

BEFORE THE HUTT CITY COUNCIL

Proposed District Plan Hearings Panel – Stream 5 – Natural Hazards

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Lower Hutt District Plan

STATEMENT OF REBUTTAL EVIDENCE OF STEPHEN DAVIS

ON BEHALF OF HUTT CITY COUNCIL

Hearing Stream 5 – Natural Hazards

12 August 2026

1.0 Introduction

1.1 My name is Stephen Davis, and I am a Senior Policy Planner at Hutt City Council.

1.2 I have reviewed the evidence and tabled statements of:

1.2.1 Simon Cooper for Winstone Wallboards (PDP/031) – tabled statement, 29 July 2026.

1.2.2 John Wadham (PDP/122) – submitter evidence, 21 July 2026.

1.2.3 Cameron de Leijer for Kelson Heights Limited (PDP/373) – planning evidence, 4 August 2026.

1.2.4 Michelle Grinlinton-Hancock for KiwiRail Holdings Limited (PDP/442) – tabled statement, 5 August 2026.

1.2.5 Philip Heffernan for Winstone Aggregates (PDP/444) – planning evidence, 5 August 2026.

1.2.6 David Gibson for Te Kārearea Limited and Rosco Ice Cream Limited (PDP/447) – planning evidence, 5 August 2026, and attached technical report of Tim Haxell, Richard Cole, and Nick Peters from Tonkin & Taylor Ltd.

1.2.7 Philip Wallace for Te Kārearea Limited and Rosco Ice Cream Limited (PDP/447) and Waste Management Limited (PDP/461) – flood modelling evidence, 5 August 2026.

1.2.8 Erica Wheatley for Wellington Regional Council (PDP/452) – planning evidence, 4 August 2026.

1.2.9 Angela Goodwin for Waste Management Limited (PDP/461) – planning evidence, 5 August 2026.

1.2.10 Louis Freeman for Chris Moore (PDP/448) – engineering evidence, 5 August 2026.

1.2.11 Philip Brown for BP Oil New Zealand Ltd, Mobil Oil New Zealand Ltd (the Fuel Companies) (PDP/471) and Z Energy Ltd (PDP/468) – planning evidence, 5 August 2026.

- 1.3 This rebuttal evidence responds only to the pre-circulated written evidence and statements received from submitters prior to the hearing and listed above.
- 1.4 Other submitters may also present oral evidence or further details at the hearing. These may raise additional matters that could influence or alter the recommendations made in this rebuttal evidence.
- 1.5 I have also addressed some minor errors not raised by submitters.
- 1.6 Except as expressly identified in this statement, all findings and recommendations contained in my original Section 42A report remain unchanged. For the sake of brevity, I will not comment on submitter statements and evidence where:
- the original Section 42A reports recommended accepting the submitter's originally requested relief, or
 - the statement or evidence concur with the recommendation in the Section 42A report,
 - the statement or evidence repeats reasoning and evidence already present in the original submission, or
 - the statement is planning evidence concurring with evidence from another expert relating to hazard modelling where that expert's evidence is already discussed separately.

unless the issue is also in dispute from the evidence of a different submitter, or there is otherwise some reasoning or other information not covered in the Section 42A reports.

2.0 Qualifications, experience, and Code of Conduct

2.1 My qualifications and experience are set out in section 2.2 of my Section 42A Report. I repeat the confirmation given in that report that I have read and agree to comply with the Code of Conduct for Expert Witnesses.

3.0 Supporting evidence

3.1 For this evidence I rely on two additional statements of evidence:

- From Alistair Osborne (11 August 2026) covering issues of flood modelling arising from the evidence of Philip Wallace and Louis Freeman.
- From Nicola Litchfield (11 August 2026) covering issues around the location of the fault hazard area arising from the evidence of David Gibson.

3.2 These are available on the Hearing Stream 5 webpage¹.

4.0 General updates and questions from the panel

Regional Policy Statement Proposed Change 1 Appeals

4.1 In the Section 42A Report² I note that some provisions in the Regional Policy Statement relating to natural hazards were still subject to appeal. These appeals have now been resolved by consent order, a copy of which is available on Council's website³, including clean versions of the content of Objective 19 and Policies 29 and 51 that now have legal effect.

¹ <https://www.huttcity.govt.nz/council/district-plan/district-plan-review/proposed-district-plan-hearings/hearing-stream5>

² Section 42A Report, Natural Hazards, para 25.

