural Hazards Commission (327.46), Sandra Michel-Shanks (363.1,

inferred, conditional), and the Wellington Regional Council (452.88, supported by NHC F15.30) support the policy as notified.

- (554) Jarred Gustafson and Paula Gentle (6.3) and Cheow Khong Chng (104.1, opposed by Wellington Water F36.315) seek that the policy be deleted, considering generally that the modelling is inadequate, the associated rules are disproportionate and inefficient, or that the issue is better dealt with through other parts of the District Plan.
- (555) In my view the modelling is in general useful enough as a trigger for further assessment, which is how it operates in the plan, and sits alongside the other trigger applying to earthworks on existing slopes over 34° that would otherwise apply. The details of these rules are addressed in submission points that will be handled in the Earthworks chapter.
- (556) For more specific issues with the modelling, I discuss these in section 6.
- (557) Accordingly, I recommend the policy remain as notified.
- (558) The policy is the only provision specific to the Slope Assessment Overlay in the Natural Hazards chapter (other than the introduction), and applies only to subdivision, and would accordingly only be considered by plan users who would also need to apply provisions in the Subdivision chapter. It is specifically referenced in rule SUB-R20 as a matter of discretion.
- (559) Accordingly, I think it would assist plan users to move this policy to the Subdivision chapter, and recommend doing so subject to submission points on that chapter which will be heard in a future hearing stream. This would have no overall effect on the meaning of the plan, and so can be made as a minor change under clause 16A of Schedule 1 of the Act.

5.2.17 Policies – Coastal Hazard Overlays

CE-P14 (Additions to existing buildings and structures within the Coastal Hazard Overlays)

- (560) Oyster Management (272.31), Argosy Property (237.26), the Ministry of Education (399.43), the Wellington Regional Council (452.152), opposed by the Natural Hazards Commission (F15.66), and the Fuel Companies (471.194, conditional) support the policy as notified.

- (561) Forest and Bird (424.89g, supported by the MPHRCIS F10.106) seek that the policy be amended to give effect to Policy 11 of the NZCPS, which relates to indigenous biodiversity.
- (562) I discuss why I do not support this change in general in section 3.1.1, which includes that the request is not in scope of the Plan Stop exemption.
- (563) Christene Loweth (267.12) seeks that the policy be rewritten as follows (due to the large amount of minor rewording, I will not show tracked changes):

Additions to existing buildings and structures in the Coastal Hazard Overlays should be managed as follows:

1 Allow additions to existing buildings and structures for activities least sensitive to natural hazards in all areas of the Coastal Hazard Overlays.

2 Provide for additions to existing buildings and structures containing activities potentially sensitive to natural hazards or activities most sensitive to natural hazards in the Medium Coastal Hazard Overlays and High Coastal Hazard Overlays where:

a. The addition is of limited size.

b. The addition enables the continued use of the existing building.

c. The addition incorporates measures that minimise the risk to people and buildings from coastal inundation due to sea level rise, and

d. Safe pedestrian evacuation routes are available for occupants from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture.

5. Do not allow for additions to existing buildings and structures containing activities most sensitive to natural hazards in the Medium Coastal Hazard Overlays and High Coastal Hazard - Safe pedestrian evacuation routes are available for occupants from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture.

- (564) This submission point covers much the same ground and reasoning as that of Laura Skilton (314.24), opposed by Kāinga Ora F26.14, who seeks the policy be amended as follows:

Additions to existing buildings and structures in the Coastal Hazard Overlays are managed as follows:

1. Allow for additions to existing buildings and structures for activities least sensitive to natural hazards in all areas of the Coastal Hazard Overlays.

~~*2. Allow for additions to existing buildings and structures containing activities potentially sensitive to natural hazards and activities most sensitive to natural hazards in the Low Tsunami Hazard Overlay.*~~

3. Provide for additions to existing buildings and structures containing activities potentially sensitive to natural hazards ~~or activities most sensitive to natural hazards~~ in the Medium Coastal Hazard Overlays where:

- a. The addition is of limited size,*
- b. The addition enables the continued use of the existing building,*
- c. The addition incorporates measures that minimise the risk to people and buildings from coastal inundation from sea level rise, and*
- d. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture by means of walking.*

~~*4. Provide for additions to existing buildings and structures containing activities potentially sensitive to natural hazards in the High Coastal Hazard Overlays where:*~~

- ~~*a. The addition enables the continued use of the existing building,*~~
- ~~*b. The addition incorporates measures that reduce or do not increase the risk to people and buildings from coastal inundation from sea level rise, and*~~
- ~~*c. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture.*~~

5. ~~Do not Only~~ allow for additions to existing buildings and structures containing activities most sensitive to natural hazards in the Medium Coastal Hazard Overlays and High Coastal Hazard Overlays ~~where:~~

- ~~a. The addition incorporates measures that reduce or do not increase the risk to people and buildings from the coastal hazard; and~~
- ~~b. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture.~~

(565) The submitters generally consider that:

- The policy is too weak to prevent risks to life, and
- Separate treatment for the Low Tsunami Hazard Overlay is redundant, as the affected areas are entirely covered by the Medium Coastal Inundation Hazard Overlay as well.

(566) Tsunami evacuation is a critical mitigation measure that is needed to maintain life safety following a fault rupture event. It is acknowledged that different fault rupture events will produce different tsunami return periods. However, 30 minutes was selected to help plan users identify what is an appropriate evacuation time and aligns with the single most likely tsunami source, the Hikurangi Subduction Zone. At this stage, I support retaining the 30 minute evacuation timeframe. However, I am open to receiving further evidence from submitters around whether this timeframe should be shortened, and this be reflected in the policy. I do not support the full removal of this arm of the policy (as reflected in the suggested changes to Policy 5 (b)) as I am of the view that tsunami evacuation is important and needs to remain within the policy.

(567) The submitter has sought to clarify that for Policy 3(b), the 30 minutes is for walking evacuation. I believe this is already included via the word "pedestrian" in the policy as notified.

(568) I do not agree that the framework for the Low Tsunami Hazard Overlay is redundant – there are areas particularly in western Petone, Eastbourne, Days Bay, and Lowry Bay which are covered by the Low or Medium

Tsunami Hazard Overlays that do not fall within the identified coastal inundation area at all.

(569) Otherwise, I think the approach raised by submitters is excessive. The threat from tsunamis and coastal hazards in most of the overlay is not imminent, but part of a long-term strategy to avoid long term increases in risk from more development in areas that will be at risk in future. There is no short or medium term plan to generally abandon these areas, and some practical allowance needs to be made for their ongoing use.

(570) Joe Jeffries (514.4) seeks that the policy be amended as follows:

...

4. Provide for additions to existing buildings and structures containing activities potentially sensitive to natural hazards and activities most sensitive to natural hazards in the High Coastal Hazard Overlays where:

a. The addition enables the continued use of the existing building,

b. The addition incorporates measures that reduce or do not increase the risk to people and buildings from coastal inundation from sea level rise; and

~~c. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture.~~

~~5. Only allow for additions to existing buildings and structures containing activities most sensitive to natural hazards in the High Coastal Hazard Overlays where:~~

~~a. The addition incorporates measures that reduce or do not increase the risk to people and buildings from the coastal hazard; and~~

~~b. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture.~~

(571) The submitter considers that additions to existing buildings do not increase risk unless they increase the number of people living in a

dwelling, and that being more enabling of additions assists the ongoing use of buildings by enabling upgrades and improvements, and that it is unclear how access to evacuation route is relevant to additions to an existing dwelling.

(572) Both the number of people living in a dwelling and the floor area of the dwelling are only proxies for the risk faced by that household, which will depend on other factors. The number of people is likely a better proxy for risk to life, and the floor area a better proxy for the risk to property.

(573) However, in choosing a trigger for the relevant rules a major issue is enforceability. The Council does not have a practical way of controlling or monitoring how many people live in a house and the enforcement associated with such a condition would involve more intrusive powers than Council is generally given under the RMA. Floor area, even if imperfect as a trigger, can be enforced in more conventional ways.

(574) For the question of evacuation, this raises similar issues as in policy NH-P8, particularly how evacuation can be considered for existing dwellings. I agree that for the context of an addition, it inherently relates to an existing building in a specific location, and so there is no ability to affect the practicality of external evacuation. There are two ways in which it may still be relevant – the existing practicality of evacuation may affect whether the consent is granted at all, and in some cases, an addition might improve the value of internal, vertical evacuation. However, the former does not sit well with the policy's overall goal of allowing continued use of existing buildings through allowing minor adaptations and changes, and I think the latter is unlikely.

(575) The Natural Hazards Commission (327.102) seeks that the policy be rewritten as follows:

Additions to existing buildings and structures in the Coastal Hazard Overlays are managed as follows:

1. Allow for additions to existing buildings and structures for activities least sensitive to natural hazards in all areas of the Coastal Hazard Overlays.

2. Allow for additions to existing buildings and structures containing activities potentially sensitive to natural hazards

and activities most sensitive to natural hazards in the Low Tsunami Hazard Overlay.

3. Provide for additions to existing buildings and structures containing activities potentially sensitive to natural hazards or activities most sensitive to natural hazards in the Medium Coastal Hazard Overlays where:

~~a. The additions is of limited size do not increase the gross floor area by more than 25m²,~~

~~x. The additions are for a non-habitable room,~~

b. The addition enables the continued use of the existing building,

c. The addition incorporates measures that minimise the risk to people and buildings from coastal inundation from sea level rise and storm surge to as low as reasonably practicable, and

~~d. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture.~~

4. Provide for additions to existing buildings and structures containing activities potentially sensitive to natural hazards in the High Coastal Hazard Overlays where:

~~x. The additions do not increase the gross floor area by more than 25m²,~~

~~x. The additions are for a non-habitable room,~~

a. The addition enables the continued use of the existing building,

b. The addition incorporates measures that reduce or do not increase the existing risk to people and buildings from coastal inundation from sea level rise and storm surge, and

~~c. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture.~~

5. Only allow for additions to existing buildings and structures containing activities most sensitive to natural hazards in the High Coastal Hazard Overlays where:

- x. The additions do not increase the gross floor area by more than 25m².
- x. The additions are for a non-habitable room.
 - a. The addition incorporates measures that reduce or do not increase the existing risk to people and buildings from the coastal hazard, and
 - ~~b. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture.~~

- (576) As discussed above, I do not support removing the policy pertaining to tsunami evacuation. While I am open to consideration around the tsunami arrival time, I am currently not proposing any changes in respect to Policy 3(b) or 5(b).
- (577) I disagree that the 25m² threshold should be repeated in the policy. The chief value of the policy is in assessing resource consents when the permitted activity conditions of the rule are not met – if the size were an absolute determination of whether the application should proceed, that would be better reflected using a prohibited activity rule (which I think is excessive).
- (578) I agree with the inclusion of storm surge as this reflects the phenomena included in the coastal inundation model³⁹.
- (579) I do not agree with the limitation of the policy to non-habitable rooms. Additions will often not simply involve adding an extra room and leaving the building otherwise unchanged – the value of additions often comes from enabling a substantial internal reconfiguration of a building. It is artificial and pointless to impose a limit that would apply to the enlarged

³⁹ See the technical report accompanying the Section 32 reports, "Coastal inundation and sea level rise assessment for the Hutt City District 2023", https://hccpublicdocs.azurewebsites.net/api/download/c9be9b889d1746e2b710f382e92d32e8/_dplanreview/e441161b4271361f42c2b578e03707531192, explained on pp9-10.

part of the building. It is also difficult to enforce in the long term (as the use of rooms can change without Council's knowledge).

- (580) The submitter does not provide reasons for the introduction of the phrase "existing risk", and it does not seem to me to improve the readability of the policy.
- (581) With regards to the phrase "as low as reasonably practicable", I think this is better handled through a definition, which I discuss in section 7.1.3.
- (582) As discussed in section 5.2.6, I also recommend separating the policy into the different hazard levels and activity groups, which I show in Appendix A1.

CE-P15 (Subdivision, Use and Development within the Coastal Hazard Overlays)

- (583) Argosy Property (237.27), Oyster Management (272.32), the Adrian Palmer Family Trust (315.25), Fire and Emergency NZ (374.58), the Ministry of Education (399.44), the Fuel Companies (471.195, conditional), and the Wellington Regional Council (452.153), opposed by the Natural Hazards Commission (F15.67), support the policy as notified.
- (584) Michael Rachlin (232.19) supports the policy as it relates to the Low Tsunami Hazard Overlay.
- (585) Forest and Bird (424.89h, supported by the MPHRCIS F10.107) seek that the policy be amended to give effect to Policy 11 of the NZCPS, which relates to indigenous biodiversity.
- (586) I discuss why I do not support this change in general in section 3.1.1, which includes that the request is not in scope of the Plan Stop exemption.
- (587) Christene Loweth (267.13) seeks that the policy is reworded as follows (due to the large amount of minor rewording, I will not show tracked changes):

- 1. Allow new buildings and structures in the Coastal Hazard Overlays only if they are for activities least sensitive to natural hazards.
- 2. Allow the conversion of existing buildings for activities potentially sensitive to natural hazards in the Coastal Hazard Overlays.

3. In the Medium and High Coastal Hazard Overlays, only allow new buildings and structures in areas like Seaview, Petone, and Seaview Marina if:

- o The building size is appropriate.
- o Measures are in place to reduce risks from coastal hazards.
- o Safe pedestrian evacuation routes are provided for tsunami evacuation.

assuming the tsunami arrives within 30 minutes.

4. Require that new buildings in the Medium Coastal Hazard Overlay include measures to reduce risks from coastal hazards and provide safe evacuation routes.

5. Only allow new buildings in the High Coastal Hazard Overlays if:

- o They incorporate measures to reduce risks from coastal hazards.
- o Safe pedestrian evacuation routes are available in the event of a tsunami.

6. Avoid new buildings or structures in the High Coastal Hazard Overlays

unless the building:

- o Has an operational need to be in that location.
- o Includes mitigation measures to reduce risk to life.
- o Provides safe evacuation routes for tsunami hazards.

assuming the tsunami arrives within 30 minutes.

(588) This submission point covers much the same ground and reasoning as that of Laura Skilton (314.25, opposed by Kāinga Ora F26.15), who seeks the policy be amended as follows:

Subdivision, use and development in the Coastal Hazard Overlay are managed as follows:

1. Allow for new buildings and structures, building platforms and the conversion of existing buildings for activities least sensitive to natural hazards in all areas of the Coastal Hazard Overlays.

2. Allow for the conversion of existing buildings containing activities potentially sensitive to natural hazards in all areas of the Coastal Hazard Overlays.
- ~~3. Allow for new buildings and structures and building platforms containing activities potentially sensitive to natural hazards in the Low Tsunami Hazard Overlay.~~
4. Provide for new buildings and structures and building platforms containing activities potentially sensitive to natural hazards ~~and activities most sensitive to natural hazards~~ in the Medium and High Coastal Hazard Overlays when located in the General Industrial Zone in Seaview, the Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone and the Seaview Marina Zone where:
 - a. The building or structure does not exceed an appropriate gross floor area,
 - b. The building or structure incorporates measures that minimise the risk to people and buildings from coastal hazards,
 - c. If the building is a Major Hazardous Facility, measures that minimise the risk from the release of hazardous goods from a coastal hazard are incorporated into the design of the building or the storage of the hazardous goods,
 - d. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture by means of walking, and
 - e. The impact of any local government or central government planned climate change adaptation methods on the hazard susceptibility of the development has been considered.
5. Provide for new buildings and structures and building platforms containing activities potentially sensitive to natural hazards in the Medium Coastal Hazard Overlays in all other zones where:

a. The new building incorporates measures that minimise the risk to people and buildings from the coastal hazard, and

b. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture by means of walking.

6. Only allow for new buildings and structures and building platforms containing activities potentially sensitive to natural hazards in the High Coastal Hazard Overlays in all other zones where:

a. The new building incorporates measures that reduce or do not increase the existing risk to people and buildings from the coastal hazard, and

b. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture.

~~7. Provide for new buildings and structures, building platforms and the conversion of existing buildings containing activities most sensitive to natural hazards in the Low Tsunami Hazard Overlay where:~~

~~a. The building will not be occupied by a sensitive activity with vulnerable residents or occupants; or more than three residential units on a site unless mitigation measures are incorporated into the development to minimise the risks to people and buildings from the coastal hazard.~~

8. Only allow for new buildings and structures, building platforms and the conversion of existing buildings containing activities most sensitive to natural hazards in the Medium Coastal Hazard Overlays in all other zones where:

a. The new building replaces an existing building and has the same or less footprint than building(s) than were on the site on 31 December 2024~~incorporates measures that~~

~~minimise the risk to people and buildings from the coastal hazard,~~

b. The new development does not involve or require the removal or modification of a natural system or feature that provides protection to other properties from the natural hazard, and

c. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture by means of walking.

9. Avoid new buildings and structures, building platforms and the conversion of existing buildings containing activities most sensitive to natural hazards in the High Coastal Hazard Overlays in all zones (excluding the General Industrial Zone in Seaview, the Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone and the Seaview Marina Zone) unless:

a. For activities that have an operational need and functional need to locate or occur within the High Coastal Hazard Overlays and locating or occurring outside these areas is not a practicable option:

i. Mitigation measures are incorporated to minimise the risk of damage to buildings and loss of life to people associated with the activity, or

b. For any other activities:

i. The new building, building platform or conversion of the building does not increase the risk to life, or

ii. The new building, building platform or conversion of the building incorporates measures that minimise the risk to people and buildings from the coastal hazard,

iii. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture by means of walking,

iv. The new building, or building platform does not involve or require the removal or modification of a natural system

or feature that provides protection to other properties from the natural hazard.

