

Wellington City Proposed District Plan

Hearing Stream 5 – Natural Hazards and Coastal Hazards

Section 42A of the Resource Management Act 1991

Document Information

REPORT FOR:	Independent Hearings Commissioners: Robert Schofield (Chair) Lindsay Daysh Jane Black Rawiri Faulkner
SUBJECT:	Wellington City Proposed District Plan – Part 5 – Natural Hazards and Coastal Hazards
PREPARED BY:	Jamie Sirl
REPORT DATED:	3 July 2023
DATE OF HEARING:	1 August 2023

Executive Summary

- i. This report considers submissions received by Wellington City Council in relation to the relevant objectives, policies, rules, definitions, appendices and maps of the Wellington City Proposed District Plan as they apply to the Natural Hazards Chapter and Coastal Hazards provisions contained within the Coastal Environment Chapter. Submissions received in relation to provisions contained within the Infrastructure, Subdivision and Earthworks chapters of the Proposed District Plan that relate to natural hazards or coastal hazards are not considered in this report and are instead considered in the relevant reports that cover those topics.
- ii. There were 845 submissions and further submissions received on Natural Hazards and Coastal Hazards. The submissions received were diverse and sought a range of outcomes. This report assesses and makes recommendations in response to the issues and submission points raised.
- iii. The following are considered to be the key issues in contention:
 - a. The request for a more nuanced approach to fault rupture hazard that responds to the fault complexity of the various faults, likelihood of an event and hazard sensitivity of building and activities. A change in approach would likely impact development rights associated with sites within certain fault hazard overlays, whereas the PDP approach may not reflect existing knowledge of fault rupture hazard and related hazard risk;
 - b. Concerns with the inclusion of tsunami hazard overlays and associated provisions and whether the impacts of certain events requires a land use planning response that directs the need for mitigation of effects of tsunami hazard;
 - c. Proposed amendments sought to the approach to flood hazard seeking a more permissive approach to provisions on the basis that low-level inundation and relevant hazard risk can be managed through the incorporation of mitigation, where a more permissive approach may not appropriately manage potential damage to property and safety of people;
 - d. Ensuring that the approach to hazard management with respect to the Central Business District / City Centre Zone adequately recognises the significant existing investment in the area and the impracticality of the CBD being relocated whilst ensuring that hazard risk is appropriately managed, particularly with respect to high hazard areas; and
 - e. That the policy approach to addressing natural hazards is consistent with the Wellington Regional Policy Statement and Change 1.
- iv. This report addresses each of these key issues, as well as any other relevant issues raised in the submissions.

- v. The report includes recommendations to address matters raised in submissions. This includes whether the provisions in the Proposed District Plan relating to Natural Hazards Chapter and Coastal Hazards should be retained as notified, amended, or deleted in full.
- vi. Appendix A of this report sets out the recommended changes to the Natural Hazards and Coastal Environment Chapters (in respect to Coastal Hazards) in full. These recommendations take into account all of the relevant matters raised in submissions and relevant statutory and non-statutory documents.
- vii. Appendix B of this report details officers' recommendations on submissions and whether they should be accepted, accepted in part or rejected. The associated reasoning is set out in the body of this report.
- viii. For the reasons set out in the Section 32AA evaluations included throughout this report, the proposed objectives and associated provisions, along with any recommended amendments, are considered to be the most appropriate means to:
 - a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
 - b. Achieve the relevant objectives of the Proposed District Plan, in respect to the proposed provisions.

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Interpretation

Table 1: Abbreviations

Abbreviation	Means
the Act / the RMA	Resource Management Act 1991
the Enabling Act	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
the Council/WCC	Wellington City Council
the Operative Plan/ODP	Operative Wellington City District Plan
the Proposed Plan/PDP	Proposed Wellington City District Plan
GWRC	Greater Wellington Regional Council
NPS	National Policy Statement
NPS-UD	National Policy Statement on Urban Development 2020
NZCPS	New Zealand Coastal Policy Statement 2010
PNRP	Proposed Wellington Natural Resources Plan (Decisions Version) 2019
RPS	Wellington Regional Policy Statement 2013
Spatial Plan	Spatial Plan for Wellington City 2021
S32	Section 32 of the Resource Management Act 1991
S32AA	Section 32AA of the Resource Management Act 1991

