

**BEFORE THE INDEPENDENT HEARING PANEL APPOINTED TO HEAR AND MAKE
DECISIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS ON THE PROPOSED
LOWER HUTT DISTRICT PLAN**

IN THE MATTER of the Resource Management Act 1991
(the Act)

AND

IN THE MATTER of Hearing of Submissions and Further
Submissions on the Proposed Lower
Hutt District Plan under Schedule 1 of
the Act

**STATEMENT OF EVIDENCE OF ERICA WHEATLEY
ON BEHALF OF WELLINGTON REGIONAL COUNCIL**

TUESDAY, 4 AUGUST 2026

Summary of Evidence

- 1 I am largely supportive of the approach taken by the Section 42A reporting officer on the natural hazards topic.
- 2 I have provided additional reasoning on the following submission points, which remain in contention following the release of the Section 42A report:
 - a. Move “plantation forest or plantation forestry” from the defined term “activity least sensitive to natural hazards” to “activity potentially sensitive to natural hazards” (452.1 and 452.3)
 - b. Insert “Building long-term resilience to the impacts from natural hazards and effects of climate change” under “Natural Hazard Risk” in the Natural Hazards chapter introduction (452.73)
 - c. Amend NH-P2 to refer to “risk” rather than “existing risk” (452.80)
 - d. Amend NH-P3 and CE-P10 to include “... and manage activities so that significant adverse effects on these systems or features are avoided, minimised, or remedied” (452.81, 452.148)
 - e. Amend NH-R5(1) to a restricted discretionary activity status (452.93).
- 3 I accept the reporting officer’s reasoning and no longer pursue relief on the following submission points:
 - a. Insert a new definition of “resilient” or “resilience” in relation to natural hazards and climate change (452.12)
 - b. Amend CCSD-O1 to include climate resilience (452.16)
 - c. Include updated flood mapping for the relevant flood hazard overlays (452.72)
 - d. Amend NH-O1 so the direction is to “avoid increasing the existing risk from natural hazards”, rather than “reduce or avoid” (452.74)
 - e. Amend NH-P8, clause 4(a) to exclude residential activities from additions (452.84)
 - f. Amend NH-P9, clause 1, to include “... will not impede or block pathways for flood water and will not significantly increase the risks to adjacent buildings and people” (452.85)

g. Delete NH-P10 or amend to include safe access and egress during a flood event and require that there is no additional flood risk to neighbouring properties or imposition of overland flowpaths (452.86)

h. Amend NH-R14(1) to non-complying activity status (452.103).

Qualifications and experience

4 My name is Erica Wheatley. I am a Senior Policy Advisor in the Environmental Policy team at Greater Wellington Regional Council (GWRC).

5 I hold a Bachelor of Arts in Geography and Religious Studies, a Graduate Certificate of Commerce in Public Policy, and a Post-graduate Certificate in Public Policy from Victoria University of Wellington. I am a Full member of the New Zealand Planning Institute.

6 I have approximately 11 years' experience in planning and resource management policy. I have worked at or as a consultant for many district councils across the North Island in both policy and consent spaces, including full district plan reviews.

Code of conduct

7 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and have complied with it when preparing this report. Other than where I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of evidence

8 My evidence addresses GWRC's submission points that seek amendments to the Proposed Lower Hutt District Plan (PDP) within scope of the natural hazards topic. I largely support the approach taken by the Section 42A reporting officer on the natural hazards topic. My evidence will therefore focus providing additional information to resolve the remaining matters in contention between GWRC's submission and the Section 42A report recommendations.

9 A table of GWRC's submission points within scope of the natural hazards topic is included as Appendix 1 for ease of reference.