(589) The submitters generally consider that:

- The policy is too weak to prevent risks to life, and
- Separate treatment for the Low Tsunami Hazard Overlay is redundant, as the affected areas are entirely covered by the Medium Coastal Inundation Hazard Overlay as well.

(590) As with CE-P14, I think it should be specific that evacuation is by foot but in using the word “pedestrian” the policy already does so.

(591) I do not support the requirement to compare gross floor area to 31 December 2024. As the policy is going to be considered in the context of a detailed resource consent, a more detailed and holistic consideration of risk can be made and a proxy such as gross floor area is not necessary.

(592) I do not agree that the framework for the Low Tsunami Hazard Overlay is redundant – there are areas particularly in western Petone, Eastbourne, Days Bay, and Lowry Bay which are covered by the Low or Medium Tsunami Hazard Overlays that do not fall within the identified coastal inundation area at all.

(593) Otherwise, I think the approach raised by submitters is excessive. The threat from tsunamis and coastal hazards is not imminent in most of the overlay, but part of a long-term strategy to avoid long term increases in risk from more development in areas that will be at risk in future. There is no short or medium term plan to generally abandon these areas, and some practical allowance needs to be made for their ongoing use. Given the timeframes involved, this needs to include consideration for new and replacement buildings, changes in land use and tenancies, which can be evaluated in the context of the direction to minimise or not increase risk (depending on hazard level) in the context of specific applications.

(594) The Natural Hazards Commission (327.103) seek that the policy be amended as follows:

...

4. Provide for new buildings and structures and building platforms containing activities potentially sensitive to

natural hazards and activities most sensitive to natural hazards in the Medium and High Coastal Hazard Overlays when located in the General Industrial Zone in Seaview, the Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone and the Seaview Marina Zone where:

- a. The building or structure does not exceed ~~an appropriate~~ 200m² gross floor area,
- b. The building or structure incorporates measures that minimise the risk to people and buildings from coastal hazards to as low as reasonably practicable,
- c. If the building is a Major Hazardous Facility, measures that minimise the risk from the release of hazardous goods from a coastal hazard are incorporated into the design of the building or the storage of the hazardous goods,
- ~~d. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture, and~~
- e. The impact of any local government or central government planned climate change adaptation methods on the hazard susceptibility of the development has been considered.

5. Provide for new buildings and structures and building platforms containing activities potentially sensitive to natural hazards in the Medium Coastal Hazard Overlays in all other zones where:

- a. The new building incorporates measures that minimise the risk to people and buildings from the coastal hazard to as low as reasonably practicable, and
- ~~b. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture.~~

6. Only allow for new buildings and structures and building platforms containing activities potentially sensitive to

natural hazards in the High Coastal Hazard Overlays in all other zones where:

a. The new building incorporates measures that reduce or do not increase the existing risk to people and buildings from the coastal hazard, and

~~b. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture.~~

...

8. Only allow for new buildings and structures, building platforms and the conversion of existing buildings containing activities most sensitive to natural hazards in the Medium Coastal Hazard Overlays in all other zones where:

a. The new building incorporates measures that minimise the risk to people and buildings from the coastal hazard to as low as reasonably practicable,

b. The new development does not involve or require the removal or modification of a natural system or feature that provides protection to other properties from the natural hazard, and

~~c. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture.~~

9. Avoid new buildings and structures, building platforms and the conversion of existing buildings containing activities most sensitive to natural hazards in the High Coastal Hazard Overlays in all zones ~~(excluding the General Industrial Zone in Seaview, the Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone and the Seaview Marina Zone)~~ unless:

~~a. For activities that have~~ There is an operational need and functional need to locate or occur within the High Coastal

Hazard Overlays and locating or occurring outside these areas is not a practicable option; and

~~b. Mitigation measures are incorporated to minimise the risk of damage to buildings and loss of life to people associated with the activity, or~~

~~b. For any other activities:~~

~~i. The new building, building platform or conversion of the building does not increase the risk to life, or~~

~~ii. The new building, building platform or conversion of the building incorporates measures that minimise the risk to people and buildings from the coastal hazard;~~

~~iii. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture;~~

~~iv. The new building, or building platform does not involve or require the removal or modification of a natural system or feature that provides protection to other properties from the natural hazard.~~

- (595) As in CE-P14 above, the value of the policy is for considering resource consents which occur when permitted activity conditions are not met, so I do not see value in restating the gross floor area condition in the policy.
- (596) As previously discussed, I do not support removing the policy pertaining to tsunami evacuation. While I am open to consideration around the tsunami arrival time, I am currently not proposing any changes in respect to clauses 3(b) or 5(b).
- (597) As discussed in section 3.1.5, I do not support removing the special treatment for Seaview/Petone.
- (598) With regards to the phrase “as low as reasonably practicable”, I think this is better handled through a definition, which I discuss in section 7.1.3.
- (599) I think it is appropriate to provide for development that reduces or does not increase risk, even if it has no functional or operational need to be in a high hazard overlay, particularly for tsunami given the long time horizon of the modelled event. There is not yet a general expectation of retreat from these areas and the plan needs to provide for their continued operation.

This may be better handled through redevelopment, especially if it can reduce risk, than preserving existing uses as-is.

- (600) Joe Jeffries (514.5) seeks to delete clause 9 and apply clause 8 to the High Hazard overlays as well, considering it appropriate to provide for new buildings.
- (601) In my view clause 9 as notified does provide a pathway for new buildings, either where they have a functional or operational need, or they do not increase the risk to life. This is a higher bar than clause 8 for Medium Hazard areas, which only requires that risk be minimised, but I consider this appropriate given the risk-based approach.
- (602) As discussed in section 5.2.6, I also recommend separating the policy into the different hazard levels and activity groups, which I show in Appendix A1.

5.2.18 New policies sought

Risk assessments

- (603) David Surrey (427.19a, opposed by Wellington Water F36.317, 427.19b) seeks a new policy in each chapter providing direction on when risk assessments should be made.
- (604) In my view the existing policy guidance makes it clear when assessments of risk should be made and recommend rejecting these submission points.

5.2.19 Rules – General issues across rules

Notes to the rules

- (605) Michael Rachlin (232.13) seeks a note at the start of the rules framework to state that rules only apply to activities undertaken within the part of the site located within an overlay.
- (606) This would be redundant given the more detailed explanation of how overlays apply in the *How The Plan Works – General Approach* chapter and so I recommend rejecting this relief.
- (607) Transpower New Zealand (504.65) supports the note to the Coastal Environment rules stating "The policies, rules and standards for

infrastructure within the coastal environment are located in the Infrastructure chapter".

- (608) The notes to the rules were primarily relevant to the now withdrawn rules CE-R1 to CE-R7, covering general coastal environment Issues. The remaining sections of the chapter are now structurally the same as the Natural Hazards chapter, in that they apply only within identified overlays. I therefore recommend deleting the note to the rules as a consequential change from the partial withdrawal and for consistency with the Natural Hazards chapter, which does not have an equivalent note.
- (609) I discuss more generally how the plan communicates which rules apply in which circumstances in section 5.2.8.

Buildings and structures

- (610) The PDP uses National Planning Standards definitions for *building* and *structure*, the latter of which is also defined in the Act. Buildings are a subset of structures and one key distinction is that only structures with roofs come under the definition of *building*. There are a large number of everyday outdoor objects that are therefore structures but not buildings, including signs, fences, walls, planter boxes, street cabinets, decks, benches, cycle racks, picnic tables, and so on.
- (611) Some of these are covered in the definition of *activities least sensitive to natural hazards*, which are in most cases permitted in even Medium and High hazard overlays. This includes some structures associated with parks and passive recreation. Also included are non-habitable accessory *buildings* (e.g. sheds and detached garages). However, structures that are not buildings are not included in the definition.
- (612) The Fuel Companies (471) in relation to specific provisions seek that rules relating to buildings and structures be more enabling of small-scale, non-habitable, or other presumably low-risk structures, particularly by adding a permitted activity pathway for buildings with a low gross floor area.
- (613) One perhaps wider issue is the interpretation of "gross floor area" for this type of situation. The definition in the PDP, which comes from the National Planning Standards, begins (emphasis mine):

*means the sum of the total area of all floors **of a building**
or buildings*

- (614) I would interpret this to mean that structures that are not buildings therefore do not have a gross floor area, and thus any rule that is permitted subject to gross floor area does not impose a condition on structures that are not buildings.
- (615) Laura Skilton (314) and Christene Loweth (267) seek that rule NH-R9 be expanded to cover all structures and not just buildings.
- (616) No submitters raise the issue in general of the coverage of the rule to both buildings and structures. By comparison, as set out in Appendix B6, other National Planning Standard compliant district plans in the region have rules only for buildings, and do not cover structures that are not buildings, avoiding potential issues around natural hazard rules applying to non-habitable accessory structures such as fences or letterboxes, or low-value structures whose presence or absence probably does not increase a population at risk from natural hazards, such as decks.
- (617) I would recommend consistency with the Wellington City District Plan approach, although I am not sure there is scope in submissions to do so. This may be an issue on which submitters may wish to present further evidence or for the panel to investigate further.
- (618) In the case of those rules where there is scope from submissions, I recommend limiting their scope to only buildings. I discuss this in the relevant rules in the sections below.

Notification preclusions for rules

- (619) The Adrian Palmer Family Trust (315.22) seeks that the natural hazard and coastal hazard rules have preclusions from notification.
- (620) I believe in some instances it is appropriate to have non-notification clauses, as there is no scenario in which there would be affected parties. In particular, it is appropriate to have non-notification clauses for those natural or coastal hazards which are not increased or changed for other people outside the site as a result of subdivision, use or development, or for which there is no discretion in restricted discretionary rules to consider effects that might warrant notification.
- (621) The proposed non-notification clauses are outlined in the table below:

	Non-notification clause for public notification	Non-notification clause for limited notification
Liquefaction	Yes	Yes
Fault Rupture	Yes	Yes
Low Flood Hazard Overlay	Yes	Yes
Medium Flood Hazard Overlay	In Regionally Significant Coastal Business Areas Overlay only	No
High Flood Hazard Overlay	In Regionally Significant Coastal Business Areas Overlay only	No
Low Tsunami Hazard Overlay	Yes	Yes
Medium Coastal Hazard Overlay	Yes	Yes
High Coastal Hazard Overlay	No	No

(622) I do not proposed precluding notification for discretionary or non-complying rules, as this is an unusual combination of provisions and the situations where these would be relevant are generally so much more fact-specific and distinct that notification should be at least considered.

(623) I thus recommend accepting this relief in part. This is shown in the rules in Appendix A1.

Section 32AA Analysis

- (624) This change substantially changes the potential for notification in the relevant rules. In my view, adding preclusions only to the listed rules will only preclude notification in situations in which it would be very unlikely there would be relevant effects to cause an affected party, and so will make consent processing more efficient without significant drawbacks. It will also align better when consents are bundled with rules under other chapters that also have notification preclusions.

Spatial application of rules

- (625) While not raised by submitters, most rules apply in specific identified overlays. The general structure of the plan for district-wide rules is to identify these overlays in the box at left. I recommend as a minor correction, moving the identification of areas here rather than in rule titles or conditions. This is shown in Appendix A1 and includes some merging and separating of rules with multiple activity statuses depending on which overlay applies.

5.2.20 Rules – Fault Location Area

NH-R1 (Additions to existing buildings and structures for activities least sensitive to natural hazards within the poorly constrained, uncertain constrained, well defined and well defined extension areas of the Fault Location Area)

- (626) Wellington Regional Council (452.89, supported by NHC F15.31) supports the rule as notified.
- (627) There are no submissions seeking changes. However, as a minor correction, I think the title can be simplified as the rule applies to the entirety of the Fault Location Area:

NH-R1 (Additions to existing buildings and structures for activities least sensitive to natural hazards within ~~the poorly constrained, uncertain constrained, well defined and well defined extension areas of~~ all areas of the Fault Location Area)

NH-R2 (Additions to existing buildings and structures for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards within the poorly constrained or the uncertain constrained areas of the Fault Location Area)

(628) The Natural Hazards Commission (327.47) seeks to amend the permitted activity conditions to add:

1. Activity status: Permitted

Where:

a. The additions do not increase the Gross Floor Area by more than 25m., and

b. The additions are located at least 20m away from the Fault; and

c. The additions are not habitable areas.

...

(629) The former requested condition is unenforceable, as the Council would need to prove, as an element of the offence, where the real-life location of the fault is. The poorly constrained and uncertain constrained areas of the Fault Location Area are those where the Council does not hold this information. This can only be determined with an assessment within a resource consent, where the Council can require it of the applicant, not as a rule condition.

(630) For the latter, the issue is that this rule applies in situations where the location of the fault is unclear. The submitter suggests that regard be had to the 2003 Ministry for the Environment publication "Planning for Development of Land on or Close to Active Faults"⁴⁰. The guidance is more general and does not suggest that an approach of always avoiding all development near a fault is always the best approach. As the guidance notes:

It is not always possible to avoid building within a fault avoidance zone. Past planning decisions may have resulted in buildings being within a fault avoidance zone, or

⁴⁰ <https://environment.govt.nz/assets/Publications/Files/planning-development-faults-graphics-dec04-1.pdf>

people may have an expectation to build there now. Also, where the level of certainty is low regarding the fault location, its complexity and recurrence interval, it may be difficult to justify rules that limit any building in these areas.⁴¹

- (631) The guidance does include recommendations for activity statuses for activities based on Building Act building importance categories (BICs). This would suggest activities to be limited to BIC 1, which is similar to the Planning Standards concepts of accessory buildings or non-habitable rooms.
- (632) However, in my view this is not practical to implement unchanged in a modern planning context. The guidance relates to the RMA before a large number of significant amendments and predates many now well-accepted planning methods, including heavier use of permitted activities with conditions, and restricted discretionary activities. The plan approach needs to balance managing risk with the uncertainty around which land is actually affected, in the context of an existing built-up area, and the difficulty of dividing additions to an existing building into habitable and non-habitable parts.
- (633) I thus consider the permitted allowance for a 25m² addition a proportional response to the uncertainty over the location of the risk and recommend the relief not be accepted.
- (634) The Wellington Regional Council (452.90, supported by NHC F15.32) seeks that the term “fault line” be replaced with “fault trace” as being more standard geohazard terminology. I agree with this for the reasons set out in that submission and recommend this change be made:

...

Matters of discretion are restricted to:

- 1. The change in risk to life as a result of the additions being undertaken on the site.*
- 2. The location of the additions relative to the fault ~~line~~ trace.*

⁴¹ p24.

3. Any mitigation measures to reduce the impacts to life and buildings from fault rupture.
4. The relevant matters in Policy NH-P6: Additions to existing buildings and structures within the Fault Location Area.

NH-R3 (Additions to existing buildings and structures for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards within the well-defined or well-defined extension areas of the Fault Location Area)

- (635) The Natural Hazards Commission (327.48, opposed by the Fuel Companies F32.19) seeks to clarify the relation of matter of discretion 3 with the Building Act, considering it potentially an acceptable crossover into building consent issues.
- (636) The Building Act and Building Code do not contain acceptable solutions or a general method of ensuring that buildings built on a fault can survive a rupture of that fault. I do not think that mitigation measures are particularly likely to hinge solely on the details of the building consent and whether more than minimum performance would be achieved, but it would be within scope of the discretion to consider that if so. I consider that appropriate, especially in determining whether or not the consent should be granted, and no specific reference to the Building Act is necessary.
- (637) Mitigation measures may not relate to building design but could also be operational, such as for a business, having facilities less frequently used by staff such as storage nearer to the likely location of the fault. I thus do not recommend accepting the relief.
- (638) The Wellington Regional Council (452.91, supported by NHC F15.33) supports the rule subject to replacing the term “fault line” with “fault trace”, which I support as discussed in NH-R2, and so recommend the rule be changed as follows:

...

Matters of discretion are restricted to:

1. The scale and size of the addition and how it changes the risk of building damage as a result of its construction.
2. The change in risk to life as a result of the additions being undertaken on the site.
3. The location of the additions relative to the fault ~~line~~ trace and any mitigation measures to reduce the impacts to life and buildings from fault rupture.
4. The relevant matters in NH-P6: Additions to existing buildings and structures within the Fault Location Area.

...

NH-R5 (New buildings and structures and the conversion of existing buildings for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards within the poorly constrained or the uncertain constrained areas of the Fault Location Area)

- (639) Oyster Management (272.18) supports the rule as notified.
- (640) Wellington Regional Council (452.93, supported by NHC F15.35) seeks to delete the controlled activity arm of the rule and make it restricted discretionary in all circumstances, and to replace “fault line” with “fault trace”.
- (641) As discussed in NH-R2, I agree with the use of “fault trace” and recommend this part of the relief be accepted.
- (642) The submitter considers that the Council should retain an ability to decline consents where a new building might be used for a *potentially sensitive* or *most sensitive* activity.
- (643) The Council has a duty, in effect, under s85 of the Act to provide for the reasonable use of land. A policy direction that refused the ability to build on an otherwise vacant section, or allowed it only for the very limited category of *activities least sensitive to natural hazards*, would fail to meet this duty. Depending on the location and underlying zoning, this might well also apply to *activities potentially sensitive to natural hazards*, particularly in a residential zone.

(644) A controlled activity status requires that the Council grant consent, but also allows it to place conditions on that consent. In my view the matters of control are adequate to allow a consideration of the design, use, and location of the building in balancing the risk from the fault with the need to allow some sort of reasonable use of the site.