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
FENZ	Fire and Emergency New Zealand
Forest and Bird	Royal Forest and Bird Protection Society
GWRC	Greater Wellington Regional Council
Kāinga Ora	Kāinga Ora Homes and Communities
KiwiRail	KiwiRail Holdings Limited
MOE	Ministry of Education
The Fuel Companies	BP Oil New Zealand, Mobil Oil New Zealand Limited and Z Energy Limited
RVANZ	Retirement Villages Association of New Zealand Incorporated
Telco	Spark New Zealand Trading Limited, Chorus New Zealand Limited, Vodafone New Zealand Limited
Waka Kotahi	Waka Kotahi NZ Transport Agency
WCCERG	Wellington City Council Environmental Reference Group

1.0 Introduction

1.1 Purpose

1. This report is prepared under section 42A of the Resource Management Act 1991 (the **RMA**) to:
 - a. Assist the Hearings Panel in their role as Independent Commissioners in making their decisions on the submissions and further submissions on the Wellington City Proposed District Plan (the **PDP**); and
 - b. Provide submitters with information on how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.
2. This report considers submissions received by the Council in relation to the relevant objectives, policies, rules, definitions and maps as they apply to the Natural Hazards Chapter and Coastal Hazards provisions contained within the Coastal Environment Chapter in the PDP. Submissions received in relation to natural hazards or coastal hazards related provisions contained within the Infrastructure, Subdivision and Earthworks chapters of the PDP are not considered in this report and are instead considered in the relevant reports that cover those topics.
3. This report discusses general issues, considers the original and further submissions received following notification of the PDP, assesses and makes recommendations as to whether or not those submissions should be accepted, accepted in part or rejected, and concludes with recommendations to retain or change the PDP provisions or maps based on the assessment and evaluation contained in the report.
4. This report is intended to be read in conjunction with the Section 42A Assessment Report: Part A – Overview, which sets out the statutory context, background information and administrative matters pertaining to the District Plan review and the PDP.
5. The Hearings 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 and evidence provided to them by submitters.

1.2 Author and Qualifications

6. My full name is James (Jamie) Grant Sirl. I am a Senior Planning Advisor in the District Plan Team at Wellington City Council (the **Council**).
7. My role in preparing this report is that of an expert in planning.
8. I hold the qualifications of Master of Planning Practice and Bachelor of Arts majoring in Geography from the University of Auckland. I am an Intermediate Member of the New Zealand Planning Institute.
9. I have approximately 11 years' experience in planning and resource management roles in Local Government.
10. Prior to recently moving to Wellington, I was involved in the preparation of council-led, and consideration of developer-led, district plan changes for greenfield growth areas and the

preparation of council-led district plan changes relating to the protection of indigenous biodiversity and historic heritage values at Hamilton City Council.

11. Since joining the WCC District Plan Team in December 2022 my involvement in the PDP review process has included assisting with the summary of submissions and providing support to reporting officers for earlier hearing streams. I have also led the WCC response to submissions regarding the natural and coastal hazard related content.
12. I am also the s42A reporting officer for the Corrections Zone, along with chapters relating to Renewable Energy and Designations.

1.3 Code of Conduct

13. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court which came into effect on 1 January 2023. I have complied with the Code of Conduct when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
14. Other than when I state that I am relying on the evidence or 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 I express.
15. 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 opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

1.4 Supporting Evidence

16. The expert evidence, literature, legal cases or other material which I have used or relied upon in support of the opinions expressed in this report is as follows:
 - a. Statement of Evidence by Alistair Osborne, Wellington Water Limited, Senior Hydraulic Modeller;
 - b. Statement of Evidence by David Ross Burbidge, GNS Science, Tsunami Team Leader;
 - c. Statement of Evidence by Connon James Andrews, National Institute of Water and Atmospheric Research (NIWA), Manager – Coastal Climate Risk & Infrastructure;
 - d. Statement of Evidence by Angela Georgina Griffin, GNS Science, Geologist;
 - e. Statement of Evidence by Dr Nicola Jane Litchfield, GNS Science, Earthquake Geologist/Tectonic Geomorphologist];
 - f. Statement of Evidence by James Gary Beban, Urban Edge Planning Limited, Director/planner;
 - g. WCC Capacity Modelling Natural and Coastal Hazards Memo prepared by Property Economics June 2023

1.5 Key resource management issues in contention

17. 845 submission points and further submission points were received on the provisions relating to

this topic.

