

Proposed Lower Hutt District Plan: Hearing Stream 5 Natural Hazards

Speaking notes of Erica Wheatley on behalf of Greater Wellington Regional Council

1. My name is Erica Wheatley. I am a Senior Policy Advisor in the Environmental Policy team at Greater Wellington Regional Council. My qualifications and experience are set out in my statement of evidence.
2. I was not involved in preparing the Regional Council's submission or further submission, but I have familiarised myself with them.
3. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and will abide by it.
4. I have with me today my colleague Dr Iain Dawe, Senior Natural Hazards Advisor at Greater Wellington Regional Council.
5. If the Panel has questions of a more technical nature, my colleague Dr Dawe will address these. Dr Dawe was also involved the preparation and mediation of the natural hazards provisions in RPS Change 1 if the Panel has questions relating to that process and those provisions.
6. As noted in my statement of evidence, I largely support of the approach taken by the reporting officer on the natural hazards topic. The amendments I sought through my statement of evidence were focused around three main themes:
 - a. Emphasising that the Natural Hazard chapter and hazard provisions in the Coastal Environment chapter consider the potential effects of climate change 100 years into the future in addition to managing current risk;
 - b. Managing potential adverse effects on the resilience of natural systems and features so they continue to contribute to the district's natural hazard and climate change resilience into the future; and
 - c. Alignment with the Regional Policy Statement for the Wellington Region (RPS) and the National Policy Statement for Natural Hazards 2025 (NPS-NH).
7. I have read the reporting officer's rebuttal evidence and will address the remaining points in contention here.
8. Regarding the inclusion of "plantation forestry" in the definition of "activities least sensitive to natural hazards", I agree with the reporting officer that none of the provisions managing this type of activities conflict with the National Environmental Standard for Commercial Forestry (NES-CF). I also understand and accept the reporting officer's reasoning to list all activities within one of the three hazard sensitive activities definitions to avoid confusion and improve Plan clarity.
9. Regarding the inclusion of the wording "*building long-term resilience to the impacts from natural hazards and effects of climate change*" in the Natural Hazards chapter introduction, I consider the additional wording would emphasise the chapter's focus on

the potential effects of climate change 100 years into the future. However, I do note that the introduction already states that *“Flooding and coastal inundation from sea level rise are influenced by climate change. It is predicted that climate change will result in more intense rainfall events, storm events will become more common and the sea level will rise. The flooding and coastal inundation hazard maps incorporate current climate change predictions”*.

10. Regarding the changes sought to Policies NH-P3 and CE-P10 to include consideration of managing activities that may affect the ability of natural systems and features to reduce natural hazard risk; an example of where this may be relevant outside of the coastal environment is where subdivision, use, or development activities along riparian margins may impede the ability of a river channel to migrate naturally (often known as the 'room for the river' approach). I therefore consider it would be useful to add this consideration into Policy NH-P3 and not just the Coastal Environment chapter. Policy CE-P13 does include consideration of the potential effects of hard engineering structures on natural features and systems in how they may compromise their function as natural defences. However, since the policy only applies to hard engineering coastal hazard mitigation works, there is still a potential policy gap for activities other than hard engineering coastal hazard mitigation works including those that may occur on adjacent private land.
11. Regarding the inclusion of additional matters of control under Rule NH-R5(1), I understand and reporting officer's reasoning that considering a building's structural integrity during and after a fault rupture may frustrate the activity's Controlled status, as this may not be achievable within the poorly constrained or uncertain constrained areas of the Fault Location Area. However, Rule NH-R5(2) also applies within the same poorly constrained or uncertain constrained areas of the Fault Location Area, and that rule does include consideration of the building's structural integrity during and after a fault rupture as a matter of discretion. While Rule NH-R5(2) is a Restricted Discretionary activity and not a Controlled activity, it would be unusual to have a matter of discretion that could not be met in all instances that would require all consent applications under this rule to be declined. A potential alternative to the additional matters of control sought for Rule NH-R5(1) could be to require a geotechnical report to recommend a building platform location that is most likely to result in a building maintaining some or all structural integrity on the subject site in the event of a fault rupture. This is unlikely to impose higher costs on the applicant as they will likely already require a geotechnical report to provide information on the existing matters of control under Rule NH-R5(1).
12. Regarding the Proposed District Plan's (PDP) alignment with the natural hazard provisions of RPS Change 1, (being Objective 19 and Policies 29 and 51), the conversations between Hutt and Greater Wellington council officers to resolve matters in contention prior to the release of the Section 42A report considered our agreed position on the RPS natural hazard provisions (in confidence, as they were still with the Environment Court at that stage). The agreed position was the same as the recent consent orders, which gave effect to known content of the NPS-NH at the time, although the wording of the NPS-NH has evolved since the RPS provisions were agreed at mediation. Therefore, I agree with the reporting officer that the PDP gives effect to the RPS insofar as possible within the constraints set out in Mr Quinn's legal evidence.
13. Dr Dawe and I are happy to answer any questions the Panel may have.