(645) The Natural Hazards Commission (327.49) seeks that the controlled arm be changed to restricted discretionary, with different matters of discretion for the two arms of the rule, deleting some of the existing matters of control/discretion. For the vacant site situation, this would be:

- ~~1. The ability for the building to maintain life safety during and after a fault rupture.~~
- ~~2. The location of the building relative to the fault line and any mitigation measures to reduce the impacts from fault rupture.~~

(646) For other situations, the matters of discretion would be reduced as follows:

- ~~1. The ability of the existing building to maintain life safety during and after a fault rupture.~~
- ~~2. The ability of the existing building to remain structurally sound during and after a fault rupture.~~
- ~~3. The location of the existing building relative to the fault line and any mitigation measures to reduce the impacts from fault rupture.~~
4. The relevant matters in NH-P7: Subdivision, use and development within the Fault Location Area

(647) The submitter also notes the amendments they request to NH-P7.

(648) The change from a controlled activity to a restricted discretionary activity I discuss above in relation to Wellington Regional Council's submission point, and for the same reasons recommend rejecting the submission point of the Natural Hazards Commission.

(649) For the changes to the matters of discretion/control, I think these are inappropriate and cut against both the risk-based approach and general themes of the NHC submission. Making the consent solely about the location of the building relative to the fault line fails to provide any

reasonable scope to place conditions to mitigate hazards for existing buildings

(650) For new buildings in the very likely situation that there is no practical location for a building away from the fault, this would allow buildings to be built essentially anywhere without conditions, and sensitive activities to locate in an uncontrolled fashion without any requirement for mitigation measures.

(651) Accordingly, I recommend the rule be amended as follows:

1. Activity status: Controlled

...

Matters of control are limited to:

...

2. The location of the building relative to the fault ~~line~~ trace and any mitigation measures to reduce the impacts from fault rupture.

2. Activity status: Restricted discretionary

...

Matters of discretion are restricted to:

...

3. The location of the existing building relative to the fault ~~line~~ trace and any mitigation measures to reduce the impacts from fault rupture.

...

5.2.21 Rules – Flood Hazard Overlays

NH-R7 (Additions to existing buildings and structures for activities least sensitive to natural hazards in the Flood Hazard Overlays)

(652) The Fuel Companies (471.177) and Wellington Regional Council (452.95, supported *in part* by NHC F15.37) support the rule as notified.

(653) The Natural Hazards Commission (327.51) seek to amend the rule to add a permitted activity condition as follows:

1. Activity status: Permitted

where: Compliance is achieved with relevant matters in

NH-P8.

- (654) This is unworkable as a permitted activity condition as it relies on subjective judgements and assessments about the application of a policy. The submitter has also not requested any relief that would set out what happens should the permitted activity condition not be met.
- (655) More broadly, as I discuss in relation to policy NH-P8, I think the overall approach of the plan in providing for development in Low Flood Hazard Overlay areas subject to a minimum floor height standard is the most efficient way to achieve the policy, and an approach relying on subjective assessment would be impractical given the number of sites affected.
- (656) I accordingly recommend this relief be rejected.

NH-R8 (Additions to existing buildings and structures for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards in the Low Flood Hazard Overlay)

- (657) Argosy Property (237.13) and the Wellington Regional Council (452.96) support the rule as notified.
- (658) Michael Rachlin (232.14a, 232.14b, opposed by Wellington Water F36.323, F36.324) seeks that the standard be clarified so that it only apply to the addition, and not unchanged parts of the existing building.
- (659) Rowain Swain and Kim Weber-Swain (317.4b, opposed by Wellington Water F36.318, 317.5c), Grant Gunn and Kristin Gunn (369.1b, 369.2c, supported by the Trustees of the Gunn Family Trust F7.2 and F7.7, opposed by Wellington Water F36.319), Andrew Robinson and Robyn Robinson (380.4b, 380.5c, F9.9, F9.14, supported by Kris Connell F3.9 and F3.14, opposed by Wellington Water F36.320), and Sensible Solutions for Eastbourne (383.4b, 383.5c, opposed by NHC F15.94 and Wellington Water F36.321, F36.322) likewise seek that the rule not apply to additions to existing buildings or the rule be deleted entirely.

- (660) I agree that the rule should only apply to additions and recommend accepting the relief of the submitters in part, by setting out that the rule apply to the addition and not the entire building.
- (661) I do not otherwise agree with the broader idea that the standard is unachievable for extensions to existing buildings or that it should be the automatic responsibility of the Council to construct mitigation works to protect new development and additions, which is unlikely to be the most efficient way to mitigate the flood hazard.
- (662) Michael Rachlin further seeks (232.14b) (with specific provisions) changes that would clarify the coverage of the rules within the Medium Flood Hazard Overlay.
- (663) I do not agree with the submitter's interpretation of the rule's application to the Medium Flood Hazard Overlay, but in any case I think the issue is solved indirectly through the changes to the layout I recommend in section 5.2.19 (under "spatial application of rules").
- (664) The Fuel Companies (471.178) seek that the rule condition not apply where the addition is not for a habitable room.
- (665) I agree that the rule has very limited benefits and would in some cases be impractical to meet when applied to non-habitable rooms. Where the required floor height is significantly elevated off the ground, the use of sub-floor space for non-habitable rooms such as storage or garages may also be an efficient design solution. I recommend accepting this submission point (with some slight rewording for clarity), by limiting the application to habitable rooms in buildings.
- (666) Laura Skilton (314.16, opposed by Wellington Water F36.325) seeks to alter the rule so that floors must be elevated on piles and cannot use a concrete slab, considering that piles create a greater allowance for floodwater to drain under the house.
- (667) As the rule applies specifically to the Low Flood Hazard Overlay which does not have general policy direction around the direction of flood waters, I think this is excessive and recommend rejecting this point.
- (668) The Natural Hazards Commission seek to retain the rule, conditional on their requested changes to NH-P8 (which I discuss in section 5.2.14), and further that the height of the freeboard allowance should be included, with

specific values of 500mm for residential activities and 300mm for commercial activities, considering this to be in line with other territorial authorities.

- (669) Those figures are based on the recommendations in the *Tiaki Wai Regional Standard for Water Services*⁴², which also includes a value of 200mm for activities that are neither residential nor commercial. However, it also notes that these figures apply where there has not been a "formal assessment of an appropriate freeboard allowance based on sensitivity testing in a validated hydraulic model". Such an assessment was done for the six models used in the Low Flood Hazard Overlay, as described in the technical reports and in the evidence of Mr Osborne in Appendix B1.
- (670) Accordingly, I recommend clarifying the rule so that it is this freeboard that is intended to be used.
- (671) Consequentially I recommend the rule be amended as follows:

NH-R8 (Additions to existing buildings ~~and structures~~ for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards in the Low Flood Hazard Overlay)

1. Activity status: Permitted

Where:

a. ~~When located within a Low Flood Hazard Overlay, the~~ finished floor levels of the habitable rooms in the additions building are located above the level of the Modelled 1% AEP Flood Annual Exceedance Probability level including the modelled freeboard, plus the height of the floor joists or the base of the concrete floor slab ~~and an allowance for freeboard.~~

...

- (672) As I describe in section 7.1.3, I also recommend a definition of "Modelled 1% AEP Flood" to clarify the models to be used in determining the relevant levels.

⁴² <https://www.wellingtonwater.co.nz/assets/Reports-and-Publications/Regional-Standard-RSWS.pdf>

NH-R9 (Additions to existing buildings that contain activities potentially sensitive to natural hazards and activities most sensitive to natural hazards in the Medium Flood Hazard Overlay and High Flood Hazard Overlay)

- (673) When notified on 6 February 2025, this policy contained an error in that the rule title referred to the Low Flood Hazard Overlay where it should have referenced the Medium Flood Hazard Overlay and High Flood Hazard Overlay. Due to the high confusion this could have caused for submitters, Council on 5 March 2025, during the original submissions process, used its power under Schedule 1 cl16A of the Act to make a minor correction to fix this issue, rather than waiting to correct it through the hearings process.
- (674) Argosy Property (237.14) and Oyster Management (272.19) both sought that the above error be corrected. As it already has been corrected, these submission points are now moot.
- (675) As noted by Michael Rachlin (232.15), the provision also incorrectly numbers the discretionary arm of the rule as 2, whereas it should be 3 as 2 is already used for the restricted discretionary arm. This will be indirectly corrected through the policy restructure I recommend in section 5.2.6. I will use the corrected number 3 for the discretionary arm in the rest of this discussion as other submitters used this implicitly corrected numbering.
- (676) The Fuel Companies (471.179) support the rule as notified.
- (677) The Wellington Regional Council (452.97, opposed by Michael Rachlin F4.9, supported by NHC F15.38) originally sought amendments to the permitted activity conditions to address significant hazardous facilities, but as discussed in section 2.5.1, now supports the rule as notified and considers that the provisions in the Hazardous Substances chapter will address their concerns.
- (678) Winstone Wallboards (31.30) and Michael Rachlin (232.15) seek to amend the discretionary arm of the rule (NH-R9.3) to restricted discretionary and with the matters of discretion aligned with the matters in NH-R11.
- (679) I agree that the situations for NH-R9.3 and NH-R11 are analogous and in this case there is no reason for a more onerous activity status for additions as compared to new buildings. I also agree the matters of

discretion in NH-R11, by covering the same issues but directly referencing the relevant policy, are more appropriate, and recommend accepting this relief.

- (680) Go Architecture Ltd (331.9) seeks to provide for a permitted activity pathway outside the Petone/Seaview areas for additions up to 30m² gross floor area, where they do not add a new residential activity or new bedrooms on the ground floor. Alternatively, they seek the same approach as in rule CE-R10.1.b.
- (681) I do not think the situation for coastal hazards provides a guide for flooding, given the policy direction also encompasses managing the potential diversion of floodwaters within the Medium and High Flood Hazard Overlays, and so a lower bar for assessment is warranted even if the policy approach is otherwise similar.
- (682) Accordingly, I recommend rejecting this relief.
- (683) Christene Loweth (267.4) and Laura Skilton (314.12) seek that the rule be expanded to cover all structures and not only buildings, for consistency with other rules.
- (684) I discuss the buildings/structures distinction in section 5.2.19, which sets out why I think structures that are not buildings should not be covered by the rule. I thus recommend rejecting this relief.
- (685) Michael Rachlin (232.15) seeks that the rule be separated into Medium and High Flood Hazard Overlay components. This is not necessary given the restructuring I am recommending and so I recommend rejecting this part of the submission point.
- (686) The Natural Hazards Commission (327.53, opposed by Michael Rachlin F4.3) seeks to update the rule to provide for a controlled and/or restricted discretionary activity status for *activities potentially sensitive to natural hazards* and discretionary for *activities most sensitive to natural hazards*. I infer this would be without regard to whether this is in the Seaview/Petone area distinguished by the rule as notified.
- (687) The submitter does not give reasons for this, and I am more convinced by the other submissions seeking a general restricted discretionary status as this allows targeted assessment against the relevant policy.

(688) NHC further seeks to add an additional permitted activity condition to NH-R9.1, being that:

...

c. Flood resistant design is incorporated into additions

(689) This is much too subjective to work as a permitted activity condition (rather than a policy or matter of discretion).

(690) More broadly, the submitter's relief could only be achieved through a resource consent assessment, which I think is disproportionate given the policy direction for the Seaview/Petone area. I thus recommend rejecting this relief.

(691) Finally, I recommend updating the rule to reflect the Regionally Significant Coastal Business Areas Overlay I recommend in section 3.1.5, and splitting the rule up as recommended in section 5.2.6. This is shown in Appendix A1.

NH-R10 (New buildings and structures and the Conversion of Existing Buildings for activities least sensitive to natural hazards within the Low Flood Hazard Overlay)

(692) The Fuel Companies (471.180) and Wellington Regional Council (452.98, supported *in part* by NHC F15.40) support the rule as notified.

(693) The New Zealand Defence Force (404.13c, conditional) supports the rule as notified, although raises issues around the interaction with temporary activities. However, I think any changes to provisions to advance this relief could only be handled in the Temporary Activities chapter and are better dealt with in the context of the submitter's more specific submission points on that chapter, which will be addressed in Hearing Stream 7.

(694) The Natural Hazards Commission (327.54) seeks to add a permitted activity condition of:

...

where: Compliance is achieved with relevant matters in NH-P9.

(695) As with the equivalent relief the submitter seeks for NH-R7, this is unworkable as a permitted activity condition as it relies on subjective judgements and assessments about the application of a policy. The

submitter has also not requested any relief that would set out what happens should the permitted activity condition not be met.

(696) Accordingly, I recommend that the rule remain as notified.

NH-R11 (New buildings and structures and the conversion of existing buildings for activities least sensitive to natural hazards within the Medium Flood Hazard Overlay and High Flood Hazard Overlay)

(697) Wellington Regional Council (452.99, supported by NHC F15.41) supports the rule as notified.

(698) The Natural Hazards Commission (327.55, conditional) supports the rule conditional on the changes they seek to NH-P9.

(699) The Fuel Companies (471.181, opposed by WRC F38.86) as with rule CE-R15 seek to provide a permitted activity status for buildings and structures that do not exceed 10m² gross floor area or are not fully enclosed and do not have a constructed floor.

(700) As in that case, and as discussed in section 5.2.19, I recommend accepting the relief in part by limiting the application of the rule to buildings but not structures. This is shown in Appendix A1.

NH-R12 (New buildings and structures and the conversion of existing buildings for activities potentially sensitive to natural hazards or activities most sensitive to natural hazards within the Low Flood Hazard Overlay)

(701) Argosy Property (237.15), Oyster Management (272.20), and the Wellington Regional Council (452.100, 452.101, supported by NHC F15.42 and Wellington Water F36.328, F36.329) support the rule as notified.

(702) The Fuel Companies (471.182, supported by Wellington Water F36.327) seek that the rule's condition be clarified as to how it applies to structures that are not buildings.

(703) As discussed in section 5.2.19, I recommend accepting the relief in part by limiting the application of the rule to buildings but not structures.

(704) The Natural Hazards Commission (327.56, opposed by Wellington Water F36.326) seeks to include an explicit statement about the freeboard requirement. I recommend doing so in the same fashion as for rule NH-R8, above.

(705) The NHC further seeks to add a permitted activity condition of:

...

b. The relevant matters in NH-P9: Subdivision, Use and Development in the Flood Hazard Overlays.

(706) As with the equivalent relief the submitter seeks for NH-R7, this is unworkable as a permitted activity condition as it relies on subjective judgements and assessments about the application of a policy.

(707) Putting this together I recommend the rule be amended as follows:

NH-R12 (New buildings ~~and structures~~ and the conversion of existing buildings for activities potentially sensitive to natural hazards or activities most sensitive to natural hazards within the Low Flood Hazard Overlay)

1. Activity status: Permitted

Where:

a. The finished floor levels of the building are located above the level of the Modelled 1% AEP Flood Annual Exceedance Probability level including the modelled freeboard, plus the height of the floor joists or the base of the concrete floor slab ~~and an allowance for freeboard~~.

...

NH-R13 (New buildings and structures and the conversion of existing buildings for activities potentially sensitive to natural hazards or activities most sensitive to natural hazards within the Medium Flood Hazard Overlay and High Flood Hazard Overlay)

(708) The provision as notified incorrectly numbers the discretionary arm of the rule as 2, whereas it should be 3 as 2 is already used for the restricted discretionary arm. Arm 3 should likewise be numbered 4. This will be

indirectly corrected through the policy restructure I recommend (see below). For the rest of the discussion of submissions on this provision I will refer to the arms of the policy by their activity status as notified, as this is unambiguous. I have inferred which arm submitters are referring to where necessary.

- (709) The Fuel Companies (471.183) support the rule as notified.
- (710) The Wellington Regional Council (452.102, opposed by Michael Rachlin F4.10, supported by NHC F15.39) originally sought amendments to the permitted activity conditions to address significant hazardous facilities, but as discussed in section 2.5.1, now supports the rule as notified and considers that the provisions in the Hazardous Substances chapter will address their concerns.
- (711) The Policy Planning Team (440.34) seek that the rule title be amended to exclude “residential apartments”, as these are covered by NH-R14.
- (712) I agree this error should be corrected.
- (713) Barbara Sullivan (351.1) seeks that the non-complying arm of the rule state that it is “subject to the exceptions provided in section 10 of the Resource Management Act 1991.”
- (714) The application of existing use rights is the same for every land use rule in the PDP and section 10 (and other limits on rules such as in sections 4, 4A, 10A, 10B, etc.) apply regardless of whether it is stated in the plan or not. I do not think the PDP should generally repeat procedural matters found in the Act.
- (715) Argosy Property (237.16, supported by the Fuel Companies F32.16, opposed by Wellington Water F36.330) and Oyster Management (272.21) seek that the non-complying arm of the policy be made discretionary, i.e., that both *activities potentially sensitive to natural hazards* and *activities most sensitive to natural hazards* have the same treatment.
- (716) The relevant policy test in NH-P9 is hard to meet and uses the language of “avoid ... unless”, which I think is more consistent with a non-complying activity status. I thus recommend rejecting that relief.

- (717) Michael Rachlin (232.16) seeks that the discretionary arm be changed to restricted discretionary, with the only matter of discretion be reference to the policy test in NH-P9.5.
- (718) I agree that the only relevant matter for the consent is that policy test, and recommend making this change, although with the general structural changes I recommend below.
- (719) The Natural Hazards Commission (327.57, opposed by Michael Rachlin F4.4) seek to add another condition to the permitted arm of the rule, being:

...

c. The new building or conversion meets the matters in NH-P9.

...

- (720) As with the equivalent relief the submitter seeks for NH-R7, this is unworkable as a permitted activity condition as it relies on subjective judgements and assessments about the application of a policy. I thus recommend rejecting this relief.
- (721) Finally, I recommend updating the rule to reflect the Regionally Significant Coastal Business Areas Overlay I recommend in section 3.1.5, and splitting the rule up as recommended in section 5.2.6. This is shown in Appendix A1.