Natural Hazards District Context

- 10 Low lying coastal areas in Lower Hutt are subject to the effects of coastal and natural hazards. These effects will be exacerbated by the ongoing and worsening effects of sea level rise, tectonic subsidence, and climate change. Taking a mid-range scenario, sea level is projected to rise in the order of 1.0 metre for Hutt City over the next 100 years and will continue to rise beyond this timeframe.¹ This is excluding tectonic subsidence which is compounding rates of sea level rise in the Harbour and the region more broadly.
- 11 Limiting further development and signalling a gradual risk reduction approach over time is consistent with national² and regional policy direction³ and best practice hazard risk management guidance⁴. It allows use of these areas in the short- to medium-term while creating space to develop long-term adaption pathways with the community that are more flexible and responsive to uncertainty.

Submission points in contention that GWRC continues to seek relief for

- 12 A ‘tracked changes’ version of the amendments GWRC is seeking is attached as Appendix 2, accompanied by a Section 32AA evaluation for the changes sought.
- 13 Moving “plantation forest or plantation forestry” from the defined term “activity least sensitive to natural hazards” to “activity potentially sensitive to natural hazards” (452.1 and 452.3): GWRC originally sought this amendment as plantation forest operations can create extensive land disturbance for forest establishment, management, and harvest. These activities are often located on steep land, which increases the risk of erosion hazard and can generate a substantial amount of sediment and slash that enters rivers, estuaries, and harbours. The creation of access roads and skid sites can over-steepen slopes and make them more susceptible to landslip hazards. These risks are exacerbated by natural hazards such as intense rainfall events. Sediment and slash mobilised by floodwaters can

¹Naish et al., (2024). [The significance of interseismic vertical land movement at convergent plate boundaries in probabilistic sea-level projections for AR6 scenarios: The New Zealand case. Earth's Future, 12, e2023EF004165](https://doi.org/10.1016/j.earscire.2023.1004165). NZ Searise: <https://searise.takiwa.co/map/6245144372b819001837b900/embed>

² Proportionate natural hazard risk management approach in the National Policy Statement for Natural Hazards,

³ “Minimise and not increase risk” approach, and “manage risk and consequences of natural hazards” approach in the Regional Policy Statement for the Wellington Region, Policy 29 (Managing subdivision, use, and development in areas at high risk from natural hazards – regional and district plans) and Policy 51 (Avoiding or minimising the risks and consequences of natural hazards – consents, notices of requirements, or plan change, variation, or review)

⁴ [Ministry for the Environment. 2024. Coastal hazards and climate change guidance.](https://www.mta.govt.nz/publications/coastal-hazards-and-climate-change-guidance/)

pose a risk to lives and property as experienced on multiple occasions in the Gisborne/Tairāwhiti region in recent years. Upon reviewing the National Environmental Standard for Commercial Forestry (NES-CF) and the rules in the PDP however, there are no specific rules managing plantation forestry in the PDP (aside from being regulated via inclusion in the definition of “activity least sensitive to natural hazards”). Regulation 6 of the NES-CF only allows a plan to be more stringent than the NES-CF in limited circumstances.⁵ There does not appear to be any applicable circumstances in the district that would require the PDP to include a rule more stringent than the NES-CF. I therefore consider that deleting “plantation forest or plantation forestry” from the defined term “activity least sensitive to natural hazards” would be consistent with the limitations the NES-CF places on plans to regulate plantation forestry.

- 14 Inserting an additional point under the “Natural Hazard Risk” heading in the Natural Hazards chapter introduction, “Building long-term resilience to the impacts from natural hazards and effects of climate change” (452.73): The reporting officer considers the existing points under this heading already covers what the PDP can manage. I consider adding this point would provide a clearer link to strategic direction objective CCSD-O2, which states, “The risk to people, communities, and property from natural hazards, and from the potential effects of climate change on natural hazards, is avoided or minimised to acceptable levels”. I consider it would be useful to reinforce this direction in the Natural Hazards chapter introduction, as building long-term resilience is a key factor in considering how to manage natural hazard risk, as both the likelihood and consequences of natural hazards will become further exacerbated over time as a result of climate change, sea level rise, and tectonic subsidence.
- 15 Amending NH-P2 to refer to “risk” rather than “existing risk” (452.80): The reason for the relief sought is that risks in high hazard areas over time due to climate change, sea level rise, and regional tectonic subsidence. There is a 50-year planning horizon under the Building Code and a 100-year planning horizon under the New Zealand Coastal Policy Statement, so any development in these areas needs to consider what the future risks may be and design the development to appropriately manage those effects. An alternative wording amendment could be

