

IN THE MATTER of the Resource Management Act 1991
AND
IN THE MATTER of Submissions and Further Submissions
on the Proposed Hutt City District Plan

Minute 12

Proposed District Plan – Hearing Stream 5 – Preliminary Matters

11 August 2026

Introduction

1. The Hutt City Council (HCC) Proposed District Plan (PDP) Hearings for Hearing Stream 5 – Natural Hazards are scheduled to commence next Tuesday, 18 August 2026. The Council's evidence and Section 42A Report were circulated in late July and submitter expert evidence was circulated late last week.
2. This Minute addresses some preliminary matters arising from our review of the material pre-circulated to date. The purpose of this is to clearly signal matters that the Panel wishes to be better informed about when parties address us at the hearing next week.
3. The Panel has not deliberated or formed a view on matters relevant to Hearing 5 at this stage. Our aim here is to make for a more efficient hearing process by signaling these matters in advance and requesting the relevant participants to turn their minds to the issues raised below (preferably in the form of written summary statements or similar at the hearing). Parties should not draw any conclusions about the Panel's view based on the matters we set out below.

Climate assumptions used in modelling

4. In his Section 42A Report, Mr Davis signals a preference that the climate change scenario used for flood modelling in the notified District Plan be replaced with a less conservative scenario¹. He stops short of recommending specific changes to the flood maps, and instead recommends that the Panel hear all evidence at the upcoming hearing before deciding whether or not to request the model to be re-run with the less conservative settings.
5. The Panel understands the reasons that Mr Davis has recommended this stepwise approach, but notes also that our initial consideration of this matter should be informed by more detailed analysis in the following respects:
 - i. **Scope** – Mr Davis has referenced some submitters generally seeking relief aligned with his view that a less stringent assumption for climate change effects should be applied.

¹ From Page 173 of his Section 42A Report.

The Panel requires more detailed analysis in this respect, with specific consideration of all relevant submitters' relief and whether it is site- or area-specific, or whether it relates to the City as a whole. We ask Mr Quinn to consider this matter from a legal perspective in addition to any analysis provided by Mr Davis.

- ii. **Scale of change** – We understand Mr Davis' view that it would be a major undertaking to recalibrate and rerun the model and related to that his desire to avoid the time and expense of completing that work without prior indication from the Panel that it is desirable. However, there is a degree of 'chicken and egg' to contend with in that regard as the Panel cannot be informed as to the full extent of the spatial changes arising from altering the model until the model is updated and the results are known². This speaks both to scope and to efficiency and effectiveness in implementing the PDP's related objectives and policies. Accordingly, if it is possible to at least signal a likely degree of spatial change for each relevant hazard type associated with Mr Davis' preferred climate change scenario, that would be useful context for the Panel's initial consideration of this matter. Mr Osbourne may be best placed to address us on this in the first instance.
- iii. **Consistency** – Also relevant to this point, Mr Davis³ has recommended that the more conservative climate change scenario be retained in the modelling used for the Coastal Inundation Hazard, while Council's tsunami hazard experts⁴ recommend a less conservative assumption for sea-level rise in informing the corresponding tsunami overlay. The Panel wants to better understand whether it is more appropriate to adopt these variable assumptions for climate change effects for each relevant hazard or whether a consistent assumption should be applied for each.
- iv. **Efficacy** – The Panel understands that Mr Davis's preferences on climate change assumptions derive largely from a desire for greater consistency with related planning approaches adopted by neighbouring Councils. The Panel makes no immediate comment on the merits of that rationale but does highlight an apparent lack of analysis

² As noted by Mr Davis at para 874 of the Section 42A Report.

³ Refer para 887 of the Section 42A Report.

⁴ Refer Section 42A Report Appendix B3

by Mr Davis on these potential changes to the PDP's maps as methods for implementing the related direction in relevant objectives and policies. The Panel would benefit from greater analysis in this regard to inform its substantive deliberations and also the process decision we have been asked by Mr Davis to make regarding potential remodeling.

6. In the first instance, we ask that each of the four climate change related matters above be addressed by the Council reporting team in its opening presentations on 18 August. That said, all parties who are appearing before us over the course of the hearing who have submissions that relate to the substance of the matters outlined above are also invited to address us on these or related points if they wish.

Regional Policy Statement Change 1 – recent consent order

7. In his evidence for the Fuel Companies, Mr Brown has drawn the Panel's attention to a very recent consent order issued by Environment Court Judge Semple on natural hazard provisions in Change 1 to the Regional Policy Statement for the Wellington Region (RPS).
8. As framed by Mr Brown, the consent order appears to bring the RPS into alignment with the National Policy Statement on Natural Hazards (NPS) which took effect early this year. Mr Brown also helpfully noted that many parties will be unaware of this matter or will have had insufficient time to consider it in the evidence provided to the Panel on Hearing 5 to date.
9. We accordingly draw all submitters' attention to the consent order which can be viewed at Appendix B of Mr Brown's evidence on the Council Website (link [here](#) and in footnote⁵ below). Submitters with valid submission points relating to this matter are also invited to address us on the relevance of this consent order to their submission and the PDP natural hazard provisions.
10. Moreover, we signal our desire for Mr Quinn to consider the specifics of this matter in the broader context of advice he provided to Hearing 1 regarding new national direction and

⁵<https://hccpublicdocs.azurewebsites.net/api/download/d8937615b4d04c4eabe99da68ac79ed3/dplanreview/833473c013370b9a438ea940eed2d635f8fa>

the extent to which the PDP can or should implement higher order direction taking effect after the PDP was notified. We ask him to address us in writing on this point and to be available for questions from the Panel on the morning of the 18th if possible.

11. The Panel would also benefit from more detailed identification of any submissions that may be relevant to this issue. In particular, the Panel would like to hear from both Mr Davis and Mr Brown at the hearing in this respect to understand available scope for any changes that might better align the PDP with the RPS and NPS.
12. Mr Davis is also of course able to address the substance of Mr Brown's evidence and the consent order in rebuttal and his opening hearing presentation.

From here

13. The Panel appreciates the parties' collective attention on the above matters in readiness for the hearing next week.
14. Again, our intent in signaling these matters at this early stage is to hopefully provide for a more efficient hearing process overall. In addition to the above, parties should anticipate questions from the Panel on other matters raised in submissions and evidence as per usual practice.
15. In terms of responding to the above matters, the Panel will ultimately require this to be undertaken in a fulsome written manner with reference to s32AA of the RMA. For the purposes of the hearing and given the limited time available, the Panel would appreciate if the Council Reporting Team would distil their preliminary responses to the above issues in their opening hearing summary statements. A further opportunity to expand on those summaries will be provided by the Panel as part of directions following the adjournment of the hearing. The same opportunity will be afforded to relevant submitters where appropriate.



DJ McMahon
Independent Commissioner
Deputy Chair - Hutt City Proposed District Plan Hearing Panel

11 August 2026