NH-R14 (New buildings and the conversions of existing buildings for residential apartments within the Medium Flood Hazard Overlay and High Flood Hazard Overlay)

- (722) Christene Loweth (267.5) seeks that the rule's condition change from four storeys or more to two storeys or less.
- (723) Wellington Regional Council (452.103, opposed by Michael Rachlin F4.11, supported by NHC F15.43) seeks that the rule be made non-complying or deleted entirely.
- (724) Both submitters raise this issue as well for the relevant policy, NH-P10, where I discuss this issue in section 5.2.14. For those reasons, I recommend rejecting both items of relief.

- (725) I do recommend consequential changes to this rule and NH-R13 to clarify that this rule is intended to apply instead of NH-R13. This is shown in Appendix A1.

5.2.22 Rules – Liquefaction Hazard Overlay

NH-R15 (Additions to existing buildings and structures for activities least sensitive to natural hazards, activities potentially sensitive to natural hazards and activities most sensitive to natural hazards in the Liquefaction Hazard Overlay)

- (726) Argosy Property (237.17), Oyster Management (272.22), the Fuel Companies (471.184), and the Wellington Regional Council (452.104, supported *in part* by NHC F15.44) support the rule as notified.
- (727) The Natural Hazards Commission (327.58) seeks that the permitted activity be subject to a condition:
- 1. Activity status: Permitted*
- Where:*
- a. Meets the matters in NH-P11(4)*
- (728) They do not give reasons specific to this relief.
- (729) This is unworkable as a permitted activity condition as it relies on subjective judgements and assessments about the application of a policy. The submitter has also not requested any relief that would set out what happens should the permitted activity not be met.
- (730) I met with the submitter prior to completing this report and invited them to submit additional evidence that might set out how their general concerns could be advanced in a workable way through the scope of their submission. I had not received any at time of writing, but they are still able to do so prior to the hearing.
- (731) More broadly, as I discuss in relation to policy NH-P7, I think the overall approach of the plan in limiting planning restrictions for liquefaction to child care facilities, retirement villages, educational facilities, emergency services, and health care facilities is appropriate.
- (732) I accordingly recommend this relief be rejected.

NH-R16 (New buildings and structures and the conversion of existing buildings for activities least sensitive to natural hazards and activities potentially sensitive to natural hazards in the Liquefaction Hazard Overlay)

(733) Argosy Property (237.18), Oyster Management (272.23), the Fuel Companies (471.185), and the Wellington Regional Council (452.105, supported *in part* by NHC F15.45) support the rule as notified.

(734) The Natural Hazards Commission (327.59) seeks that the permitted activity be subject to a condition:

1. Activity status: Permitted

Where:

a. Meets the matters in NH-P11

(735) As I discuss above in relation to NH-R16 this requested condition is unworkable and I continue to think the approach set out in NH-P11 is appropriate. I accordingly recommend this relief be rejected.

NH-R17 (New buildings and structures and the conversion of existing buildings for activities most sensitive to natural hazards in the Liquefaction Hazard Overlay)

(736) The Fuel Companies (471.186), Natural Hazards Commission (327.60), and the Wellington Regional Council (452.106, supported by NHC F15.46) support the rule as notified.

(737) Christene Loweth (267.8) and Laura Skilton (314.18) seek that the restricted discretionary arm of the rule cover all *activities most sensitive to natural hazards*, not just the listed activities of “child care service, retirement village, educational facility, emergency service facility or health care activity”.

(738) I discuss why I think the notified approach is appropriate in relation to the policy, NH-P11, in section 5.2.15. I accordingly recommend this relief be rejected.

5.2.23 Rules – Coastal Hazard Overlays

CE-R8 (Additions to existing buildings and structures for activities least sensitive to natural hazards in all Coastal Hazard Overlays)

- (739) Michael Rachlin (232.20), the Fuel Companies (471.199), and the Wellington Regional Council (452.161, supported by NHC F15.68) support the rule as notified.
- (740) The Policy Planning Team (440.46b) seek that the rule be deleted on the grounds that it has no function, as it permits activities that would be permitted anyway if the rule did not exist.
- (741) While true, the rule does no harm and given the complexity of the chapter, I consider that it will probably aid plan usability to have a structure where plan users can be assured of finding a rule for each combination of overlay and activity category, even if that rule is a theoretically unnecessary permitted activity rule, and so recommend rejecting this relief.

CE-R9 (Additions to existing buildings and structures for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards in the Low Tsunami Hazard Overlay)

- (742) The Fuel Companies (471.200), Michael Rachlin (232.20), Argosy Property (237.28), Oyster Management (272.33), Fire and Emergency NZ (374.60a), and the Wellington Regional Council (452.162, supported by NHC F15.69) support the rule as notified.
- (743) Laura Skilton (314.26) seeks that the rule be deleted on the grounds of being redundant in the belief that all Low Tsunami Overlay areas are within the Medium Coastal Inundation Hazard Overlay, which has a more restrictive rule framework.
- (744) This is not the case, there are areas where the Low Tsunami Hazard Overlay applies to which the Coastal Inundation Hazard Overlay does not, particularly in far western Petone, Lowry Bay, Days Bay, and Eastbourne. However, the rule is still technically redundant as I discuss below.

- (745) The Policy Planning Team (440.46c) seek that the rule be deleted on the grounds that it has no function, as it permits activities that would be permitted anyway if the rule did not exist.
- (746) While true that the rule has no function for this reason, the rule does no harm and given the complexity of the chapter, I consider that it will probably aid plan usability to have a structure where plan users can be assured of finding a rule for each combination of overlay and activity category, even if that rule is a theoretically unnecessary permitted activity rule, and so recommend rejecting this relief.
- (747) Accordingly, I recommend the rule remain as notified.

CE-R10 (Additions to existing buildings and structures for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards in the Medium Coastal Hazard Overlays)

- (748) Fire and Emergency NZ (374.60b), Argosy Property (237.29), Oyster Management (272.34), and the Wellington Regional Council (452.163, supported by NHC F15.70) support the rule as notified.
- (749) Christene Loweth (267.14, 267.15) and Laura Skilton (314.27, 314.28, opposed by Kāinga Ora F26.16) seek that additions to existing buildings and structures for activities most sensitive to natural hazards be a prohibited activity (inferred, from the context of related submission points).
- (750) A prohibited activity status is difficult to justify in the RMA and requires the Council to be certain that the effects of that activity are never acceptable and that it has solid enough evidence to justify that. Hazard information inevitably evolves over time and that is reason enough to allow at least a resource consent pathway to reevaluate the risk for particular situations in future.
- (751) More broadly, the relief could be partially given effect to with a less restrictive activity status such as discretionary or non-complying. However, I also do not think this is appropriate. As I discuss in policy CE-P14 above in section 5.2.17, the policy and rule framework is part of a long-term strategy to avoid long term increases in risk from more development in areas that will be at risk in future. There is no short or medium term plan

to generally abandon these areas, and some practical allowance needs to be made for their ongoing use.

- (752) The Fuel Companies (471.201) seek that additions up to 200m² be permitted in the General and Heavy Industrial Zones in Seaview, for consistency with CE-R15. I agree that this relief should be accepted in part for consistency, although the condition should be that the total footprint is no more than 200m² rather than that of the addition alone. I also recommend for consistency this cover the proposed Regionally Significant Coastal Business Areas Overlay.
- (753) This correction will be implemented by the restructuring of the rules I recommend in section 5.2.6. The details of this are shown in Appendix A1.

CE-R11 (Additions to existing buildings and structures for activities potentially sensitive to natural hazards in the High Coastal Hazard Overlays)

- (754) Argosy Property (237.30), Oyster Management (272.35), and the Wellington Regional Council (452.164, supported by NHC F15.71) support the rule as notified.
- (755) The Fuel Companies (471.202) seek that in the General and Heavy Industrial Zones in Seaview, a permitted activity option be added for additions up to 200m².
- (756) As with CE-R10, I think this would improve consistency with CE-R15 for new buildings but this would mean only additions where the *total* floor area is no more than 200m², not the increase alone, so I recommend accepting this relief in part.
- (757) I also recommend splitting up the rule as described in section 5.2.6. This is shown in Appendix A1.

CE-R12 (Additions to existing buildings and structures for activities most sensitive to natural hazards in the High Coastal Hazard Overlays)

- (758) Fire and Emergency NZ (374.61), the Fuel Companies (471.203), and the Wellington Regional Council (452.165, supported by NHC F15.72) support the rule as notified.

- (759) Christene Loweth (267.16) and Laura Skilton (314.29, opposed by Kāinga Ora F26.18) seek that the rule's activity status be modified to prohibited.
- (760) A prohibited activity status is difficult to justify in the RMA and requires the Council to be certain that the effects of that activity are never acceptable and that it has solid enough evidence to justify that. Hazard information inevitably evolves over time and that is reason enough to allow at least a resource consent pathway to reevaluate the risk for particular situations in future.
- (761) More broadly, the relief could be partially given effect to with a less restrictive activity status of non-complying. However, I also do not think this is appropriate. The relevant test in policy CE-P14 sets out that additions are acceptable where they incorporate measures that reduce or do not increase the risk to people and buildings, which I think is an achievable test in many situations. This is more consistent with a discretionary or restricted discretionary status than non-complying or prohibited.
- (762) Joe Jeffries (514.6) seeks that the rule status be modified to restricted discretionary, considering that mitigation measures will often be able to mitigate risk and that a restricted discretionary status would be consistent with the Wellington City District Plan⁴³.
- (763) As I discuss in section 3.1.1, regional consistency is an important consideration. In this case, the rule is also analogous with CE-R11, in which the main consideration is compatibility with the policy test in CE-P14.
- (764) Accordingly, I recommend the rule be altered as follows:

1. Activity status: Restricted Discretionary

Matters of discretion are restricted to:

1. The relevant matters in CE-P14: Additions to existing buildings and structures within the Coastal Hazards Overlays

⁴³ The equivalent rule in the Wellington City District Plan 2024 Appeals Version is CE-R18.2, which is restricted discretionary.

CE-R13 (New buildings and structures and the conversion of existing buildings for activities least sensitive to natural hazards in the Coastal Hazard Overlays)

- (765) The Fuel Companies (471.204), Michael Rachlin (232.20), and Wellington Regional Council (452.166, supported by NHC F15.73) support the rule as notified.
- (766) The Policy Planning Team (440.46d) seek that the rule be deleted on the grounds that it has no function, as it permits activities that would be permitted anyway if the rule did not exist.
- (767) While true that the rule has no function for this reason, the rule does no harm and given the complexity of the chapter, I consider that it will probably aid plan usability to have a structure where plan users can be assured of finding a rule for each combination of overlay and activity category, even if that rule is a theoretically unnecessary permitted activity rule, and so recommend rejecting this relief.
- (768) Accordingly, I recommend the rule remain as notified.

CE-R14 (Conversion of existing buildings for activities potentially sensitive to natural hazards in the Coastal Hazard Overlays)

- (769) Argosy Property (237.31), Oyster Management (272.36), the Fuel Companies (471.205), Michael Rachlin (232.20), and the Wellington Regional Council (452.167, supported by NHC F15.74) support the rule as notified.
- (770) The Policy Planning Team (440.46e) seek that the rule be deleted on the grounds that it has no function, as it permits activities that would be permitted anyway if the rule did not exist.
- (771) While true that the rule has no function for this reason, the rule does no harm and given the complexity of the chapter, I consider that it will probably aid plan usability to have a structure where plan users can be assured of finding a rule for each combination of overlay and activity category, even if that rule is a theoretically unnecessary permitted activity rule, and so recommend rejecting this relief.
- (772) Accordingly, I recommend the rule remain as notified.

CE-R15 (New buildings and structures for activities potentially sensitive to natural hazards in the Coastal Hazard Overlays)

- (773) Argosy Property (237.32), Oyster Management (272.37), Michael Rachlin (232.20), and Wellington Regional Council (452.168, supported by NHC F15.75) support the rule as notified.
- (774) Laura Skilton (314.30) seeks that arm 1 of the rule be deleted in the belief that the Low Tsunami Hazard Overlay is entirely covered by the Medium Coastal Inundation Overlay. As I discuss for the equivalent relief in CE-R9, this is not the case and so I recommend rejecting this relief.
- (775) The Fuel Companies (471.206) seek to provide a permitted activity status for buildings and structures that do not exceed 10m² gross floor area or are not fully enclosed and do not have a constructed floor.
- (776) Where accessory buildings are non-habitable they fall within the definition of *activities least sensitive to natural hazards* and so are not covered by this rule. However, this does not apply to buildings that are not structures, or are not accessory buildings (e.g. if they are the only building on a site).
- (777) I agree that the rule is probably disproportionate if applied to non-habitable, infrequently used, or weather-dependent structures. I discuss the wider issue of structures that are not buildings in section 5.2.19.
- (778) I am however not fully convinced that buildings that are “not fully enclosed by walls” is a practical or enforceable rule, or to the degree it is, lines up well with natural hazard risk. Accordingly, I recommend granting the relief but only in relation to excluding structures that are not buildings. As I discuss for the definition of *activity least sensitive to natural hazards*, the rule will no longer apply to non-habitable buildings.
- (779) I also recommend splitting up the rule as described in section 5.2.6. This is shown in Appendix A1.

CE-R16 (New buildings and structures and the conversion of existing buildings for activities most sensitive to natural hazards in the Coastal Hazard Overlays)

- (780) Michael Rachlin (232.20), the Fuel Companies (471.207), and the Wellington Regional Council (452.169, supported by NHC F15.76) support the rule as notified.
- (781) Christine Loweth (267.17a, 267.17b) and Laura Skilton (314.31, opposed by Kāinga Ora F26.19) seek that where new buildings replace existing ones, the overall footprint should not exceed 100% (Skilton) or 120% (Loweth) of the footprint as at 31 December 2024, that the rule for the Low Tsunami Hazard Overlay be removed, and that new buildings for *activities most sensitive to natural hazards* be a prohibited activity.
- (782) As discussed in rule CE-R15, the Low Tsunami Hazard Overlay does apply to areas not covered by the Medium Coastal Inundation Hazard Overlay and so is not redundant.
- (783) For the question of prohibited activities, I discuss a related issue for similar submission points for rule CE-R12.
- (784) For whether there should be a rule-level cap on gross floor area, I do not agree. A consent is required regardless, which allows a more holistic examination of whether the policy test to *reduce or not increase risk* is met, and it is possible that increasing floor area while changing the use, management, or design of the activity or building will be an overall reduction in risk.
- (785) Joe Jeffries (514.7) seeks that the non-complying arm of the rule, CE-R16.6, be changed to restricted discretionary.
- (786) In my view, a non-complying activity status accurately reflects the difficult policy CE-P15 test for a consent in this situation and it would not be appropriate to grant the consent if that test is not met.
- (787) Accordingly, I do not recommend changes be made on the basis of these submission points.
- (788) The Policy Planning Team (440.47) seeks that the arms of the rule are re-ordered in National Planning Standards order: permitted, restricted discretionary, discretionary, non-complying. As I recommend to split the

rule up, as described in section 5.2.6, this issue will be solved. This is shown in Appendix A1.

5.2.24 Rules – Natural Hazards and Coastal Environment – General

NH-R18 (Flood mitigation works within the Flood Hazard Overlays)

- (789) Allison Thwaite (250.1d, inferred, conditional, and opposed by Wellington Water F36.332), Rafael Gonzalez-Montero (175.1d, inferred, conditional, and opposed by Wellington Water F36.331), Mukesh Chandra (201.1d, inferred, conditional, and opposed by Wellington Water F36.333), and Lin Streefkerk (297.4, inferred, conditional, and opposed by Wellington Water F36.334) support the rule in general, subject to specific concerns around flooding in Manor Park. I discuss these in the context of more specific submission points in section 6.2.3.
- (790) KiwiRail (442.69) seeks that the permitted activity condition include network utility operators alongside central government and local government as being covered by the rule. KiwiRail do not give specific reasons for this relief. I do however note the potential mismatch with the relevant policy NH-P4, which I discuss in section 5.2.12.
- (791) For the case of KiwiRail itself, I note that it is already included in the PDP definition of *central government* as it is a state-owned enterprise.
- (792) With regards to private-sector network utility operators, in my view, it is appropriate to require resource consent for flood mitigation works not conducted by an arm of the state. Flood mitigation can reduce risk in one area while increasing it in another, or if done poorly give people a dangerous false sense of security. Flood mitigation should thus be considered in terms of the overall interests of society rather than solely private interests where some third party would bear the costs.
- (793) I accordingly recommend rejecting this submission point.

Matters not raised by submitters

- (794) As notified, the plan has an overall structure for identifying when plan provisions are relevant to a proposed activity. The Natural Hazards and Coastal Environment chapters are listed in the General Approach chapter

under “Identifying provisions that are relevant to your activity” with the following description:

Whether provisions in District-Wide Matters chapters apply to an activity is covered in the introduction to each relevant chapters. Some chapters apply to any activity covered by the chapter, in addition to provisions in the relevant zone. You will need to consult these chapters if your activity includes anything covered by the chapter.

(795) In my view the Council’s intent in notifying this rule was to enable flood mitigation works by central and local government, rather than only restrict it when carried out by someone else. In order to implement this, the rules need to specify that they override catchall zone rules, rather than the default of applying alongside them. This is the case for the Infrastructure, Temporary Activities, and Renewable Energy Generation chapters.

(796) I thus recommend that the *Identifying provisions that are relevant to your activity* section in the *General Approach* chapter be amended to spell out that:

Whether provisions in District-Wide Matters chapters apply to an activity is covered in the introduction to each relevant chapters. Some chapters apply to any activity covered by the chapter, usually in addition to provisions in the relevant zone, but sometimes particular rules will specify that they override some other rules. You will need to consult these chapters if your activity includes anything covered by the chapter.