⁵ To give effect to Policies 11 (indigenous biodiversity), 13 (preservation of natural character), 15 (natural features and landscapes), and 22 (sedimentation) of the NZ Coastal Policy Statement 2010, or to manage the risk of severe erosion.

"... reduces the existing and potential future risk as a result of climate change from the natural hazards..."

- 16 Amending NH-P3 and CE-P10 to include "... and manage activities so that significant adverse effects on these systems or features are avoided, minimised, or remedied" (452.81, 452.148): The reason for the relief sought is that there are some activities that may occur adjacent to natural features that may have unintended consequences that affect their natural functioning, such as their ability to buffer natural hazards. An example would be erecting a structure above mean highwater springs, that causes scouring and end effects erosion on the adjacent beach, but which does not require a consent under the Natural Resources Plan. An alternative amendment could be, "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 adjacent activities that may affect their ability to function in this manner."
- 17 Amending NH-R5(1) to a restricted discretionary activity status (452.93): I concur with the reporting officer that it would be difficult to justify not allowing people to develop a vacant site except for "activities less sensitive to natural hazards", which is a very limited list of activities. Consideration of whether a site could or could not be developed due to natural hazards should have been factored into the prior subdivision consent decision. As a vacant lot is the only circumstance in which Controlled activity status applies, I consider this is reasonable. However, I note that the matters of discretion under NH-R5(2) lists "the ability of the building to remain structurally sound during and after a fault rupture" and "the relevant matters in NH-P7", but not as matters of control under NH-R5(1). This may be a useful addition if there is scope to do so.

Submission points that GWRC accepts the reporting officer's recommendation

- 18 Inserting a new definition of "resilient" or "resilience" in relation to natural hazards and climate change (452.12): The reporting officer considers that where the PDP uses the terms "resilient" and "resilience", the meaning is clear from the context. Upon reviewing where these terms are used in the PDP, I agree with the reporting officer. In addition, I note the term "resilient" is used in the PDP more widely than just in relation to natural hazards and climate change and therefore providing a narrowed and specific definition would reduce Plan clarity. The dictionary definition of "resilient" and "resilience" is sufficient given the way the term is used throughout the PDP.

- 19 Amending CCSD-O1 to include climate resilience (452.16): The reporting officer considers climate resilience is already adequately addressed in other strategic direction objectives. I agree that UDSD-O2 adequately provides for improving climate resilience of urban spaces in a way that gives effect to the relief sought in GWRC's original submission point; particularly when considered in conjunction with the defined term "well-functioning urban environments" used in UDSD-O2, which includes reference to "resilience to the likely current and future effects of climate change".
- 20 GWRC provided updated flood maps as part of its submission, which it sought be included in the relevant flood hazard overlays (452.72): Mr Osbourne's evidence provided with the Section 42A report largely supported the updated mapping provided. Andy Brown, Knowledge Risk Management and Resilience Lead, and Kirsty Duff, Senior Engineer at GWRC have reviewed Mr Osbourne's evidence and I have been advised that they agree with Mr Osbourne's evidence and recommendations.
- 21 Amending NH-O1 so the direction is to "avoid increasing the existing risk from natural hazards", rather than "reduce or avoid" (452.74): I agree with the reporting officer as it may not always be possible to eliminate an existing risk, but a reduction in risk is still an improvement over the existing situation and is consistent with a risk reduction approach.
- 22 Amending NH-P8, clause 4(a) to exclude residential activities from any additions (452.84): I agree with the reporting officer that managing residential activities in line with other activities listed under the "activities most sensitive to natural hazards" definition is appropriate.
- 23 Amending NH-P9, clause 1, to include "... will not impede or block pathways for flood water and will not significantly increase the risks to adjacent buildings and people" (452.85): I concur with the reporting officer that the term "allow" in this policy links to the Permitted activity status for "activities least sensitive to natural hazards" in the low flood hazard overlay under NH-R10. I therefore agree it is impractical to include an assessment criterion that correlates to a Permitted activity in this policy.
- 24 Deleting NH-P10 or amend to include safe access and egress during a flood event and require that there is no additional flood risk to neighbouring properties or imposition of overland flowpaths (452.86): The additional clause recommended by