³ <https://hccpublicdocs.azurewebsites.net/api/download/d8937615b4d04c4eabe99da68ac79ed3/dplanreview/ff46b6d4134201204772b3b435a77a5fb7b5>

- 4.2 In my view the PDP, including my recommendations for amendments in Appendix 1, gives effect to the settled Objective 19 and Policies 29 and 51. In particular, the identification of hazards using a high/medium/low approach meets the requirement of Policy 29(2) that either hazards or risks can be identified, and the policy direction for hazards either meets the requirements for avoiding, minimising, or not increasing risk as appropriate, or falls within the exceptions set out in Policy 29(4). I also consider that the factors in Policy 51 have been given particular regard to in the identification of activities in the hazard sensitivity categories, severity of hazards, and matters to be considered in resource consents.
- 4.3 Philip Brown in his evidence for the Fuel Companies (468/471) suggests that given the limited time between the consent notice being published and the deadline for evidence in this hearing stream that submitters be given further time to review the impact of the finalised RPS provisions. I have no objection to such a delay. However, this is ultimately an administrative question for the panel and hearings administrator to balance the interests of different submitters and the scheduling needs of the hearing.

Scope issues in broader changes to hazard layers

- 4.4 In Minute #12 the Panel has asked about the distinction between my advice and that of Alistair Osborne with regards to correcting missing stream corridors in the Eastern Bays.
- 4.5 I accept Mr Osborne's view that these stream corridors should be identified in the natural hazard modelling, and agree that adding these corridors would be a preferable planning outcome. However, as a procedural matter I do not think that there is scope in submissions or that it would meet the requirements of natural justice to increase hazard classifications without giving the opportunity for submissions, and thus correcting this issue will require a future plan change and should not be advanced through this hearing.

- 4.6 The Chair also asked about scope for broader changes to hazard modelling, such as my recommendation for the flood modelling to be redone.
- 4.7 The evidence of David Gibson for Te Kārearea Ltd gives the view that this would require submissions to be reopened (i.e. a variation). I do not agree that this is necessary as long as the only changes are to reduce the area of the overlays.
- 4.8 There are several submission points asking for natural hazard provisions and layers to be removed entirely (e.g. Denise Angelsey 366.2, Kate Harris 454.1, Sensible Solutions for Eastbourne 383.4a, Andrew Robinson and Robyn Robinson 380.4a, Grant Gunn and Kristin Gunn 369.1a, Rowan Swain and Kim Weber-Swain 317.4a). Some of these submissions explicitly reference the choice of climate scenario or recency of LIDAR data as a reason for this.
- 4.9 My view is that this provides scope to implement these submission points in part and so for hazard layers to be reduced in size and/or for particular locations to be lowered in identified severity.
- 4.10 I do not think this presents any natural justice issues as long as the effect is strictly a reduction in the affected areas. The general purpose of the procedures in Schedule 1 of the Act is to protect people's ability to submit on changes that would adversely affect them. For the Council to, effectively, choose not to proceed with introducing new provisions as they relate to some areas and take a less restrictive approach more similar to that in the operative plan would not disadvantage any specific person. Submitters who support the notified overlays had the opportunity to submit in support of them, and to make a further submission opposing submissions seeking that the overlays be removed, and there are submitters who did.
- 4.11 I understand that Council's counsel Stephen Quinn will be able to provide a legal update closer to the hearing.

Scale of changes arising from re-running flood modelling

4.12 In Minute #12 the Panel has asked what indication it is possible to give about the effects of re-running the flood modelling using climate assumptions consistent with Wellington and Porirua City Councils as I recommend in the Section 42A Report⁴. Alistair Osborne will be able to answer questions on this at the hearing. At a high level, my understanding is that:

- This would be a reasonably significant reduction in the areas covered by each of the high, medium, and low flood hazard overlays. Given the limits on scope, a check could be made that no new areas were covered or increased in severity, except where submissions asked for this (i.e. the requests from the Wellington Regional Council (452) to cover the Hutt and Waiwhetū river corridors).
- The overall scope of the affected areas would be to reduce the affected area to be similar to the area covered by flood hazard overlays in the operative district plan (although the high/medium/low distribution would not be the same as the breakdown of stream corridor/overland flow path/inundation areas as in the ODP).