18. Having read the submissions and further submissions, I consider that the following matters are the key issues in contention in the chapter:
 - a. The request for a more nuanced approach to fault rupture hazard that responds to the complexity of the various faults, the likelihood of an event and the hazard sensitivity of buildings and activities. A change in approach would likely impact development rights associated with sites within certain fault hazard overlays, whereas the PDP approach may not reflect existing knowledge of fault rupture hazard and related hazard risk;
 - b. Concerns with the inclusion of tsunami hazard overlays and associated provisions and whether the impacts of certain events require a land use planning response that directs the need for mitigation of effects of tsunami hazard;
 - c. Proposed amendments sought to the approach to flood hazard planning, namely seeking a more permissive approach on the basis that low-level inundation and relevant hazard risk can be managed through the incorporation of mitigation, whereas a more permissive approach may not appropriately manage potential damage to property and safety of people;
 - d. Ensuring that the approach to hazard management with respect to the Central Business District / City Centre Zone adequately recognises the significant existing investment in the area and the impracticality of the CBD being relocated whilst ensuring that hazard risk is appropriately managed, particularly with respect to high hazard areas; and
 - e. That the policy approach to addressing natural hazards is consistent with the Wellington Regional Policy Statement and Change 1.

1.6 Procedural Matters

19. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on Natural Hazards Chapter and Coastal Hazards provisions contained within the Coastal Environment Chapter.
20. A number of informal discussions were held between WCC and submitters where I considered a better understanding of the submitter's position would assist with determining appropriate recommendations in response to their submissions. Matters discussed included the language used and outcomes sought with respect to reducing or minimising hazard-related risk; hard engineering hazard mitigation structures; and the approach to encouraging mātauranga Māori approaches to natural hazard mitigation.
21. There are not considered to be any other procedural matters to note.

2.0 Background and Statutory Considerations

2.1 Resource Management Act 1991

22. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:

- Section 74 Matters to be considered by territorial authority; and
 - Section 75 Contents of district plans.
23. As set out in the Section 32 Evaluation Report Part 1 – Context to Evaluation and Strategic Objectives, there are a number of higher order planning documents and strategic plans that provide direction and guidance regarding the preparation and content of the PDP. These documents and a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are discussed in detail within the Natural and Coastal Hazards Section 32 Evaluation Report.
24. Since public notification of the PDP and publishing of the related section 32 evaluation reports on 18th July 2022, the following relevant statutory considerations have either changed/been introduced:
- a. **Spatial Planning Bill and Natural and Built Environment Bill (14 November 2022)**
 - These Bills are currently before the select committee and therefore have no implications for the plan.
 - b. **Plan Change 1 to the Wellington Regional Policy Statement was notified (19 August 2022)**
 - A submission was received from the GWRC seeking amendments to the PDP, in part to achieve alignment with this notified Plan Change. In Hearing Stream 1 the Reporting Officer confirmed that Plan Change 1 (PC1) to the WRPS must be had regard to, but that given the stage that PC1 is at in the legislative process (with substantial parts the subject of competing submissions), it may be difficult to give much weight to the PC1. However, it is appropriate that consideration is given to PC1 where relevant.

2.2 Schedule 1 and the Intensification Streamlined Planning Process (ISPP)

25. As detailed in the section 42A Overview Report prepared and considered by the Panel in Hearing Stream 1, the Council has chosen to use two plan review processes:
- a. The ISPP under Part 6 of Schedule 1 of the RMA for the intensification planning instrument (IPI). There are no appeal rights on ISPP provisions.
 - b. For all other PDP provisions and content, the standard Part 1 of Schedule 1 process of the RMA is used. Part 1 Schedule 1 provisions can be appealed.
26. For the Natural and Coastal Hazards topic addressed in this report, all provisions in the Natural Hazards Chapter fall under the ISPP, with a number of Coastal Hazards provisions also falling under this process. For reasons of clarity and certainty, the residual Coastal Hazards provisions subject to the alternative Part 1, Schedule 1 process of the RMA are specifically identified throughout this report.