(797) And a statement be added to rule NH-R18 as follows:

NH-R18 (Flood Mitigation works within the Flood Hazard Overlays)

This rule applies instead of any zone or precinct rule. Other district-wide rules still apply in addition to this rule.

1. Activity status: Permitted

...

2. Activity status: Discretionary

CE-R17 (Green Infrastructure in the Coastal Hazard Overlays), NH-R19 (Green Infrastructure in all Natural Hazard Overlays)

- (798) Te Rūnanganui o Te Āti Awa (503.43b) and Wellington Regional Council (452.170, supported by NHC F15.77) support CE-R17 as notified.
- (799) The Policy Planning Team (440.35a, 440.35b) seeks to delete the rules on the grounds that as written they do not serve any function and are unclear in their intent.
- (800) I believe that it is reasonably clear that Council's intent in writing the rules was to provide for green infrastructure for the purpose of flood mitigation as a permitted activity, overriding zone provisions. I do not however see any support for the discretionary arm of the rule in the section 32 report, objectives or policies.
- (801) "Green infrastructure" is defined⁴⁴ as:

means a natural or semi-natural area, feature or process, including engineered systems that mimic natural processes, which are planned or managed to:

- a. provide for aspects of ecosystem health or resilience, such as maintaining or improving the quality of water, air or soil, and habitats to promote biodiversity; and*
- b. provide services to people and communities, such as stormwater or flood management or climate change adaptation.*

- (802) This is a very wide definition that could encompass a wide range of things that would also be thought of as a "conservation activity". There is no good resource management reason to prevent people from doing these in natural hazard overlays.

⁴⁴ National Planning Standards definition.

- (803) The rules also apply only for flood mitigation works and coastal hazard mitigation works. Flood mitigation works are already covered in rule NH-R18, and given the restructuring I propose for that rule, the function of this rule to enable coastal hazard mitigation works can also be included within this altered rule.
- (804) Accordingly, I recommend accepting the Policy Planning Team's relief in part, by granting the relief literally asked for, and deleting NH-R19 and CE-R17, subject to the consequential changes to NH-R18 described above.
- (805) The objectives and policies of the chapter support green infrastructure more generally, for example for the stormwater network. This is better handled in the Infrastructure chapter. I do not recommend any changes on this basis, however, as there are more direct submission points on the issue from the Wellington Regional Council (452) on the Infrastructure chapter that can be considered in that hearing stream, which might involve cross-references to the Natural Hazards objectives and policies.

5.2.25 New rules sought

Intensification in the Liquefaction Hazard Overlay

- (806) Ian Peter Cassidy (207.3) seeks that no intensification be allowed in the Liquefaction Hazard Overlay, raising concerns around the Christchurch earthquakes.
- (807) I discuss in section 5.2.15 why I think that it appropriate to only control a limited number of land uses in the Liquefaction Hazard Overlay. I accordingly recommend rejecting this relief.

6 Modelling and mapping

6.1 Layers Summary

(808) The District Plan maps the following overlays referred to in the Natural Hazards and Coastal Environment provisions (and in some cases other chapters of the plan):

- Low Flood Hazard Overlay
- Medium Flood Hazard Overlay
- High Flood Hazard Overlay
- Liquefaction Hazard Overlay
- Fault Location Area, including sub-areas of uncertain constrained, uncertain poorly constrained, well-defined, and well-defined extended
- Low Tsunami Hazard Overlay
- Medium Tsunami Hazard Overlay
- High Tsunami Hazard Overlay
- Medium Coastal Inundation Hazard Overlay
- High Coastal Inundation Hazard Overlay

(809) As provisions often (but not always) treat the two the same, there are also defined terms of Medium Coastal Hazard Overlay for both the Medium Coastal Inundation Hazard Overlay and Medium Tsunami Hazard Overlay, and High Coastal Hazard Overlay for both the High Coastal Inundation Hazard Overlay and High Tsunami Hazard Overlay.

(810) For the avoidance of doubt, for any one hazard, the Low, Medium, and High levels do not overlap.

6.2 Discussion of submissions and recommendations

- (811) This section will discuss submission points on the mapped overlays, and general other points about the conduct of the modelling.
- (812) I will also discuss some minor errors and consequential changes not raised by submitters.

6.2.1 Provisions not in dispute

- (813) Given the very broad submissions seeking complete removal of the hazard maps, all hazard mapping is in contention.

6.2.2 Not in scope of this process

Recording data specific to properties

- (814) Jacob McInteer (108.2) seeks that "properties which are partially impacted by risk overlays, are indicated in council's records as such. In the case of 42 Bolton Street, if it falls partially in the "High Flood Hazard" overlay, it should be designated "High Flood Hazard – Partial" in council records and LIM reports."
- (815) Tim Louis (106.1a) seeks that "no classification is attached to properties and that district plan users refer to overlays to assess risk or that some tolerance is applied to the extent of the hazard when applying a hazard classification to a property".
- (816) The PDP does not contain any boundaries of properties or information that is specific to properties. That is a factual question that is determined as and when it arises that the plan for some reason needs to be applied in a way that depend on property boundaries (e.g. in applying rules about setbacks, or standards that apply to a "site"). While at the time of writing, the ePlan can display property boundaries as an optional context layer alongside other context such as aerial imagery or roads, this does not form part of the maps of the plan, and this context information is regularly updated.

- (817) Council holds property information as part of its general databases and the information provided by Land Information New Zealand and other agencies. The maps of the PDP in some cases (such as zones) are designed to align with property boundaries at the time decisions on the plan are made, and property boundaries may inform other decisions about the plan, but in other cases such as natural hazard overlays, the overlays are simply mapped.
- (818) Accordingly, this relief is not relevant to the content of the district plan.
- (819) Katy Cook (254.1) seeks that if a property owners chooses to develop their land (whether in a minor way or more extensively), then each piece of land should be considered in isolation [with regard to slope hazard - inferred] and treated as such.
- (820) This is inherent in how an overlay functions and so I recommend accepting this relief to the extent that the plan already provides for it.

Appealing hazard classifications

- (821) Tim Louis (106.1b) seeks that once the District Plan has been implemented, that property owners should be able to appeal hazard classifications.
- (822) The framework of the RMA provides for both resource consents, in which additional evidence around hazards can be provided, and plan changes for broader changes to mapping and overlays. In addition, Council has a duty to review the appropriateness of its plan after it has been operative for ten years.
- (823) However, this is a procedural question set in legislation, and not affected by the content of the district plan.

National and regional coordination

- (824) John Wadham (122.1) seeks “that HCC collaborates with other authorities to improve consistency in mapping hazards, and to prevent the dissemination of inaccurate information” and that “Council, through the Ministry for the Environment, seek that the National Planning Standards be expanded to include the mapping of hazards by overlays.
- (825) The Council has taken an approach to identifying natural hazards in partnership with other city councils in the region and the regional council, as described in section 3.1.1. However, the remaining aspects of the

submission point are not things that can be advanced through the provisions of a district plan.

6.2.3 General

General support

- (826) The Natural Hazards Commission (327.11, 327.13) expresses some general support for the modelling and mapping of hazards, subject to some other more specific points about particular areas and issues.
- (827) I recommend accepting this relief, subject to the other specific changes I recommend in this section.

Merging of layers

- (828) Laura Skilton (314.19, 314.20a, opposed by Kāinga Ora F26.13) seeks that the Coastal Inundation and Tsunami hazard overlays be merged, considering the separate identification redundant.
- (829) While in most cases the rule treatment for the overlays is identical, there are policy differences between the treatment of tsunami and coastal inundation, particularly around evacuation, and so I think it is necessary to still identify them separately. I accordingly recommend rejecting this relief.

Site-specific assessments

- (830) Jarred Gustafson and Paula Gentle (6.18c, opposed by Wellington Water F36.291) seek that Council "Conduct site-specific assessments before imposing any future land-use restrictions".
- (831) James Sunderland and Jocelyn Qian (119.2, opposed by Wellington Water F36.292) seek that relevant provisions for natural hazards "require Council to rely on site-specific technical reports before applying restrictive natural hazard overlays, particularly where development is likely to be impacted."
- (832) Mark Blackham (450.25) seeks that inclusion in the Slope Assessment Overlay be "tested on a property-by-property basis".
- (833) Hamish Hill (240.1, opposed by Wellington Water F36.240) seeks that "the method of assessment for flood risk be reviewed before the Proposed District Plan is finalised, and for properties assessed as high risk, the actual risk should be verified by accurate on-site assessments".

- (834) None of the methodologies for identifying natural hazards in the PDP were site-specific. I think the approach of the PDP in conducting a city-scale assessment, then relying on site-specific assessments only at the resource consent stage when site-specific precision is needed to make a decision, is considerably more efficient.
- (835) Mark Gunkel and Evangeline Gunkel (7.1b, 7.3) seek a general process for Council to conduct site-specific assessments or property owners to conduct site-specific assessments.
- (836) I believe this is most effectively done in combination with geotechnical assessments for a specific proposed development as part of a resource consent application, although submitters are welcome to present site-specific evidence in the hearing as well.

6.2.4 Flood Hazard Overlays

Site-specific submissions

- (837) The submitters in the table below seek that the Flood Hazard Overlays be either removed, or a lower category applied, in the listed sites and areas:

Submitter	SP#	Address	Recommendation
Kulbhushan Joshi	2.2*	3 Hastings Grove	Reject
Rohan Kulkarni	3.10a*	1/48 and 2/48 Stanley Street	Reject
Rohan Kulkarni	3.10b*	52N Stanley Street	Reject
Mark Gunkel and Evangeline Gunkel	7.1a, 7.2	Not given	Reject
Tom Brodie	11.1	438 Muritai Road	Reject
Jason Westerby	16.1*	55 Laings Road	Reject
Lisa Bowker	17.1	438 Muritai Road	Reject
Richard Kemp and Honor Kemp	25.1	226 Marine Drive	Reject
Damon Smith	27.1*	99 Oroua Street, Eastbourne	Reject
Stephen Flaunty	34.11a*	121 Waterloo Road	Amend maps as set out in Appendix B1

Submitter	SP#	Address	Recommendation
Dave and Michaela O'Donovan	37.2*	Multiple sites	Reject
Chakrin Gangodawila	88.2*, 88.3*	11 Martha Turnell Cres	Reject
Verity Doak	89.1*, 89.2*	2/196 Waiwhetū Road	Reject
Kelvin Sanderson	95.1*	129 Cuba Street	Reject
EPG Davies Holding Company Ltd	107.2*	27 Cornish St	Reject
Jacob McInteer	108.1a*	42 Bolton St, Petone	Reject
Jacob McInteer	108.1b*	Multiple sites	Reject
Joerg Bruemmer	110.1*	94 Pomare Road, Tirohanga	Reject
Craig Davis	112.1*, 112.2*	10 Campbell Terrace, Petone	Reject
Edward and Sarah-Kaye Oosterbaan	114.1*	5 Herbert St, Melling	Reject
Ian Carson and Lynette Carson	120.1*	4 Redvers Drive, Belmont	Amend maps as set out in Appendix B1
Philip King	125.1*	238 Marine Drive	Reject
Neha Punjabi (opposed by Te Karearea / Rosco Ice Cream F40.92)	140.1*	Multiple sites (Manor Park)	Reject
Anish Punjabi	141.2*	Multiple sites (Manor Park)	Reject
Bhuvi Punjabi	144.2*	Multiple sites (Manor Park)	Reject
Peter Borley	145.1a*	31 Gibbs Crescent, Wainuiomata	Reject
Don Setungamudalige	151.1*	Multiple sites (Manor Park)	Reject
Pamodh Panagoda	154.1*	14 Martha Turnell Grove, Manor Park	Reject

Submitter	SP#	Address	Recommendation
Rafael Gonzalez-Montero	175.1b*	Northern end of Manor Park	Reject
Julius Korent and Joanne Korent	199.1*, 199.6	56 Mary Huse Grove, Manor Park	Reject
Mukesh Chandra	201.1a	Northern end of Manor Park	Reject
Mary Lynskey and Christopher Lynskey	213.1*	2 Cheviot Road, Lowry Bay	Reject
Mike Humphrey and Nic Hill	224.1*	192 Normandale Road	Reject
David James Clode	227.1*	26 Kowhai Street, Naenae	Reject
Beverley and Oliver Driver	242.1*	57A Hautana Street	Reject
Allison Thwaite	250.1a*	Northern end of Manor Park	Reject
Lisa Caddis	252.4*	297 Muritai Road	Reject
Tony Brenton-Rule	268.1*	10 Ngaio Street, Eastbourne	Reject
Creative Insight	274.2*	52 Penrose Street	Reject
Jennifer Gray	277.1*	272 Muritai Road	Reject
Christopher John McHaffie and Mary Anne Malone	278.1*	9 Ngaio Street, Eastbourne	Reject
Louise Kay Cameron	279.1*	13 Karamu Street, Eastbourne	Reject
Lynn Kelleher	280.1*	5 Karamu Street, Eastbourne	Reject
Antony and Penelope Orbell	281.1*	3 Ngaio Street, Eastbourne	Reject
Tom Hudig	288.2a*	231 Marine Drive	Reject
Tom Hudig	288.3*	48 Victoria Street, Petone	Reject
Lin Streefkerk	297.2	Northern end of Manor Park	Reject

Submitter	SP#	Address	Recommendation
Adrian Palmer Family Trust	315.9a*	5 Toop Street	Reject
Adrian Palmer Family Trust	315.9b*	6 Wareham Place	Reject
Adrian Palmer Family Trust	315.9c*	10 Wareham Place	Reject
Adrian Palmer Family Trust	315.9d*	2 Jackson Street	Reject
Adrian Palmer Family Trust	315.9e*	10 Udy Street	Reject
Adrian Palmer Family Trust	315.9f*	1/65 Marsden Street	Reject
Adrian Palmer Family Trust	315.9g*	6 Regent Street	Reject
Adrian Palmer Family Trust	315.9h*	127 Gracefield Road	Reject
Adrian Palmer Family Trust	315.9i*	29 Udy Street	Reject
Adrian Palmer Family Trust	315.9j*	337 High Street	Reject
Adrian Palmer Family Trust	315.9k*	339 High Street	Reject
Adrian Palmer Family Trust	315.9l*	355 High Street	Reject
Adrian Palmer Family Trust	315.9m*	369 High Street	Reject
Adrian Palmer Family Trust	315.9n*	371 High Street	Reject
Adrian Palmer Family Trust	315.9o*	373 High Street	Reject
Adrian Palmer Family Trust	315.9p*	375 High Street	Reject
Adrian Palmer Family Trust	315.9q*	33 Rutherford Street	Reject
Adrian Palmer Family Trust	315.9r*	35 Rutherford Street	Reject

Submitter	SP#	Address	Recommendation
Adrian Palmer Family Trust	315.9s*	37 Rutherford Street	Reject
Adrian Palmer Family Trust	315.9t*	39 Rutherford Street	Reject
Adrian Palmer Family Trust	315.9u*	10 Pretoria Street	Reject
Adrian Palmer Family Trust	315.9v*	411-413 Cuba Street	Reject
Adrian Palmer Family Trust	315.9w*	19 Pretoria Street	Reject
Adrian Palmer Family Trust	315.9x*	15 Raroa Street	Reject
Adrian Palmer Family Trust	315.9y*	21 Meachen Street	Reject
Adrian Palmer Family Trust	315.9z*	23 Rutherford Street	Reject
Adrian Palmer Family Trust	315.9aa*	25 Rutherford Street	Reject
Adrian Palmer Family Trust	315.9ab*	27 Rutherford Street	Reject
Adrian Palmer Family Trust	315.9ac*	140 Hutt Road	Reject
Palmer and Cook Developments	316.3*, 316.4*	127 Waterloo Road	Reject
Summerset Group Holdings	326.25*, 326.26b*	33 Military Road	Reject
Barbara Sullivan	351.2*	89 Oroua Street, Eastbourne	Reject
Stephanie Middleton	352.1*	15 Whiorau Grove	Reject
Grant Gunn and Kristin Gunn (supporting by the trustees of the Gunn Family Trust F7.4 and F7.11)	369.2a*, 369.4*	95 Oroua Street, Eastbourne	Reject
Fiona Christeller	375.11*	18 Taungata Road	Reject

Submitter	SP#	Address	Recommendation
Manor Park and Haywards Residents Community Incorporated Society (supported by Waste Management NZ F39.48 and Te Karearea / Rosco Ice Cream F40.33)	377.3*	30 Benmore Crescent	Amend maps as set out in Appendix B1
Andrew Robinson and Robyn Robinson (supported by Kris Connel F3.12 and themselves F9.12)	380.5a, 380.22	269 Muritai Road	Reject
Upul Priyankara Angulugaha Gamage & Hewawasan Sarukkalige Yashani Pradeepika Fernando	381.1*	36 Manor Park Road	Reject
Sensible Solutions for Eastbourne (opposed <i>in part</i> by NHC F15.93)	383.5a*	Multiple sites	Reject
Charmi Mistry	392.1*, 392.2*	2/1 Helvetia Grove, Naenae	Amend maps as set out in Appendix B1
Nicola Stent and Stuart Stent	393.1b*	6A Oriental Street, Petone	Reject
PTL Trust	397.1*	212 Marine Drive	Reject
Katrina Jacobsen	398.1*	7 Wyndrum Avenue, Waterloo	Reject

Submitter	SP#	Address	Recommendation
Susan Ewart	423.1*	4 Kaitawa Road, York Bay	Reject
The Francis Family Trust	443.3*	Multiple sites	Reject
Winstone Aggregates	444.25*, 444.26*, 444.27*, 444.99*, 444.100, 444.101*	Belmont Quarry	Amend maps as set out in Appendix B1
Te Kārearea Ltd and Rosco Ice Cream Ltd (supported <i>in part</i> by MPHRCIS F10.1 and supported by Waste Management NZ F39.49)	447.7*	30 Benmore Crescent	Amend maps as set out in Appendix B1
Chris Moore	448.1*	3A Nikau Grove, Woburn	Amend maps as set out in Appendix B1
Mark Blackham	450.24*	396 Muritai Road	Reject
Kate Harris	454.2*, 454.3*, 454.4*	404 Muritai Road	Reject
Jon Harris	457.2*, 457.3*, 457.4*	404 Muritai Road	Reject
Orlando & Franziska Ravera	459.1*	Not site-specific	Reject
Waste Management NZ Ltd (supported by MPHRCIS F10.28 and Te Karearea / Rosco Ice Cream F40.34)	461.2a*	30 Benmore Crescent	Amend maps as set out in Appendix B1

Submitter	SP#	Address	Recommendation
Richard Kelly	463.1*	10 Bunratty Grove	Amend maps as set out in Appendix B1
Brett Osborne (supported <i>in part</i> by Wellington Water)	464.1	13 Holmes Grove	Amend maps as set out in Appendix B1
Dieter Engel	475.6	Not site specific	Reject
PBJ Properties	476.1	23 Fitzherbert St, Petone	Reject
Lars Schmidt	480.1*	227 Marine Drive	Reject
Jeremy Lovell-Smith	486.1*	93 Oroua Street, Eastbourne	Reject
Michelle Fisher	489.2*	283 Muritai Road	Reject
John Burroughs	499.1*, 499.2*	97 Norton Park Grove and surrounds	Reject
Michael Kerslake	501.2*	12 Ngaio Street, Eastbourne	Reject

- (838) In addition to the further submissions noted in the above table, Wellington Water (as further submitter F36) submitted in opposition to those submission points in the table that are marked with an *.
- (839) The evidence of Mr Alistair Osborne in Appendix B1 discusses submissions with area-specific requests or that otherwise raise issues with the flood modelling methodology and process. I adopt his assessment as it relates to submissions with criticisms of the modelling.
- (840) Mr Osborne also identifies an issue around missing stream corridors in the Eastern Bays. While I agree with his conclusion that they should ultimately be covered in the maps, there is no scope in this process to do so, and so I recommend the stream corridors that he recommends not proceed until a future plan change.
- (841) Submitters also raise policy or non-modelling concerns in support of requests to change the modelling. These are addressed in the general themes discussed in section 3, and in my view none would support either site-specific or broad changes to the modelling. Other points sought complete removal of the hazard maps, which would also imply removing most of the related provisions. This is discussed in section 5.2.2.