the reporting officer gives effect to the relief sought by GWRC: "6. People have access to safe vertical or external evacuation routes in the event of a 1% AEP flood event". In consultation with Dr Iain Dawe, I have been advised that the 1% AEP threshold is acceptable and consistent with the Regional Policy Statement. I also note that consideration of potential effects on neighbouring properties is sufficiently covered by existing clause 5 of this policy.

- 25 Amending NH-R14(1) to non-complying activity status (452.103): I agree with the reporting officer that requiring that a restricted discretionary status is appropriate given the conditions listed under NH-R14(1), the relevant matters of discretion can be clearly identified, and the matters listed under NH-P10 are appropriate matters of discretion to manage risk for this type of development.

Appendix 1: GWRC submission points in the Natural Hazards topic

Submission point	Provision	Position	Relief sought	S42A recommendation	GWRC response
452.0	Natural Hazards	Support in part	Greater Wellington is also largely supportive of HCC's approach to managing natural hazards in the district. Greater Wellington recognises that this is a challenging space for HCC given the number and nature of overlapping hazards the district is subject to and suggests a small number of amendments. Greater Wellington is open to providing any support that would be helpful to HCC in this area in relation to the science, hazard mapping and development of provisions.	N/A	N/A
452.1	Definition: Activity least sensitive to natural hazards	Support in part	Amend as follows: Means a: a. accessory building used for non-habitable purposes, b. building associated with marina operations (above MHWS), c. passive recreation activity, d. parks facility, or e. plantation forest or plantation forestry.	Accept in part	Relief still sought
452.2	Definition: Activity most sensitive to natural hazards	Support	Retain as notified.	Accept in part	Accept recommendation
452.3	Definition: Activity potentially sensitive to natural hazards	Support in part	Amend as follows: ... o. quarrying activity, p. rural activity, q. rural industry, <u>or</u> <u>r. plantation forest or plantation forestry.</u> But excludes activities most sensitive to natural hazards and activities least sensitive to natural hazards.	Accept in part	Accept recommendation
452.11	Definition: Natural hazard	Support	Retain as notified.	Accept	Accept recommendation
452.12	New definition – "Resilient" or "resilience"	Amend	Insert a new definition as follows: <u>Resilient or resilience, 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.</u>	Reject	Accept recommendation

Submission point	Provision	Position	Relief sought	S42A recommendation	GWRC response
452.16	CCSD-O1	Support in part	Amend 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 <u>become more climate-resilient, and</u> carbon neutral by 2050.	Accept in part	Accept recommendation
452.72	Hazard mapping	Support in part	Seeks to replace the Flood Hazard Overlays with those included in Attachment 3 (see original submission for attachment).	Accept in part	Accept recommendation
452.73	NH Intro	Support in part	Add a bullet point to the list under the heading Natural Hazard Risk as follows: <u>Building long-term resilience to the impacts from natural hazards and effects of climate change</u>	Reject	Relief still sought
452.74	NH-O1	Support in part	Amend as follows: Subdivision, use and development within the High Natural Hazard Overlays reduce or avoid increasing the existing risk from natural hazards to people, buildings and infrastructure.	Accept in part	Relief still sought (amended wording, see Appendix 2)
452.75	NH-O2	Support	Retain as notified.	Accept	Accept recommendation
452.76	NH-O3	Neutral	Retain as notified.	Accept	Accept recommendation
452.77	NH-O4	Support	Retain as notified.	Accept	Accept recommendation
452.78	NH-O5	Support	Retain as notified.	Accept	Accept recommendation
452.79	NH-P1	Support	Retain as notified.	Accept	Accept recommendation
452.80	NH-P2	Support in part	Amend clause 1 as follows: 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) 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 the existing risk from the natural hazards to people, buildings and infrastructure.	Accept in part	Relief still sought (amended wording, see Appendix 2)
452.81	NH-P3	Support in part	Amend 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 <u>and manage activities so that significant adverse</u>	Reject	Relief still sought (amended wording, see Appendix 2)