Consistency in climate assumptions

4.13 In Minute #12 the Panel has asked for comment around recommendation for different climate change scenarios in relation to different hazards.

4.14 My understanding from discussions with Earth Sciences NZ is that there is no capacity to re-run tsunami modelling in the time available, given staff availability and the computationally intensive nature of the tsunami modelling. The coastal inundation model could potentially be re-run with different climate assumptions.

⁴ Section 42A Report, Natural Hazards, from para 843 onwards.

- 4.15 However, I do not recommend changes to either of these in any case. My primary reason for recommending change is consistency with other territorial authorities in the region to avoid a spurious implication that areas in one part of the region are at more or less risk than another part based solely on methodology rather than real differences. In my view, this is most important between different territorial authorities, rather than between different hazards. The tsunami and coastal inundation modelling is already largely consistent with the approaches to those hazards in Wellington and Porirua, even though these are different climate assumptions from the other hazards.

Efficacy of changes to the maps in implementing the direction in objectives and policies

- 4.16 In Minute #12 the Panel has sought “analysis ... on ... potential changes to the PDP’s maps as methods for implementing the related direction in relevant objectives and policies”. The Minute uses the language of a scenario being more or less “conservative” than another. My assumption here is that in this context a more “conservative” scenario means an assumption of higher levels of greenhouse gas emissions and thus a greater degree of change in the climate.
- 4.17 In my view the analysis in the Section 32 report does not rely on the selection of a specific climate change scenario, and objectives and policies do not set out any specific assumptions. Rather, the increased risk due to climate change is described as though a given fact or at least a probabilistic description.
- 4.18 The way in which the choice of one scenario over another would affect the implementation of the objectives and policies is therefore to what degree one set of modelling rather than another better reflects the likely future climate, and how it implements language referring to, for example, “...considering the likelihood and consequences of natural hazard events...” (NH-P1 – Risk-Based Approach), or “... the potential effects of climate change on natural

hazards ...” (CCSD-O1). This inherently means making an assumption around which scenarios are more or less likely. In general, a choice of a more conservative scenario covers a wider range of possible futures, at the cost of foregoing development that would be safe if that scenario does not come to pass. A more conservative scenario is thus potentially more effective *but* less efficient than a less conservative scenario.

- 4.19 The different IPCC scenarios are not designed to be a prediction of how likely any one scenario is. They are descriptions of the best available scientific prediction of what the effects on the climate *would* be given different possible future directions in human-caused emissions of greenhouse gases. Which scenario is the most accurate depends on future human decisions over which individuals and societies will have agency and is thus not within the domain of climate science.
- 4.20 The Section 32 report does not quantify the costs and benefits of one scenario over another. While quantification of the costs and benefits of natural hazards provisions *in general* may be possible, I think this would be an expensive and pointless task given the very directive national and regional direction involved. However, I do not think it is possible to quantify the costs and benefits of one climate change scenario relative to another, without first making an assumption about the likelihood of the relevant scenarios, on which there can be no quantitative evidence.
- 4.21 None of the national or regional direction require the choice of a particular climate change scenario. It is ultimately a decision for Council, on which the Panel will recommend, what scenario or scenarios to plan for. It is fundamentally a choice of how conservative a scenario it is reasonable to consider plausible.
- 4.22 This is why I treat separately the logic of consistency with neighbouring territorial authorities. One thing over which there is some certainty is that regardless of which scenario ends up coming to pass, an inconsistency definitely has real costs in the interim compared to a consistent approach, through pushing development

into less desirable locations without a corresponding reduction in risk.

- 4.23 However, if the panel considers the approach taken by those neighbouring authorities to be unacceptably optimistic, and considers the SSP5 / RCP8.5 scenario to be a plausible scenario to plan for, then it follows that using that more conservative scenario would be a more effective way to achieve the objectives and policies. If the SSP5 / RCP8.5 scenario is implausible, the modelling on this basis would be an equally effective, but much less efficient means of achieving the objectives and policies.

5.0 Responses to submitter evidence and statements

- 5.1 The sections below respond to submitter evidence in relation to the provisions in the Natural Hazards and Coastal Environment chapters, and natural hazard modelling and mapping.
- 5.2 Appendix 1 sets out my revised and updated recommended amendments in response to submitter evidence. Within Appendix 1, my Section 42A report recommended amendments are shown in red underlined or ~~strike-through~~ and further amendments recommended in this rebuttal evidence are shown in blue underline or ~~strike-through~~.