- (842) Some submissions raise other more general concerns about modelling, which I address below.

Climate change scenario

- (843) Chris Moore (448.3, opposed by Wellington Water F36.156) and David Surrey (427.4a, opposed by F36.241) seek that the flood modelling use a lower IPCC climate change scenario, considering the RCP8.5 scenario unlikely to occur.
- (844) The choice of climate change scenario is discussed in section 3.2.1. The RCP8.5 scenario aligns with Wellington Regional Council's modelling of Hutt River flooding and MfE guidance, but does not align with other territorial authorities in the region.
- (845) As shown in the regional comparison in Appendix B6, Hutt City uses a substantially higher climate change scenario than equivalent modelling in other city councils in the region. In my view, regional consistency is of considerable importance as misaligned mapping risks displacing development from cities with more pessimistic approaches to areas that may have the same or even greater risk in cities using a more optimistic scenario. Regardless of the merits of one scenario over another, choosing a substantially more pessimistic approach will in my view carry considerable opportunity costs of lost or sub-optimally located development without the corresponding benefits from risk reduction.
- (846) I thus agree that a scenario closer to Wellington City (the next highest) should be used, with my preference being to use Tiaki Wai's standard model as expressed in the Draft District Plan, being a 20% rainfall increase and 1m sea level rise.
- (847) Given the substantial cost in re-running the modelling, I do not recommend specific changes to the maps yet. The panel should hear evidence on this issue in the hearing, make a determination, and then seek updated modelling giving direction about the parameters to be used. I discuss how this could be addressed in section 6.2.10.
- (848) I would also invite Wellington Regional Council to contribute compatible river flood modelling, although I imagine the panel will want to hear the regional council's evidence before making a decision to seek this.

- (849) From my discussions with Mr Osborne, re-running using a lower scenario would likely reduce the coverage of the high, medium, and low overlays. For the sake of aligning with scope of submissions and natural justice to avoid establishing new overlays not previously proposed by Council, this could have a “sanity check” to filter out any expanded areas of the overlays (except where the expansion was sought by submitters, e.g. the Hutt River corridor sought by the Wellington Regional Council).

High/Medium/Low categorisation

- (850) Michael Rachlin (232.5a, 232.5b, opposed by Wellington Water F36.140, F36.343) seeks that the high/medium/low system be replaced with identification based on overland flow paths, stream corridors, and inundation/ponding areas, as done in the draft district plan and Porirua District Plan.
- (851) This is discussed in Mr Osborne’s evidence in Appendix B1, and I agree with his conclusion that retaining the high/medium/low system better expresses the risk implied by the modelled event and aligns better with the ranking system required by the RPS and NPS-NH. I accordingly recommend rejecting this relief.

Inundation depth

- (852) Dieter Engel (475.3, with a neutral further submission from Wellington Water F36.166) seeks that a map be added showing inundation depth as well as extent.
- (853) While this would potentially provide easier access to the data required to determine flooding levels, I think it would be difficult to present data of this complexity in the district plan maps and it is not necessary to determine whether rules are triggered. The data is also not sufficient alone to determine usable minimum floor heights for a building consent without reference to ground survey data and so providing flood depths directly in the maps risks inaccurate calculations of this height being made without confirming necessary site-specific floor heights with Council, Tiaki Wai, or external experts, adding costs associated with needing to redesign to different floor levels later in the design process.

- (854) Chris Moore (448.2, opposed by Wellington Water F36.155) seeks that the overlay remove areas subject to less than 100mm of inundation, as opposed to 50mm.
- (855) This is discussed in the evidence of Mr Osborne in Appendix B1 and agree with his recommendation that 50mm is an appropriate figure.

Future mitigation works

- (856) Some submitters in relation to specific sites, and Chris Moore (448.4, opposed by Wellington Water F36.169) as a general matter, seek that the flood modelling take account of future flood mitigation works that may be implemented.
- (857) This presents a tension with the PDP's approach of accounting for hazards arising from climate change over a century in the future – it may be possible to construct mitigation measures, but those measures have not been constructed yet as they will not be needed for some time.
- (858) However, I do not see a realistic way of accounting for this in the modelling. It is simply too uncertain to speculate about what future works will be constructed or future adaptation strategies for at-risk communities. Until these decisions are made, and as long as medium and high hazard areas are relatively small fractions of the urban area, I think identifying hazards as though no community-scale mitigation will occur will minimise the potential for future risk from inappropriate development at a relatively low opportunity cost, as development can instead occur in nearby substitute locations.

Flood modelling of Wellington Regional Council

- (859) As discussed in Mr Osborne's evidence in Appendix B1, part of the modelled flood hazard overlays rely on Wellington Regional Council modelling of flooding from the Hutt River/Te Awa Kairangi and the Waiwhetū Stream.
- (860) The Wellington Regional Council is a submitter on the PDP including a submission point (452.72, opposed by Michael Rachlin F4.8, supported by NHC F15.14) that seeks to replace flood maps with those in attached maps. These include the modelling mentioned above.
- (861) I find the justification of the modelling in the regional council's submission and its supporting reports convincing, and support the existing mapping

provided prior to notification of the plan be retained (other than as recommended by Mr Osborne, above).

- (862) I also agree that it is appropriate to identify the major Waiwhetū and Hutt River corridors themselves as High Flood Hazard Overlays, as the risk within these corridors (particularly inside the stopbanks) to hypothetical development is obviously severe, and recommend accepting this relief and adding the additional corridors identified in the maps attached to the submission.

Submissions in support of the overlays

- (863) Don Setungamudalige (151.3), Pamodh Panagoda (154.2), and Julius Korent and Joanne Korent (199.2), opposed by Wellington Water (F36.234, F36.236, F36.238) give conditional support to the overlays, conditional on their other relief. I note this conditional support and recommend accepting it in part, subject to my other recommendations on the overlays.
- (864) Z Energy (468.1d, 468.2d, 468.3d, 468.4d, 468.5e, 468.6f, 468.7b, 468.9b, supported by Wellington Water F36.210, F36.215–F36.217, F36.253, F36.266, F36.270–F36.272) supports the Flood Hazard Overlays for various specific sites.
- (865) Palmer and Cook Developments (316.2, supported by Wellington Water F36.269) supports the Low Flood Hazard Overlay at 127 Waterloo Road.
- (866) I note this support and recommend accepting these submission points.
- (867) Andrew Sherson (181.1) supports in part the overlay maps as they relate to 91B Main Road, Wainuiomata, but seeks that the High Flood Hazard Overlay apply only to the stream corridor and the remainder of the site be Low or Medium. I believe this is what the maps as notified do and so recommend accepting this relief to the degree that the PDP already provides for it.
- (868) Dieter Engel (475.1, opposed by Wellington Water F36.165) supports in part the flood hazard overlays but seeks more information about how the rainfall assumptions were reached.
- (869) This information is provided in Appendix B1.

Other submission points

- (870) Laura Skilton (314.6a, opposed by Wellington Water F36.148) and Christene Loweth (267.3b) seek that “pockets” of lower flood risk surrounded by higher risk be updated to the higher risk level.
- (871) The cause of this due to varying ground levels is discussed in the evidence of Mr Osborne in Appendix B1, which I adopt. I accordingly recommend this relief be rejected.
- (872) Laura Skilton (314.6c, opposed by Wellington Water F36.149) and Christene Loweth (267.3a, opposed by Wellington Water F36.168) seek that the flood mapping be aligned with property boundaries or roads, considering that the mapping cannot be as good as the boundaries suggest.
- (873) Natural hazard overlays in the PDP are not attempts to identify particular properties or sites, but to identify physical areas. While there is uncertainty in the boundaries of the overlay, “rounding” those boundaries to properties or roads would only compound those uncertainties. The only potential advantage is where there is only a very minor overlap with a particular property and the administrative advantage would outweigh any benefits of retaining the overlay. I recommend this in relation to some site-specific requests above but I accordingly recommend otherwise rejecting this relief.

Section 32AA Evaluation

- (874) The change I recommend to the climate change assumption in this section is potentially a major change to the identification of hazard areas. The size of this, and thus any potential quantification of the costs and benefits, cannot be known until the modelling is redone. The original Section 32 report did not quantitatively assess the costs and benefits either.
- (875) In the meantime, I will make an interim assessment of the costs and benefits of this change qualitatively. In my view consistency with other councils in the region is important due to the potential diversion of development from relatively low risk areas (i.e. those only included in an overlay because of the use of the RCP8.5 scenario that would not be covered under a lower scenario) into areas that may well have the same or greater risk in other council jurisdictions. These are also areas where the

benefits from risk reduction are lowest. I think it reasonably likely that the affected areas will include relatively desirable and well-located development capacity, in for example Alicetown and northern Petone, and so the benefits of this development capacity is greater than it would be elsewhere.

- (876) The cost is the potential increase in risk from development that would have been prevented under the PDP as notified but with this change would not.
- (877) In my view it is highly likely that this change would be a more effective way to advance the purpose of the Act and implement national and regional direction, although the panel will have better information to make this decision by re-running the model and seeing what impact the changes have on affected areas.
- (878) A more detailed s32AA evaluation can be provided once the remodelling is done.

6.2.5 Coastal Inundation Overlay

Site-specific submissions

- (879) The submitters in the table below seek that the Coastal Inundation Overlay be either removed, or a lower category applied, in the listed sites and areas:

Submitter	SP#	Address	Recommendation
Richard Kemp and Honor Kemp	25.1	226 Marine Drive	Reject
Kelvin Sanderson, opposed by Wellington Water F36.279	95.2	129 Cuba Street, Petone	Reject
Philip King	125.1	238 Marine Drive	Reject
Tony Brenton-Rule	268.2	10 Ngaio Street, Eastbourne	Reject
Jennifer Gray	277.2	272 Muritai Road, Eastbourne	Reject

Submitter	SP#	Address	Recommendation
Christopher John McHaffie and Mary Anne Malone	278.2	9 Ngaio Street, Eastbourne	Reject
Louise Kay Cameron	279.2	13 Karamu Street, Eastbourne	Reject
Lynn Kelleher	280.2	5 Karamu Street, Eastbourne	Reject
Antony and Penelope Orbell	281.2	3 Ngaio Street, Eastbourne	Reject
Tom Hudig	288.2c	231 Marine Drive	Reject
Adrian Palmer Family Trust	315.8a	5 Toop St	Reject
Adrian Palmer Family Trust	315.8b	6 Wareham Place	Reject
Adrian Palmer Family Trust	315.8c	10 Wareham Place	Reject
Adrian Palmer Family Trust	315.8d	2 Jackson St, Petone	Reject
Adrian Palmer Family Trust	315.8e	10 Udy St	Reject
Adrian Palmer Family Trust	315.8f	1/65 Marsden St	Reject
Adrian Palmer Family Trust	315.8g	6 Regent St	Reject
Adrian Palmer Family Trust	315.8h	127 Gracefield Road	Reject
Adrian Palmer Family Trust	315.8i	29 Udy St	Reject
Adrian Palmer Family Trust	315.8j	411-413 Cuba St	Reject
Adrian Palmer Family Trust	315.8k	21 Meachen St	Reject
Adrian Palmer Family Trust	315.8l	140 Hutt Road	Reject
Grant Gunn and Kristin Gunn (supported by the	369.5	95 Oroua Street, Eastbourne	Reject

Submitter	SP#	Address	Recommendation
Trustees of the Gunn Family Trust F9.12)			
Andrew Robinson and Robyn Robinson	380.24	Multiple sites	Reject
Sensible Solutions for Eastbourne	383.24	Multiple sites	Reject
Nicola Stent and Stuart Stent	393.1c	6A Oriental St, Petone	Reject
PTL Trust	397.1	212 Marine Drive	Reject
TTL Trust (opposed by Wellington Water F36.130)	412.1	18 Saulbrey Grove, Woburn	Reject
Mary Spiers and Samuel Spink	479.2	267 Muritai Road	Reject
Michael Kerslake	501.3	Not site-specific	Reject

- (880) The evidence of Dr Scott Stephens in Appendix B2 discusses submissions with area-specific requests or that otherwise raise issues with the coastal inundation modelling methodology and process. I adopt his assessment as it relates to submissions with criticisms of the modelling.
- (881) Submitters also raise policy or non-modelling concerns in support of requests to change the modelling. These are addressed in the general themes discussed in section 3, and in my view none would support either site-specific or broad changes to the modelling. Other points sought complete removal of the hazard maps, which would also imply removing most of the related provisions. This is discussed in section 5.2.2.
- (882) Some submissions raise more general concerns, which I address below.

Inundation depth

- (883) David Surrey (427.18, opposed by Wellington Water F36.129) seeks that the overlay not apply to areas subject to inundation of 150mm or less, considering that the mapped overlay should make a distinction based on inundation depth.

- (884) As set out in the evidence of Dr Stephens in Appendix B2, the overlays do not apply unless there is a minimum inundation of 100mm.
- (885) Given the reasoning of the submitter does not provide a reason for 150mm as opposed to 100mm, I think this is likely to address his concerns and so recommend accepting this relief in part to the extent the PDP already provides for it. Otherwise, the submitter may wish to provide reasons for a specific figure of 150mm in the hearing.

Climate change scenario

- (886) David Surrey (427.4b, opposed by Wellington Water F36.133) seeks that the Medium Coastal Inundation Hazard Overlay be reduced in scope through re-running the modelling using a lower IPCC climate change scenario than the RCP8.5 used in the modelling.
- (887) Considering the approaches taken by other councils in the region (shown in Appendix B6) and the Ministry for the Environment's *Coastal Hazards and Climate Change Guidance*⁴⁵ on the selection of scenarios, and my discussion of scenarios in section 3.2.1, I think there is no obvious justification based on consistency to select another scenario, as other councils in the region each use different figures. Wellington City's figure is similar (although without accounting for vertical land movement), and so I recommend the maps be retained based on the RCP8.5M scenario as notified.

Submissions in support of the overlays

- (888) Z Energy (468.4c, 468.5d) supports the Coastal Inundation Hazard Overlays for various specific sites.
- (889) I note this support and recommend accepting these submission points.

⁴⁵ <https://environment.govt.nz/assets/publications/Coastal-hazards-and-climate-change-guidance-2024-ME-1805.pdf>

6.2.6 Tsunami Hazard Overlay

Site-specific submissions

(890) The submitters in the table below seek that the Coastal Inundation Overlay be either removed, or a lower category applied, in the listed sites and areas:

Submitter	SP#	Address	Recommendation
Tom Brodie (opposed by Wellington Water F36.127)	11.1	438 Muritai Road	Reject
Lisa Bowker (opposed by Wellington Water F36.128)	17.1	438 Muritai Road	Reject
Richard Kemp and Honor Kemp	25.1	226 Marine Drive	Reject
Dave and Michaela O'Donovan	37.1	Not site-specific	Reject
Kelvin Sanderson	95.4	129 Cuba Street, Petone	Reject
Philip King	125.1	238 Marine Drive	Reject
Mary Lynskey and Christopher Lynskey	213.2	2 Cheviot Road, Lowry Bay	Reject
Tom Hudig	288.2b	231 Marine Drive	Reject
Tom Hudig	288.4a	11 Aurora St, Petone	Reject
Nicola Stent and Stuart Stent	393.1a	6A Oriental St, Petone	Reject
PTL Trust	397.1	212 Marine Drive	Reject
PBJ Properties (opposed by Wellington Water F36.265)	476.1	23 Fitzherbert St, Petone	Reject

(891) The evidence of Dr David Burbidge and Ms Edith Bretherton in Appendix B3 discusses submissions with area-specific requests or that otherwise raise

issues with the tsunami modelling methodology and process. I adopt their assessment as it relates to submissions with criticisms of the modelling.