Submission point	Provision	Position	Relief sought	S42A recommendation	GWRC response
			<u>effects on these systems or features are avoided and other adverse effects are avoided, minimised or remedied.</u>		
452.82	NH-P4	Support	Retain as notified.	Accept in part	Accept recommendation
452.83	NH-P6	Support in part	Seeks to define where the 20m is to be measured from, e.g. the fault trace or an identified fault rupture zone.	Accept	Accept recommendation
452.84	NH-P8	Support in part	Amend clause 4.a. as follows: a. The risk from the 1% Annual Exceedance Probability flood event is low due to either the: i. Proposed mitigation measures, or ii. Size of the addition, or iii. Nature of the activities undertaken within the addition, <u>which cannot include residential activities.</u>	Reject	Accept recommendation
452.85	NH-P9	Support in part	Amend clause 1 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, <u>will not impede or block pathways of flood water and will not significantly increase the risks to adjacent buildings and people.</u>	Reject	Accept recommendation
452.86	NH-P10	Support in part	Delete this policy. If it is retained, then amend as follows: Provide for residential apartments within the Medium Flood Hazard Overlay and High Flood Hazard Overlay where: ... <u>6. Access & egress during flood events and the requirement for an emergency response plan to be put in place by the building owner.</u> <u>7. Not increase flood risk to neighbouring properties or impede over land flow paths.</u>	Accept in part	Accept recommendation
452.87	NH-P11	Support	Retain as notified.	Accept in part	Accept recommendation
452.88	NH-P12	Support	Retain as notified.	Accept in part	Accept recommendation
452.89	NH-R1	Support	Retain as notified.	Accept in part	Accept recommendation
452.90	NH-R2	Support in part	Seeks to replace reference to "fault line" with "fault trace"	Accept	Accept recommendation
452.91	NH-R3	Support in part	Seeks to replace reference to "fault line" with "fault trace"	Accept	Accept recommendation
452.92	NH-R4	Support	Retain as notified.	Accept	Accept recommendation

Submission point	Provision	Position	Relief sought	S42A recommendation	GWRC response
452.93	NH-R5	Oppose	Seeks to delete the controlled activity status NH-R5(1) and make the rule entirely restricted discretionary. Replace reference to “fault line” with “fault trace”.	Reject	Relief still sought (amended wording, see Appendix 2)
452.94	NH-R6	Support	Retain as notified.	Accept	Accept recommendation
452.95	NH-R7	Support in part	Retain as notified.	Accept	Accept recommendation
452.96	NH-R8	Support	Retain as notified.	Accept in part	Accept recommendation
452.97	NH-R9	Oppose	Amend Rule NH-R9.1 as follows: Activity status: Permitted Where: a. The gross floor area of the addition is no more than 200m ² , and b. The addition does not result in the in the establishment of a residential activity on the ground floor of the building. <u>c. The impacts of the additions on the conveyance of flood waters, including any potential for flood waters to be blocked or diverted onto adjacent properties.</u>	Accept in part	Accept recommendation – Addressed in memo accompanying S42A report
452.98	NH-R10.1	Support	Retain as notified.	Accept	Accept recommendation
452.99	NH-R11.1	Support	Retain as notified.	Accept in part	Accept recommendation
452.100	NH-R12.1	Support	Retain as notified.	Accept in part	Accept recommendation
452.101	NH-R12.2	Support	Retain as notified.	Accept in part	Accept recommendation
452.102	NH-R13.1	Support in part	Amend as follows: 1. Activity status: Permitted Where: a. The gross floor area of the new building or conversion is no more than 200m ² , and b. The new building or conversion does not result in the establishment of a residential activity on the ground floor of the building. <u>c. Flood risk is not increased for neighbouring properties and flow paths are not blocked.</u>	Accept in part	Accept recommendation – Addressed in memo accompanying S42A report
452.103	NH-R14	Oppose	Seeks to amend the rule to be only non-complying in status.	Reject	Accept recommendation
452.104	NH-R15	Support	Retain as notified.	Accept	Accept recommendation