6.0 Natural Hazards and Coastal Environment chapter provisions – responses to submitter evidence and statements

Quarrying activities

(Definitions of “activity least sensitive to natural hazards” and “activity potentially sensitive to natural hazards”)

- 6.1 Philip Heffernan provides evidence for Winstone Aggregates (444) which sought that quarrying activities be classified as activities least sensitive to natural hazards, rather than potentially sensitive.

- 6.2 I agree with the principle that parts of quarrying activities that are not habitable buildings should be governed as the lowest classification of natural hazard sensitivity. However, habitable buildings should be classified as *potentially sensitive*, as with other commercial and industrial buildings, given the risk to life.
- 6.3 In my view, the changes I recommend to the rules and definitions in the section 42A report will mean that non-habitable buildings and structures for any purpose are classified as *least sensitive*, regardless of purpose, and so I do not think any further changes are needed.
- 6.4 Mr Heffernan also alludes to Winstone Aggregates' separate submission point seeking to explicitly exclude quarrying from the definition of "industrial activities". As I noted in the section 42A report, the definition of "industrial activities" is a mandatory National Planning Standards definition that cannot be altered⁵, and so if the panel wishes to recommend changes to the treatment of quarrying for natural hazard definitions it will need to do so in some other way.

Plantation forestry

- 6.5 Erica Wheatley for the Wellington Regional Council (452) ("GWRC") provides evidence around GWRC's relief to remove plantation forestry from the definition of *activities least sensitive to natural hazards*. I agree with her summary of the impact of the National Environmental Standard for Commercial Forestry (NES-CF). However, I do not think the rules relevant to *activities least sensitive to natural hazards* would conflict with the requirements of the NES-CF and, to be compatible with the changes I recommend to the definition to ensure that all activities are captured within the three definitions of hazard sensitive activities, I recommend that plantation forestry continue to be explicitly listed as being in the lowest level.

⁵ Section 42A Report, Industrial Zones and the Seaview Marina Zone, paras 713-714.

Resilience in the Natural Hazards chapter introduction

- 6.6 Erica Wheatley for the Wellington Regional Council (452) (“GWRC”) provides evidence around GWRC’s relief to add reference to “[building] long-term resilience to the impacts from natural hazards and effects of climate change” and in particular that it would provide a link to strategic direction CCSD-O2. I do not agree that the language sought by the submitter would help plan users integrate the strategic direction and chapter contents and do not recommend any further change.

Natural hazards tiers

NH-O2, NH-O3, NH-P2, NH-Pbbb, NH-Pccc, NH-P9, NH-Pddd, NH-Peee, CE-P9, definition sought for “minimise”

- 6.7 Philip Brown for the Fuel Companies (468/471) provides evidence around the Fuel Companies’ relief sought around the use of the terms “avoid”, “minimise”, “reduce”, and “low risk” in the general natural hazards objectives and policies. Mr Brown’s concerns are:
- Whether the use of language in the policies aligns with the now-agreed RPS Policy 29
 - Whether mitigation measures are always required to reduce risk
 - How policies reflect resilience to risk
- 6.8 The latter issues are discussed in the provision-specific discussion in the section 42A report. I do not think that the finalisation of the RPS provision support Mr Brown’s preferred relief and in some ways cuts against it, as the language would align less with the avoid/minimise/not increase framework in RPS Policy 29.
- 6.9 For the most part, I do not agree with the remaining requested changes as they either restate the policy tests in different words without clarifying them, or weaken the policy tests without a

justification for doing so. I do agree with the change to NH-P2.1 as aligning better with the RPS Policy 29 language.

- 6.10 Erica Wheatley for the Wellington Regional Council (452) (“GWRC”) provides evidence around GWRC’s relief to change the reference to “existing risk” in NH-P2. I agree with Ms Wheatley’s alternative proposed wording for the reasons she sets out in her evidence.
- 6.11 Combining the relief sought by Mr Brown and Ms Wheatley, I recommend changing NH-P2 as follows:

... and the subdivision, use, or development ~~maintains or~~ reduces or does not increase the existing and potential future risk from the natural hazard to people, buildings and infrastructure ...