(892) The evidence of Dr David Burbidge and Ms Edith Bretherton in Appendix B3 discusses submissions with area-specific requests or that otherwise raise issues with the tsunami modelling methodology and process. I adopt their assessment as it relates to submissions with criticisms of the modelling.

(893) Submitters also raise policy or non-modelling concerns in support of requests to change the modelling. These are addressed in the general themes discussed in section 3, and in my view none would support either site-specific or broad changes to the modelling. Other points sought complete removal of the hazard maps, which would also imply removing most of the related provisions. This is discussed in section 5.2.2.

(894) Some site-specific submissions raise more general concerns, which I address below.

Other submission points

(895) Laura Skilton (314.6b) and Christene Loweth (267.3b) seek that “pockets” of lower tsunami risk surrounded by higher risk be updated to the higher risk level.

(896) The cause of this due to varying ground levels is discussed in the evidence of Dr Burbidge and Ms Bretherton in Appendix B3, which I adopt. I accordingly recommend this relief be rejected.

(897) Laura Skilton (314.6d) seeks that the tsunami mapping be aligned with property boundaries or roads, considering that the mapping cannot be as good as the boundaries suggest.

(898) Natural hazard overlays in the PDP are not attempts to identify particular properties or sites, but to identify physical areas. While there is uncertainty in the boundaries of the overlay, “rounding” those boundaries to properties or roads would only compound those uncertainties. I accordingly recommend rejecting this relief.

Submissions in support of the overlays

(899) Michael Rachlin (232.18) supports the Low Tsunami Hazard Overlay in general.

- (900) Z Energy Ltd (468.2g, 468.3g, 468.4g, 468.5g, 468.6h) supports the Tsunami Hazard Overlay on several specific sites.
- (901) I note this support and recommend accepting these submission points.

6.2.7 Fault Location Area

- (902) The evidence of Dr Nicola Jane Litchfield and Ms Edith Bretherton in Appendix B4 discusses area-specific submissions on the Fault Location Area.
- (903) In addition, Z Energy Limited (468.1c) supports the Fault Location Area applying to 453 Hutt Road.
- (904) Waste Management NZ (461.2b, supported *in part* by MPHRCIS F10.29) supports the overlay at 30 Benmore Crescent.
- (905) This support is noted and I recommend accepting this relief.
- (906) No submitters seek site-specific changes to the Fault Location Area or raise general concerns around the modelling process (as opposed to provisions) and so I recommend the Fault Location Area map be retained as notified.

6.2.8 Slope Assessment Overlay

Chapter summary

- (907) While the Slope Assessment Overlay is included in the proposed plan's list of *Natural Hazard Overlays* and has relevant objectives and policies in the Natural Hazards chapter, it is primarily implemented through a land use rule in the Earthworks chapter and subdivision rules in the Subdivision chapter.

Discussion of submissions

- (908) The submitters in the table below seek that the Coastal Inundation Overlay be either removed, or a lower category applied, in the listed sites and areas:

Submitter	SP#	Address	Recommendation
Kulbhushan Joshi	2.3	3 Hastings Grove, Wainuiomata	Reject
Rohan Kulkarni	3.11a	1/48 & 2/48 Stanley St, Wainuiomata	Reject
Rohan Kulkarni	3.11b	52N Stanley Street	Reject
Seyedomid Zoie	5.1, 5.2	20 Thomson Grove, Stokes Valley	Reject
Jarred Gustafson and Paula Gentle	6.2	Not site-specific	Reject
Jay Daley	8.3, 8.4	Entire overlay	Reject
Teh Meh Hing	9.1, 9.3b, 9.6, 9.8	14 Main Road, Wainuiomata	Reject
Judy Ryan	10.1a, 10.1b, 10.1c	19A Mulberry St, Maungaraki	Reject
Julia Neuhof	13.1	60 Pokohiwi Road	Reject
Terry Strickland and Mary Strickland	19.1	18 Thomson Grove, Stokes Valley	Reject
Dean Tredrea and Rennie Tredrea	21.1	2 Bledisloe Cres, Wainuiomata	Reject
Eli Gilfedder	22.4	114 Cheviot Road	Reject
Ron Muir	23.1	131 Park Road, Belmont	Reject
Barry Godfrey	24.1	7 Winifred Way, Belmont	Reject
Ki Long Lei and Rong Tang	67.1	38 Speldhurst Grove	Reject
Jo-Ella Sarich	91.1	Not site-specific	Reject
Brent McKenzie	97.1	56 Miromiro Road	Reject
Susan Ellis	101.1	12 Bull Avenue	Reject
Joerg Bruemmer	110.2	94 Pomare Road, Tirohanga	Reject
James Sunderland and Jocelyn Qian	119.1	11 Gribble Grove, Stokes Valley	Reject
John Wadham	122.3	23 Pomare Road	Reject

Submitter	SP#	Address	Recommendation
Rakesh Mehta	123.1	115 Main Road, Wainuiomata	Reject
Philip King	125.1	238 Marine Drive	Reject
Eujin Au	183.8a, 183.8b	32 Cypress Drive, Maungaraki	Reject
Steve Hobman	194.1, 194.2	6 and 7 Catherine Grove, Tirohanga	Reject
Lesley Glen and Peter Glen	206.1, 206.2, 206.3	6 Sheehy Grove	Reject
Roger McMillean et al	229.1, 229.3, 229.4, 229.5	385 Hebden Crescent	Reject
Claudia Riley and John Riley	230.3	Multiple sites	Reject
Lisa Caddis	252.5	297 Muritai Road, Eastbourne	Reject
Monique McDonald	282.1, 282.2, 282.3	21 Thomson Grove, Stokes Valley	Reject
Graham Mark	285.1	5 Tarras Grove, Kelson	Reject
Tom Hudig	288.2d	231 Marine Drive	Reject
Rowan Swain & Kim Weber-Swain	317.6, 317.7	273 Muritai Road	Reject
Terry Pinfold and Ruth Gilbert	347.9	20 Taungata Road, York Bay	Reject
Sandra Michel- Shanks	363.2, 363.3	39 Dalton Grove, Stokes Valley	Reject
Wainuiomata Rural Community Association Incorporated	364.22	Rural zoned properties	Reject
Kelson Heights Limited	373.1	64 Waipounamu Drive	Reject
Fiona Christeller	375.12	18 Taungata Road	Reject

Submitter	SP#	Address	Recommendation
Andrew Robinson and Robyn Robinson, supported by K Connell (F3.15 and F3.16) and A & R Robinson (F9.15 and F9.16)	380.6, 380.7	269 Muritai Road, Eastbourne	Reject
Sensible Solutions for Eastbourne (opposed by NHC F15.95 and F15.96)	383.6, 383.7	Multiple sites	Reject
Craig Barker and Margaret Barker (supported <i>in part</i> by Spencer Holmes Ltd F34.2)	387.1b	18 Otira Grove, Kelson	Reject
PTL Trust	397.1	212 Marine Drive	Reject
Katrina Jacobsen	398.2	7 Wyndrum Avenue, Waterloo	Reject
David Innes and Pauline Innes	416.11	353 Moores Valley Road	Reject
David Surrey	427.13a	Not site-specific	Reject
Ian Caddis and Raylene Caddis	433.4	618 Marine Drive	Reject
Sanna McGavin and Mark McGavin	438.2	46 Major Drive	Reject
Sanna McGavin and Mark McGavin	438.3	Entire overlay	Reject
Elizabeth Anya Jones and Kenneth Anthony Jones	445.1	560 Moores Valley Road	Reject
Jenny Couch and Danny Hughes	458.3	38 Cheviot Road, Lowry Bay	Reject

Submitter	SP#	Address	Recommendation
Orlando Ravera and Franziska Ravera	459.2	Not site-specific	Reject
Steven Penn and Nicola Cooper	465.1	46 Moores Valley Road	Reject
The Brookfield Board and Scouts Aotearoa	469.4	562 Moores Valley Road	Reject
Luke Scullion (opposed by Wellington Water F36.164)	473.1	Not site specific	Reject
Mary Spiers and Samuel Spink	479.1	267 Muritai Road	Reject
Lynn Birch	493.1a	Not site specific	Reject
Peter Fahey	495.1	15 Sweetacres Drive	Reject
Rinu Abraham	506.1	131 Wainuiomata Road	Reject

- (909) The evidence of Mr Pathmanathan Brabhaharan and Dr Dougal Mason in Appendix B5 discusses submissions with area-specific requests or that otherwise raise issues with the coastal inundation modelling methodology and process. I adopt his assessment as it relates to submissions with criticisms of the modelling.
- (910) Some submitters raised the issue that the WSP report had not been peer reviewed by anyone working for a different firm. The report (and the evidence in Appendix B5) has been internally peer reviewed. In my view an external peer review is not necessary unless the work is particularly novel or unusual in its methodology, and this is not the case for this modelling. The report behind the methodology is public and open to critique from submitters.
- (911) Submitters also raise policy or non-modelling concerns in support of requests to change the modelling. These are addressed in the general themes discussed in section 3, and in my view none would support either site-specific or broad changes to the modelling. Other points sought complete removal of the hazard maps, which would also imply removing most of the related provisions. This is discussed in section 5.2.2.

(912) Some submissions raise more general concerns, which I address below.

Separating overlay into multiple hazard levels

(913) Lyn Bromley and Keith Bromley (211.1), Mark Gunkel and Evangeline Gunkel (7.6), and Neil Blackie (33.1) seek that the overlay be split to distinguish different levels of severity.

(914) Given the overlay is a trigger for further assessment and there are no provisions sought by submitters that could meaningfully take a proportionate approach based on different levels of the Slope Assessment Overlay, I do not think this would add any value to the plan, and recommend rejecting this relief.

6.2.9 Liquefaction Hazard Overlay

Submissions seeking changes

(915) The Adrian Palmer Family Trust requests that the Liquefaction Hazard Overlay be removed from a list of sites:

Submission Point #	Address
315.10f	1/65 Marsden Street
315.10u	10 Pretoria Street
315.10e	10 Udy Street
315.10c	10 Wareham Place
315.10h	127 Gracefield Road
315.10ac	140 Hutt Road
315.10x	15 Raroa Road
315.10w	19 Pretoria Street
315.10d	2 Jackson Street
315.10y	21 Meachen Street
315.10z	23 Rutherford Street
315.10aa	25 Rutherford Street
315.10ab	27 Rutherford Street
315.10i	29 Udy Street
315.10q	33 Rutherford Street
315.10j	337 High Street
315.10k	339 High Street
315.10r	35 Rutherford Street

Submission Point #	Address
315.10l	355 High Street
315.10m	369 High Street
315.10s	37 Rutherford Street
315.10n	371 High Street
315.10o	373 High Street
315.10p	375 High Street
315.10t	39 Rutherford Street
315.10v	411-413 Cuba Street
315.10a	5 Toop Street
315.10g	6 Regent Street
315.10b	6 Wareham Place

- (916) There are no site-specific reasons given for these requests and nothing in the submission challenges or addresses the quality or assumptions of the modelling. Accordingly, I recommend not accepting any of these points. The submitter may wish to provide reasons for this request in the hearing.
- (917) The TTL Trust (412.1) seeks that the Liquefaction Hazard Overlay be removed from 18 Saulbrey Grove, Woburn. The submitter's reasons given relate to their experience that the land has not suffered from liquefaction in previous recent earthquakes in Christchurch and Kaikoura.
- (918) Tom Hudig (288.4b) seeks that the Liquefaction Hazard Overlay be removed from 11 Aurora St, Petone, considering it inappropriate given the house dates from the 1930s and has not suffered liquefaction since then.
- (919) The modelling for liquefaction uses a design event for an earthquake in excess of anything to have occurred in Wellington in the last century. Accordingly, I do not think the track record in past earthquakes is a guide to the future susceptibility in a larger or closer earthquake than for example those in Kaikoura or Christchurch and the modelling is still generally applicable. I recommend rejecting these submission points.
- (920) Kelvin Sanderson (95.3) seeks that the Liquefaction Hazard Overlay be deleted from 129 Cuba St, Petone, considering that the risk is created through the action of Hutt City Council and other public bodies.

- (921) The submitter considers that the risk is affected by what land use activities are provided for on the site and could be reduced through a rezoning of the site to allow for commercial or light industrial uses instead of the use of natural hazard overlays.
- (922) The issue of the zoning of the site was addressed in Hearing Stream 2, where I recommended that the PDP's zoning of the site as Mixed Use (allowing for some limited commercial use) be retained⁴⁶. I agree this provides for a wider range of activities, some of which are lower risk than residential (for example, that would fall within the definition of *activities potentially sensitive to natural hazards* rather than *activities most sensitive to natural hazards*).
- (923) While I agree that changing the land uses provided for can affect the risk, in my view the plan needs to also be capable of addressing natural hazard risk through controlling activities directly, particularly in a zone such as the Mixed Use Zone that also provides for residential activity as permitted. I accordingly recommend rejecting this relief.

Submissions in support

- (924) Z Energy (468.2f, 468.3f, 468.4f, 468.5f, 468.6g, 468.7c, 468.9c) support the Liquefaction Hazard Overlay at a variety of specific sites.
- (925) Waste Management NZ (461.2b) supports the overlay at 30 Benmore Crescent.
- (926) I note this support and recommend accepting these points.

6.2.10 If changes are to be made

- (927) Some submitters seek that major changes to the hazard overlays be made on the basis of re-running the models using different parameters and assumptions. I recommend adopting one such change, to align flood modelling with standard Tiaki Wai modelling practices (roughly equivalent to RCP4.5) used in the Wellington City District Plan rather than the RCP8.5 scenario used in the PDP.

⁴⁶ Section 42A Report, Commercial and Mixed Use Zones, para 598.

- (928) Considering that the panel may be of a mind to agree with this recommendation, or to agree with other submitters even where I have not recommended any changes, I have consulted with the experts responsible for this modelling. In general, the flooding and coastal inundation models can be re-run using different assumptions in the time between the close of this hearing stream and the time for the panel to finalise its recommendations. The tsunami model likely cannot, and the fault, liquefaction, and slope stability overlays are not based on automated models. For those hazards, the panel will need to make decisions on the basis of the information already available or provided by submitters.
- (929) Changes sought by, or within the scope of submitters, would include:
- The use of less pessimistic climate change scenarios
 - Increases in the high/medium/low cutoffs for inundation depth or velocity, or
 - Changes in the post-processing to filter out properties affected by smaller areas.
- (930) These would each have the effect of reducing the area affected by overlays or downgrading the severity at a particular spot, which I consider within the scope of a number of general submissions.
- (931) I suggest that the panel hear all evidence in the hearing first and then make a recommendation as soon as possible if it considers re-running the modelling warranted, including expert conferencing to establish firm parameters for this modelling.

7 Definitions

7.1 Discussion of submissions and recommendations

- (932) This section is a discussion of the submission points on definitions that are either primarily relevant to the Natural Hazards and Coastal Environment chapters, or raised by submitters primarily interested in those chapters, with my recommendations on decisions requested by submitters.
- (933) For the sake of brevity, where a submission is in support of a provision and I have not otherwise discussed it, I recommend accepting that submission point in whole or in part for the grounds set out in the Natural Hazards s32 report.
- (934) Definitions are usually consequential on the recommendations made on the substance of objective, policies, and rules, and submitters have usually submitted on those provisions as well, so I will generally refer back to the discussions in the above sections.

7.1.1 Definitions not in dispute

- (935) The following definitions only have submissions in support, with no changes sought:

Definition	Supported by
Fault Location Area	Fuel Companies (471.22)
Flood Hazard Overlays	Fuel Companies (471.23)
High Coastal Hazard Overlay	Fuel Companies (471.28)
High Coastal Inundation Hazard Overlay	Fuel Companies (471.29)
High Natural Hazard Overlay	Fuel Companies (471.31)
High Tsunami Hazard Overlay	Fuel Companies (471.32)
Low Flood Hazard Overlay	Fuel Companies (471.36)

Definition	Supported by
Low Hazard Overlay	Fuel Companies (471.37)
Low Tsunami Hazard Overlay	Fuel Companies (471.38)
Medium Coastal Hazard Overlay	Fuel Companies (471.39)
Medium Coastal Inundation Hazard Overlay	Fuel Companies (471.40)
Medium Flood Hazard Overlay	Fuel Companies (471.41)
Natural hazard	Fire and Emergency NZ (374.6), Wellington Regional Council (452.11, supported by NHC F15.3), Fuel Companies (471.43)
Natural hazard mitigation works	NZ Transport Agency (385.13)
Natural hazard overlay	Fuel Companies (471.44)

(936) As these points are all thus beyond contention, they all should be accepted.

7.1.2 Definitions – Proposed

Activity least sensitive to natural hazards, Activity most sensitive to natural hazards, Activity potentially sensitive to natural hazards

(937) All the submission points on these definitions are either in support or seek that activities be moved from one of the definitions to another, so I will discuss the three definitions together.

(938) KiwiRail (442.1 “least sensitive”, 442.2, “potentially sensitive”), Argosy Property (237.1, “potentially sensitive”, 237.2 “most sensitive”), the Ministry of Education (399.1, “most sensitive”), and Oyster Management (272.1, “potentially sensitive”) support one or more definitions as notified.

Plantation forestry

(939) Wellington Regional Council (452.1, supported by Royal Forest and Bird F23.3, 452.2, supported *in part* by NHC F15.1, 452.3) supports the definitions

other than seeking that “plantation forest or plantation forestry” be moved from “least sensitive” to “potentially sensitive”. This is supported by the Natural Hazards Commission (F15.1).