Submission point	Provision	Position	Relief sought	S42A recommendation	GWRC response
452.105	NH-R16	Support	Retain as notified.	Accept	Accept recommendation
452.106	NH-R17	Support	Retain as notified.	Accept	Accept recommendation
452.134	CE-O3	Support	Retain as notified.	Accept	Accept recommendation
452.135	CE-O4	Support	Retain as notified.	Accept	Accept recommendation
452.136	CE-O5	Neutral	Retain as notified.	Accept in part	Accept recommendation
452.137	CE-O6	Support	Retain as notified.	Accept	Accept recommendation
452.138	CE-O7	Support	Retain as notified.	Accept in part	Accept recommendation
452.146	CE-P8	Support	Retain as notified.	Accept	Accept recommendation
452.147	CE-P9	Support	Retain as notified.	Accept	Accept recommendation
452.148	CE-P10	Support in part	Amend as follows: Maintain and enhance natural systems and features where they will reduce the existing risk posed by coastal hazards to people, buildings and infrastructure and manage activities so that <u>significant adverse effects on these systems or features are avoided and other adverse effects are avoided, minimised or remedied.</u>	Accept in part	Relief still sought (amended wording, see Appendix 2)
452.149	CE-P11	Support	Retain as notified.	Accept	Accept recommendation
452.150	CE-P12	Support	Retain as notified.	Accept	Accept recommendation
452.151	CE-P13	Support	Retain as notified.	Accept in part	Accept recommendation
452.152	CE-P14	Support	Retain as notified.	Accept in part	Accept recommendation
452.153	CE-P15	Support	Retain as notified.	Accept in part	Accept recommendation
452.161	CE-R8	Support	Retain as notified.	Accept	Accept recommendation
452.162	CE-R9	Support	Retain as notified.	Accept	Accept recommendation
452.163	CE-R10	Support	Retain as notified.	Accept in part	Accept recommendation

Submission point	Provision	Position	Relief sought	S42A recommendation	GWRC response
452.164	CE-R11	Support	Retain as notified.	Accept in part	Accept recommendation
452.165	CE-R12	Support	Retain as notified.	Accept in part	Accept recommendation
452.166	CE-R13	Support	Retain as notified.	Accept	Accept recommendation
452.167	CE-R14	Support	Retain as notified.	Accept	Accept recommendation
452.168	CE-R15	Support	Retain as notified.	Accept in part	Accept recommendation
452.169	CE-R16	Support	Retain as notified.	Accept in part	Accept recommendation
452.170	CE-R17	Support	Retain as notified.	Accept in part	Accept recommendation
452.171	CE-R18	Support	Retain as notified.	Accept	Accept recommendation

Appendix 2: Tracked changes of amendments sought to the PDP and Section 32AA assessment

- Amendments in the Section 42A report are black with underline and ~~strikethrough~~
- Amendments sought by GWRC are in red with underline and ~~strikethrough~~.