Adverse effects on natural systems and features

NH-P3, CE-P10

- 6.12 Erica Wheatley for the Wellington Regional Council (452) (“GWRC”) provides evidence around GWRC’s relief to amend NH-P3 and CE-P10 to add reference to managing effects of activities on natural systems and features.
- 6.13 I think the scenario presented by Ms Wheatley is unlikely to affect non-coastal hazards, at least in a way that could be assessed in a resource consent, and so do not recommend this addition to NH-P3.
- 6.14 I do think that the potential effects of work on hazard resilience for surrounding sites should be considered for coastal hazard mitigation, but I think that policy CE-P13.3 and CE-P13.4 in combination with the discretionary activity rule for hard engineering works cover this situation by considering effects of hard engineering works on natural features and systems, including on other sites or in the CMA. I thus think that no further change is needed.

Activities most sensitive to natural hazards in the Regionally Significant Coastal Business Areas Overlay

NH-Raaa, NH-Rccc

- 6.15 Philip Brown for the Fuel Companies (468/471) provides evidence around the Fuel Companies' relief in relation to my recommendation to accept the Policy Planning Team submission point (440.48a etc) to use an overlay for the Seaview/Gracefield/Petone area subject to different treatment. He generally considers that the overlay may be too enabling for *activities most sensitive to natural hazards* and go beyond the proportionate approach required by the NPS-NH and RPS.
- 6.16 The intention of the recommended overlay is to preserve the overall approach from the PDP as notified (except to implement other unrelated points from other submitters) but include the provisions within an overlay rather than a list of zones and suburbs, simply for usability reasons. I do appreciate the potential confusion caused by the significant restructuring of rules I am recommending.
- 6.17 I am however unclear on the connection between Mr Brown's requested further substantive changes and the original relief sought by the Fuel Companies in their submission. In his evidence, Mr Brown does not support the permitted activity status for buildings for *activities most sensitive to natural hazards* up to 200m² under some circumstances provided for in recommended rules NH-Raaa and NH-Rccc. This however simply preserves the approach in the notified rules NH-R9 and NH-R13, which the Fuel Companies supported in their original submission. I recommend Mr Brown clarify his view on these connections in the hearing.

Smaller or non-habitable buildings and structures

NH-R1, NH-R2, NH-R3, NH-R4, NH-R5, NH-R6, NH-Raaa, NH-R11, NH-R13, NH-Rbbb, NH-Rccc, CE-Rccc, CE-Rddd

- 6.18 Philip Brown for the Fuel Companies (468/471) provides evidence around the Fuel Companies' relief sought for rules providing for smaller or non-habitable buildings and structures.
- 6.19 I agree with Mr Brown's view that that "structures" should be removed from the scope of rules NH-R1 to NH-R6. However, I cannot see scope within submissions to action this. I invite Mr Brown to provide further evidence on this if he thinks scope can be found.
- 6.20 I do not agree with changing the language for rules that override other rules to "takes priority over", as this is inconsistent with the language used in other rules in the PDP that use "replaces", for example LLRZ-PREC1-R1/R2.
- 6.21 I agree that my recommended NH-Rbbb should not cover the Medium Flood Hazard Overlay (as it is covered by NH-R13) and recommend correcting this as requested by Mr Brown.
- 6.22 I agree that adding a permitted activity arm for buildings under 10m² would help support the general framework I recommend in the section 42A report for minor, low risk/low replacement value buildings, and recommend adding the change sought by Mr Brown to NH-R11, although without the floor level requirement (this cannot practically be applied as a permitted activity condition in the Medium or High Flood Hazard overlays given how freeboard is modelled). I do not agree with the equivalent change to NH-R13, as I think my recommended definition of *activities least sensitive to natural hazards* would make it redundant in the circumstances intended (small, non-habitable buildings).

Construction of buildings on vacant sites in the Fault Location Area

NH-R5

- 6.23 Erica Wheatley for the Wellington Regional Council (452) ("GWRC") provides evidence around GWRC's relief in relation to the controlled activity arm of NH-R5 (covering new buildings on vacant allotments

in the Fault Location Area). Ms Wheatley's new position seeks additional matters of control to match the restricted discretionary arm.

- 6.24 The controlled arm of the rule is to meet the council's unavoidable duty to provide for the reasonable use of land despite knowing that buildings will be at risk. I think the additional matters of control would not be practical – the policy test is around *whether* a building should be built, which is not in question in a controlled activity, and based on the MfE guidance on managing fault rupture hazards, I think it is unlikely in practice that a building could be built to withstand a fault rupture from a fault it sits on top of. The only mitigation possible is to move away from the fault. Accordingly, I do not recommend further change to the rule.