- (940) There is no specific reason given for this change or evidence given around the risks of plantation forestry, and it is unclear why the sensitivity of plantation forestry to natural hazards is such that the rules for potentially sensitive activities (which are generally more restrictive and require resource consent in more circumstances) should apply. Accordingly, I do not recommend accepting this submission point, but suggest the submitter provide further evidence in the hearing.

Pluralisation

- (941) The Natural Hazards Commission further submission (F15) also notes that the definition refers to “activity” in the singular and suggest it should be “activities” consistent with its usage in chapters. While a further submission cannot seek original relief, however, if this were to be an issue it would be within the panel’s power to recommend as a minor correction.
- (942) Definitions apply even if the grammatical form of the words changes⁴⁷, and the plan uses both *activity* and *activities* depending on context⁴⁸. The (many) other definitions of “activity sensitive to...” in the plan use the singular and so I recommend for consistency these definitions follow suit. Accordingly, I do not consider there is an error to correct.

Temporary buildings

- (943) The New Zealand Defence Force (404.2) seeks that “buildings and structures associated with temporary activities” be added as to the “least sensitive” category. While they do not give specific reasons for this relief, they draw a distinction with permanent buildings and connect this with their general concerns around providing for temporary military training activities.

⁴⁷ This is a long-standing principle of statutory interpretation currently codified in the Legislation Act 2019, ss18–19.

⁴⁸ For interest, the IsoPlan software used for the e-plan is capable of providing pop-up definitions even where the grammatical form alters due to case, number, etc.

- (944) In my view, natural hazards provisions, particularly for risks that will not arise until many years in the future, should not in general apply to temporary activities and temporary buildings as the risk during the period the temporary activity occurs is always going to be trivially unlikely or non-existent. Temporary activities in practice are also often weather dependent and will be less likely to occur during the types of storms which the flood, coastal inundation, and landslide modelling is based around. Even in the worst case of a risk that is a 1:100 year event independent of the weather (e.g. a fault rupture hazard), the Temporary Activities chapter limits temporary activities to 6 days as a permitted activity, thus making the risk much lower than a 1:100 year risk overall.
- (945) However, in the policy approach of the proposed plan, temporary buildings and structures are dealt with in the Temporary Activities chapter, which does not use the definition of *activities least sensitive to natural hazards*. Granting the relief of NZDF as requested would therefore have no effect, as there is no relevant buildings and structures rule using the definition.
- (946) Accordingly, I recommend accepting the relief in part to the extent that some exemption should be made from natural hazards for temporary buildings, however, this cannot be done through modifying the definition of *activities least sensitive to natural hazards*, and the details of this will need to be reassessed in the context of the Temporary Activities chapter (part of Hearing Stream 7) where there are other submission points this issue interacts with. NZDF is also a submitter on the Temporary Activities provisions in general and may be better placed to discuss how this relief is implemented in that hearing.

Catchall provision

- (947) The Fuel Companies (471.57) support the definition of *activities least sensitive to natural hazards* but seek that a catch-all provision be added to cover:

...

f. any other activity that is not an activity most sensitive to natural hazards or activity potentially sensitive to natural hazards

(948) As notified, the definitions of *activities most sensitive to natural hazards* and *activities potentially sensitive to natural hazards* cover the vast majority of conceivable land uses, with the latter also particularly excluding any activity defined as *least sensitive* or *most sensitive*. If there are any activities that somehow do not fall into any of the three categories⁴⁹, they also would not be caught by any rules. However, some activities are still not covered and this provides an opportunity to clear up the definition to address the submitter's more general concerns around the application to non-habitable buildings. Accordingly, I recommend the definition of *activities least sensitive to natural hazards* be amended as follows:

means a:

- a. accessory building or part of a building used for non-habitable purposes,*
- b. structure used for non-habitable purposes.*
- c. building associated with marina operations (above MHWS),*
- d. passive recreation activity,*
- e. parks facility, ~~or~~*
- f. plantation forest or plantation forestry, or*
- g. any activity not otherwise included as an activity potentially sensitive to natural hazards or an activity most sensitive to natural hazards.*

(949) Consequentially, *activities potentially sensitive to natural hazards* needs a slight amendment to fix the issue that it would otherwise be circular:

means a:

...

but excludes any activities most sensitive to natural hazards and activities in clauses (a) to (f) of the definition of activities least sensitive to natural hazards.

⁴⁹ Given the definitions involved, it would need to be an activity that, for example and at minimum, did not involve anyone residing, learning, being cared for, engaging in worship, sport, recreation, commerce, industry, agriculture, or any other primary production, doing any cultural or community activity, or providing infrastructure.

Quarrying

- (950) Winstone Aggregates (444.3) seek that *quarrying activities* be removed from the definition of *activities potentially sensitive to natural hazards*, giving the view that quarrying activities are not sensitive to natural hazards.
- (951) I do not agree – quarrying activities, per the definition in the plan, includes a large number of facilities that could be directly damaged by a natural hazard event and place employees and customers at risk. The various ancillary activities such as offices and workshops would in any case qualify as *potentially sensitive* as a standalone activity. I thus recommend rejecting this relief.

Hazardous facility or major hazard facility

- (952) The Fuel Companies (471.58, 471.59, opposed by WRC F38.75, F38.76) seek to exclude “hazardous facility or major hazardous facility” from the *most sensitive* definition and replace it with “significant hazardous facility” in the *potentially sensitive* definition.
- (953) They consider this mainly in relation to whether oil terminals (which are hazardous facilities) should be subject to this definition and consider that:
- Oil terminals are subject to design requirements from other statutes and their regulations such as the Hazardous Substances and New Organisms Act 1996 and Health and Safety at Work Act 2015 (including regulations under these),
 - Comparable facilities have proved resilient to other hazard events in the past, giving the example of oil terminals and the 2010 and 2011 Christchurch earthquakes,
 - Hazardous facilities do not normally have large numbers of people on-site or restrict people from leaving the site,
 - Oil terminals are no more hazardous than other general industrial activities that store hazardous substances such as ports, and
 - “Hazardous facilities” are not defined.
- (954) This is opposed by Wellington Regional Council (F38.75, F38.76) who consider that this would be inconsistent with definitions in the Regional Policy Statement.

- (955) The Regional Policy Statement does not include gradations of hazard sensitivity in the definition – it has a single definition for “hazard sensitive activity” that includes “major hazard facility”. I therefore do not think there is any difference in consistency with the RPS if the Fuel Companies’ relief were to be granted.
- (956) Other than this, I generally agree with the reasoning of the Fuel Companies as it relates to oil terminals and I think their logic applies to other existing significant hazardous facilities in the district (which are also all oil, gas, and chemical storage facilities). This may not necessarily be true for all new significant hazardous facilities, but these would require consent under Hazardous Substances chapter rule HS-R1 which includes a general matter of discretion for natural hazard risk.
- (957) To the extent that significant hazardous facilities would increase the potential risk of discharges of hazardous substances in a natural hazard event, this is no longer a district plan function⁵⁰.
- (958) I also agree that using the defined term “significant hazardous facility” would aid plan usability rather than “hazardous facility or major hazardous facility” which are undefined.
- (959) Accordingly, I recommend accepting the relief of the Fuel Companies.

Section 32AA Analysis

- (960) I agree for the reasons set out in pp5-6 of the Fuel Companies submission that this change to the definition would better give effect to the relevant objectives and policies.

High Flood Hazard Overlay

- (961) The Fuel Companies (471.30) support the definition as notified.
- (962) Charmi Mistry (392.3) seeks that the overlay be renamed from “High Flood Hazard Overlay” to a more neutral term. I discuss this issue more generally in section 3.1.7.
- (963) Accordingly, I recommend the definition remain as notified.

⁵⁰ A territorial authority’s role in giving effect to the RMA was altered in 2017 to remove “the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances”, Resource Legislation Amendment Act 2017 (2017 No 15) s13(2).

Liquefaction Hazard Overlay

- (964) The Fuel Companies (471.35) support the definition as notified.
- (965) Argosy Property No. 1 Ltd (237.4, supported by the Fuel Companies F32.1) and Oyster Management Ltd (272.3) seek that the definition describe the scope and extent of the overlay and describes its purpose instead of referring to the maps (inferred).
- (966) The overlay is described in detail in the Natural Hazards chapter that it refers to. In my view the only value of the definition is to remove any doubt that the overlay is the mapped area, and so I recommend not accepting these points.

Medium Hazard Overlay

- (967) The Fuel Companies (471.42) support the definition as notified.
- (968) Jarred Gustafson and Paula Gentle (6.5) seek to remove "Slope Assessment Overlay" from the definition.
- (969) This is consequential on their relief in the Natural Hazards chapter introduction (see section 5.2.9), and so I recommend accepting this relief.

Slope Assessment Overlay

- (970) The Fuel Companies (471.50) support the definition as notified.
- (971) Oyster Management (272.4) seeks that the definition describe the scope and extent of the overlay and describes its purpose instead of referring to the maps (inferred).
- (972) The overlay is described in detail in the Natural Hazards chapter that it refers to. In my view the only value of the definition is to remove any doubt that the overlay is the mapped area, and so I recommend not accepting these points.

7.1.3 Definitions – New definitions sought

“1% Flood Annual Exceedance Probability Level”, “Annual Exceedance Probability”

(973) Laura Skilton (314.2) seeks in general terms a definition of “1% Flood Annual Exceedance Probability”.

(974) Wellington Water (422.16) seeks a definition of “annual exceedance probability” as:

The probability of a flood occurring in a single year

(975) Both submitters consider this would avoid confusion and ambiguity for plan users, with which I agree. As “annual exceedance probability” is used in contexts other than flooding, I recommend accepting these points in part with a more generic version of Wellington Water’s preferred definition of “Annual Exceedance Probability”:

Means the probability of a natural hazard event occurring in a single year

(976) And for the more specific context of flood, also include the model to be used, which is relevant to the resolution of submission points on rule NH-R8 (see section 5.2.21), by defining “Modelled 1% AEP Flood” and incorporating the relevant documents by reference:

Means the 1:100 year / 1% annual exceedance probability flood modelled using the methodology in the Wellington Regional Stormwater Hydraulic Modelling Specifications 2019 and the Black Creek 2022, Eastern Lower Hutt 2022, East Harbour 2024, Petone 2022, Stokes Valley 2022, and Western Hills 2024 model build reports.

“Cumulative natural hazards”

(977) The Natural Hazards Commission (327.22) seeks to add a definition for “Cumulative natural hazards” as:

Where two or more unrelated natural hazard events have the potential to affect human life and/or property.

- (978) I do not recommend adding this definition as I am not recommending adding or modifying any provisions that would use the term.
- (979) If the panel is nonetheless of a mind to grant other relief of the submitter that would introduce the term "cumulative natural hazards" to the PDP then I would agree with adding a definition and think the definition sought by the submitter is appropriate.

"Freeboard"

- (980) The Natural Hazards Commission (327.23) seeks a definition of "freeboard", which is used in the permitted activity conditions for NH-R8 and NH-R12. They specifically request:

In setting floor levels, freeboard incorporates the following factors:

- Uncertainties in estimates of flood levels;*
- Differences in water levels across the floodplain because of "local factors" not included in hydraulic models;*
- The cumulative effect of subsequent infill development;*
- Increases in water level as a result of wave action – waves can be wind-induced (across fetches of open water) and wave-induced (powerboats and vehicles moving through flooded areas);*
- Increases in water level as a result of debris effects and gravel build up in the riverbed.*

- (981) They consider that without a definition, the height of the freeboard would be "open to interpretation".
- (982) I agree that as written, with "freeboard" left undefined, the relevant rules lack the clarity expected for a rule condition. The proposed definition, however, would not help with this and would if anything make the situation more confusing as it would imply that the freeboard is a subjective decision by plan users.
- (983) I believe this would be better addressed by clarifying the freeboard details in the rules through a definition, which I discuss above in section 5.2.13 in the discussion of the rules NH-R8 and NH-R12 and for the requested definition of "1% Flood Annual Exceedance Probability". The NHC also has direct submission points on these provisions.

(984) I accordingly recommend rejecting this point.

“Minimise”, and “Reduce” or “Risk reduction”

(985) The Natural Hazards Commission (327.24, opposed by the Fuel Companies F32.4) seeks a definition of “minimise”:

The duty to take all reasonable steps to reduce the adverse effects of natural hazards on future activities.

(986) “Minimise” is a term used throughout the PDP in relation to a large number of different effects – e.g. transport impacts in the Transport chapter, health and safety in the Contaminated Land and Hazardous Substances chapters, and in Subdivision in relation to the National Grid, a wide range of effects for Temporary Activities, amenity, character and reverse sensitivity in some zones, and so forth. It was a term used throughout the ODP and not identified as an issue in relation to visual, amenity, shading, traffic, safety, nuisance, health and safety, and other effects.

(987) I believe that the definition of “minimise” is reasonably obvious and in any case, is used throughout the plan and so a natural hazards-specific definition would be strange and imply the word meant something different in a natural hazards context – for otherwise, why would the definition need to be limited in scope. I accordingly recommend rejecting this relief.

(988) If the panel is nonetheless of a mind to recommend such a definition, I recommend that it be clearly scoped to apply only to natural hazards and coastal hazards (as concepts, not chapters – it would also need to apply in some contexts to the Infrastructure, Subdivision, and Earthworks chapters) and use the language from the definition in the RPS, which would produce:

In relation to natural hazards and coastal hazards, means to reduce to the smallest amount reasonably practicable.

(989) The NHC also seeks (327.25, opposed by the Fuel Companies F32.5) a definition for either “reduce” or “risk reduction” as:

Add a definition for either “reduce” or “risk reduction” as “In relation to the Natural Hazards chapter, prevent new and reducing existing risks, and manage residual risks.

- (990) The NHC's reasons are that they consider that "reduce" and "minimise" are similar terms that might be confused, and also that this would clarify the plan as notified, rather than being reasons in support of a policy change.
- (991) I consider that these definitions would substantially change the meaning of the plan, which does not fit with the submitter's given reasoning, and so do not recommend accepting these proposed new definitions. The proposal is also circular in that the definition of "reduce" would include the word "reducing", which raises questions about interpretation.
- (992) The submitter may want to clarify for the hearing if they have other reasons for pursuing this definition in terms of the change it would have on the plan.
- (993) I accordingly do not recommend accepting either of these points.

"Residual risk"

- (994) The plan as notified contains a definition of "residual risk" specific to the Hazardous Substances chapter. Submission points on that definition were addressed in Hearing Stream 2 – Business, in the context of the Hazardous Substances chapter. As the relief requested would be for a different definition specific to natural hazards, I will consider this separately.
- (995) The Natural Hazards Commission (327.26, supported by WRC F38.3 and supported *in part* by the Fuel Companies F32.6) seeks to add a definition for residual risk in relation to natural hazards that would be:

...

In relation to the Natural Hazards chapter, the risk that remains after risk(s) treatment has been applied to reduce the potential consequence(s).

- (996) As I do not recommend adding the term "residual risk" into the text of the plan, no definition is necessary. If panel is nonetheless of a mind to grant any of that relief that would mean the term "residual risk" is used in the plan in relation to natural hazards, then I agree it should be defined. However, I do not think the definition requested would help plan users understand it. This issue can be considered further if the panel does decide to include reference to residual risk.

“Resilient” or “Resilience”

- (997) Wellington Regional Council (452.12, supported *in part* by NHC F15.4) seeks a definition for resilient/resilience as:

in relation to natural hazards and climate change means the capacity and ability of natural and physical resources, including people, communities, businesses, infrastructure, and ecosystems, to withstand the impacts and recover from the effects of climate change, including natural hazard events.

- (998) In my view where the words “resilient” and “resilience” are used in the PDP their meaning is obvious from context. I accordingly recommend rejecting this relief.

8 Conclusion

- (999) This report has provided an assessment of submissions received in relation to Hearing Stream 5 for Natural Hazards, the Coastal Environment, related definitions, and the strategic direction on CCSD-O1 and CCSD-O2.
- (1000) Sections 3, 4, 5, 6, and 7 assess and provide recommendations on the decisions requested in submissions. I consider that the submissions on Hearing Stream 5 – Natural Hazards should be accepted, accepted in part, or rejected, as set out in my recommendations of this report and in Appendix A2.
- (1001) I recommend that provisions be amended as set out in Appendices A1, A3, and A4 for the reasons set out in this report.

Section 32AA Evaluations

- (1002) I consider that the amended provisions will be efficient and effect in achieving the purpose of the RMA, the relevant objectives of the PDP and other relevant statutory documents, for the reasons set out in the individual Section 32AA evaluations undertaken in this report.
- (1003) For minor corrections and minor changes, or for changes that are largely administrative in nature and are to improve the readability and the implementation of the plan, I have not made individual section 32AA assessments as I consider that the section 32 evaluation made by the Council continues to apply.

9 Appendices

Appendix A1: Recommended amendments to the Proposed District Plan

Appendix A2: Recommended decisions on submissions on Natural Hazards

Appendix A3: Recommended Regionally Significant Coastal Business Areas Overlay

Appendix A4: Table of Recommended Restructuring of Hazard-Specific Policies and Rules

Appendix B1: Flood modelling evidence of Mr Alistair Osborne

Appendix B2: Coastal inundation evidence of Dr Scott Stephens

Appendix B3: Tsunami evidence of Dr David Burbidge and Ms Edith Bretherton

Appendix B4: Fault rupture evidence of Dr Nicola Litchfield and Ms Edith Bretherton

Appendix B5: Slope stability evidence of Mr Pathmanathan Brabhakaran and Dr Dougal Mason

Appendix B6: Regional comparison of natural hazard modelling and policy approaches