Definitions

“Activity least sensitive to natural hazards” (452.1)

Means a:

- a. accessory building used for non-habitable purposes,
- b. building associated with marina operations (above MHWS),
- c. passive recreation activity,
- d. parks facility ~~or~~
- ~~e. plantation forest or plantation forestry.~~

Natural Hazards Chapter Introduction

Natural Hazard Risk (452.73)

Risk is a product of both the likelihood of and the consequences from a natural hazard. A risk-based approach to natural hazards balances allowing people and communities to use their property and undertake activities, while also ensuring that lives or significant assets are not harmed or lost as a result of a natural hazard event. When addressing the consequences from natural hazards, 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, and
- Building long-term resilience to the impacts from natural hazards and effects of climate change.

NH-P2 Levels of Risk (452.80)

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 the existing and potential future risk from the natural hazard to people, buildings and infrastructure...

Or:

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 the existing risk from the natural hazard to people, buildings and infrastructure...

NH-P3 Natural Systems and Features (452.81)

Central government, local government, and landowners 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.

Or:

Central government, local government, and landowners 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 adjacent activities that may affect their ability to function in this manner.

NH-R5 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 poorly constrained or the uncertain constrained areas of the Fault Trace Area (452.93)

1. Activity status: Controlled

Where:

- a. The building is being constructed on an existing vacant site.

Matters of control are limited to:

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~~ trace 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.

Notification: Public notification and limited notification are precluded for applications under this rule.

CE-P10 Natural Systems and Features (452.148)

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

Or:

~~Maintain and~~ Protect, restore, or enhance natural systems and features where they will reduce the existing risk posed by coastal hazards to people, buildings and infrastructure and manage adjacent activities that may impact on their ability to function in this manner.

Section 32AA Assessment

1. I consider the changes recommended above are more effective and efficient, and will result in the following benefits:
 - a. As there are no circumstances in the district that would require the PDP to include more stringent rule than the NES-CF, deleting “plantation forest or plantation forestry” from the defined term “activity least sensitive to natural hazards” is consistent the NES-CF. This will improve plan clarity and integration and alignment with national direction.
 - b. Inserting “Building long-term resilience to the impacts from natural hazards and effects of climate change” under “Natural Hazard Risk” in the Natural Hazards chapter introduction provides a clear link to strategic objective CCSD-O2, which will improve Plan integration.
 - c. Amending NH-P2 to refer to “risk” rather than “existing risk” enables consideration of the likely future natural hazard risk posed to regionally significant coastal businesses in the High Natural Hazard Overlay. This will enable consideration of long-term coastal hazard adaption pathways resulting in improved hazard resilience and mitigation of coastal hazard adaption costs in the future.
 - d. Amending NH-P3 and CE-P10 to include “... and manage activities so that significant adverse effects on these systems or features are avoided, minimised, or remedied” will enable Council to consider activities that may occur adjacent to natural features that may have unintended consequences that affect their natural functioning, such as their ability to buffer natural hazards. This will retain the natural hazard mitigation function of these features, reducing the need for Council to invest in alternative natural hazard mitigation infrastructure.
 - e. Including “the ability of the existing building to remain structurally sound during and after a fault rupture” and “the relevant matters in NH-P7” in the matters of control listed for NH-R5(1) will allow Council to consider the distance of the building from the edge of the fault deformation zone, and mitigation measures incorporated into the building to maintain life and safety of the occupants and the structural integrity of the building in the event of a fault rupture, within the poorly constrained or the uncertain constrained areas.

This will improve the resilience of buildings in these fault trace areas and consequently the preservation of life in a natural hazard event.

2. There is not considered to be a risk in accepting the recommended amendments, as there is sufficient information to act on the submissions based on the evidence provided to date via the Section 32 and Section 42A reports and their accompanying supporting evidence, as well as evidence provided by submitters.
3. The recommended amendments are therefore considered to be a more appropriate way to achieve the purpose of the RMA.