7.0 Natural and coastal hazards modelling and mapping – responses to submitter evidence and statements

Flood modelling – evidence of Louis Freeman for Chris Moore (448) and Philip Wallace for Te Karearea Ltd (447) and Waste Management (461)

- 7.1 The evidence presented by Louis Freeman for Chris Moore (448) and Philip Wallace for Te Karearea Ltd (447) and Waste Management (461) relates to technical aspects of the flood modelling. I refer to the further statement of evidence from Alistair Osborne⁶ on this evidence and adopt and recommend accepting Mr Osborne's conclusions.

Fault hazard – evidence of David Gibson for Te Kārearea Limited and Rosco Ice Cream Limited (447)

- 7.2 David Gibson provides evidence for Te Kārearea Limited and Rosco Ice Cream Limited (447) relating to both planning issues and

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<https://hccpublicdocs.azurewebsites.net/api/download/d8937615b4d04c4eabe99da68ac79ed3/dplanreview/b497e56313716f434c1d91cf3e001677b30d>

the identification of the fault hazard. This includes attaching a report from Tim Haxell, Richard Cole, and Nick Peters from Tonkin & Taylor Ltd, although this is not technical evidence presented specifically for this hearing and the authors have not (for example) stated they agree to abide by the Code of Conduct.

- 7.3 I am not sure if there is scope within the submission of Te Kārearea Limited itself to make alterations to the fault line as this is not raised in the original submission. However, as I discuss in paragraph 4.8, I think there is scope in other submissions, and I do not think any person would be particularly disadvantaged by the area of the overlay being reduced.
- 7.4 For the substance of the issue, I refer to the additional evidence from Dr Nicola Litchfield⁷ who agrees with modifying the Fault Location Area in the manner recommended by Tonkin & Taylor and sought by Mr Gibson.
- 7.5 Given Dr Litchfield's agreement with the evidence provided, I do not think the procedural issues above are an issue in practice and recommend making the changes sought by Mr Gibson.
- 7.6 Mr Gibson also seeks alternative relief if the Fault Location Area is not modified as sought. Given my agreement with the primary relief, I have not assessed this alternative relief.

**Slope assessment overlay – evidence of John Wadham (122)
and Cameron de Leijer for Kelson Heights Limited (373)**

- 7.7 I have asked Pathmanathan Brabhakaran to consider the evidence provided by John Wadham (122) on his own behalf and Cameron de Leijer for Kelson Heights Limited (373). At time of writing, he had yet to finish this assessment but will be able to provide an update at the start of the hearing.

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<https://hccpublicdocs.azurewebsites.net/api/download/d8937615b4d04c4eabe99da68ac79ed3/dplanreview/b7b87e011370673a4b428440f934836f0265>

- 7.8 Mr de Leijer raises that the WSP modelling for the Kelson Heights area does not incorporate more recent changes to ground forms due to earthworks on the site. As Mr de Leijer notes, there are existing resource consents for the site authorising a specific future plan for subdivision and earthworks, which of course authorises those works despite any provisions in the PDP.
- 7.9 While I agree with Mr de Leijer's principle that modelling should use the best (and in this case, most recent) information, I do not think the relief sought by the submitter is compatible with this, or that information in the approved resource consents meets the test of being more appropriate information. If the development proceeds according to those consent the Slope Assessment Overlay is irrelevant. Whereas if the development proceeds in some other way, then the geotechnical information in those consents is not necessarily reliable. Thus, it would be contradictory for the PDP to rely on an assumption that works will be carried out in accordance with a resource consent.
- 7.10 It might be reasonable to re-apply the WSP methodology using more recent LIDAR data that would include earthworks already actually carried out, although this would be a costly exercise and I think the value of this would be limited given the existing consents for the site are likely to be exercised instead. In my view this would be more efficiently addressed in individual resource consents, should a development that is not already consented be proposed in future.
- 7.11 It is worth noting that such a re-run might also mean that the Slope Assessment Overlay should cover a *wider* area than that proposed, particularly near the site's southwestern boundary uphill of existing homes where relatively steep slopes have been created as part of the site earthworks, and this potential issue is raised in the submission of Craig Barker and Margaret Barker (387).
- 7.12 I thus do not recommend any change to the Slope Assessment Overlay for the site.

8.0 Matters not raised by submitters

Errata to the Section 42A Report

- 8.1 Paragraph 20 of the Section 42A report states that the report covers the Slope Assessment Overlay earthworks provisions. However, these are not included in the report or in this hearing stream, and will be addressed in Hearing Stream 7.

Definition of “activities least sensitive to natural hazards”

- 8.2 The definition of *activities least sensitive to natural hazards* includes buildings used for “marina operations”. Given the submission points around the definition of *marina activities* covered in Hearing Stream 2, I think a minor correction should be made so that the language should be aligned with the recommended defined term *marina activities*.

9.0 Section 32AA Evaluation

- 9.1 The only changes I recommend in this evidence are either clarifications or minor changes to give better effect to the relief that I recommend accepting in the section 42A report. I thus consider the section 32AA evaluation in that report continues to apply.

Stephen Davis
Senior Policy Planner
For Hutt City Council
12 August 2026

APPENDIX 1: RECOMMENDED AMENDMENTS TO PROVISIONS

Definitions

...

Term	Definition
activity least sensitive to natural hazards	means a: a. accessory building <u>or part of a building</u> used for non-habitable purposes, b. <u>structure used for non-habitable purposes,</u> c. building associated with marina <u>operations activities</u> (above MHWS), d. passive recreation activity, e. parks facility, or f. plantation forest or plantation forestry, <u>or</u> g. <u>any activity not otherwise included as an activity potentially sensitive to natural hazards or an activity most sensitive to natural hazards.</u>

NH — Natural Hazards

...

NH-P2	Levels of Risk
Subdivision, use and development manages the natural hazard risk to people, buildings and infrastructure by: 1. Avoiding buildings and activities in the High Natural Hazard Overlays (with the exception of the General Industrial Zone and Heavy Industrial Zone in Seaview, Metropolitan Centre Zone in Pito One and Seaview Marina Zone Regionally Significant Coastal Business Areas 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 maintains or reduces <u>or does not increase</u> the existing <u>and potential future</u> risk from the natural hazard to people, buildings and infrastructure. 2. Within 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, recognise the regional importance of these areas, while ensuring that subdivision, use, or development located in these areas minimises the risk from flood hazards in the High Flood Hazard Overlay to people, buildings, and infrastructure. 3. Requiring subdivision, use, or development to minimise the risk to development from natural hazards to people, buildings and infrastructure in the Low Hazard Overlays and Medium Hazard Overlays, and 4. Enabling use, or development that have either low occupancy or low replacement value within the Natural Hazard Overlays.	

...

NH-R11	<u>Construction of New buildings and structures</u> and the conversion of existing buildings for activities least sensitive to natural hazards within the Medium Flood Hazard Overlay and High Flood Hazard Overlay
<u>Medium Flood Hazard Overlay</u> <u>High Flood Hazard Overlay</u>	1. <u>Activity status: Permitted</u> <u>Where:</u> a. <u>The building has a gross floor area of no more than 10m²</u>
<u>All Zones</u> <u>Medium Flood Hazard Overlay</u> <u>High Flood Hazard Overlay</u>	2. Activity status: Restricted discretionary <u>Where:</u> a. <u>Compliance is not achieved with NH-R11.1.</u> Matters of discretion are restricted to: 1. The relevant matters in NH-P9: Subdivision, Use and Development in the Flood Hazard Overlays <u>NH-Pddd: Subdivision, use and development in the Medium Flood Hazard Overlay or NH-Peee: Subdivision, use and development in the Medium Flood Hazard Overlay (as relevant).</u>

...

NH-Rbbb	<u>Construction of new buildings and the conversion of existing buildings for activities potentially sensitive to natural hazards or activities most sensitive to natural hazards (other than residential apartments) within the Medium Flood Hazard Overlay and High Flood Hazard Overlay</u>
<u>All Zones except for</u> - <u>General Industrial Zone in Seaview</u> - <u>Heavy Industrial Zone in Seaview</u> -	1. Activity status: Non-complying Where: a. The new building or conversion is located in a High Flood Hazard Overlay.

Metropolitan Centre Zone in Petone - Seaview Marina Zone <u>High Flood Hazard Overlay</u>	
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