2.3 Section 32AA

27. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

28. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to this topic is included following the assessment and recommendations in relation to the relief sought in submissions of this report, as required by s32AA(1)(d)(ii).
29. The Section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach have not been re-evaluated, as have any amendments that do not materially alter the policy approach in the PDP.

2.4 Section 77 - Qualifying Matters

30. Although not directly in response to submissions on Natural and Coastal Hazards in relation to Qualifying Matters (s77I, s77J and s77L of the RMA) for the benefit of the Panel what follows is a consideration of council's relevant assessment of Qualifying Matters as part of the notified PDP, supplemented by an assessment with respect to recommendations contained within this report that alter the impact of Natural and Coastal Hazards as Qualifying Matters.
31. With respect to the assessment required under s77J, I have set out in a table included as Appendix C to this report, how the s32 evaluation report and supplementary documents supporting the PDP have addressed Natural and Coastal Hazards as a Qualifying Matter.

32. I consider the Natural and Coastal Hazards provisions are less enabling in relation to the MDRS and relevant building height or density requirements only to the extent necessary to accommodate the hazard-related risk to people, property and infrastructure, whilst acknowledging the recommendations of this report where further limitations on development are a result.
33. However, I note in response to the s32 report that:
- a. There is strong policy direction discouraging development in stream corridors, but there is no specific limitation on the number of residential units per site. There will be sites where a stream corridor overlay applies to part of a site with the remainder of the site able to be developed.
 - b. There is strong policy direction discouraging development in high coastal hazard areas, but no specific limitation on the number of residential units per site.
 - c. For the Wellington and Ohariu Fault Overlays (which have a high hazard ranking) provision has been made in the PDP for one additional residential unit per existing site, to a maximum of two dwellings per site.
 - d. The Natural and Coastal Hazards s32 Assessment report states that the MDRS have been modified to only allow for one residential unit in the Medium Coastal Hazard Area (both sea level and tsunami) and Overland Flowpath, which is technically incorrect as there are no provisions related to these natural hazards that limit the number of residential units per site.

S77 Qualifying matter evaluation of s42A recommendations

34. Following the recommendations included in this report and detailed in Appendix A, a supplementary s77 qualifying matters evaluation has been undertaken as set out in the following table.

Natural and Coastal Hazards – Qualifying Matter evaluation	
Section 77 Evaluation requirement	S42A report recommendations
S77J(3)(a)(i) demonstrate why the territorial authority considers that the area is subject to a qualifying matter	<p>The spatial extent of natural hazards and coastal hazards overlays identified in the PDP is not proposed to be increased.</p> <p>A recommendation of this report which relates to the tsunami hazard and coastal inundation overlays, and is relevant to hazards as a QFM, is the proposed removal of low-level inundation depths of less than 0.05 m. The result of this recommendation would be a slight reduction in the extent of the overlays.</p>
S77J(3)(a)(ii) demonstrate why the territorial authority considers that the qualifying	The proposed amendments to the fault hazard provisions are inconsistent with the level of development permitted by the MDRS (as specified in Schedule 3A) or as provided

<p>matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 for that area</p>	<p>for by policy 3 for that area. The recommendation to limit additional residential units within the Wellington Fault and Ohariu Fault Overlay to only provide for one residential unit on an existing vacant site means that the three residential units permitted under the MDRS is not enabled. I am of the view that avoiding further hazard sensitive development (with the exception of one residential unit on an existing vacant site) within the Wellington Fault and Ohariu Fault Overlay is necessary to adequately manage the significant risk of damage to property and risk to the safety of people from fault rupture in these locations. It follows that enabling the level of intensification directed by Policy 3 and the MDRS is incompatible with the management of hazard risk within the Wellington Fault and Ohariu Fault Overlay.</p>
<p>S77J (3)(b) assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity</p>	<p>The additional impact of the s42A report recommendations with respect to the QFM limiting development capacity have been assessed. Due to the relatively minor impacts of the changes to fault rupture provisions, this is not considered to be materially different to those outlined in the Qualifying Matters report prepared by Property Economics¹. The proposed reduced extent of the tsunami hazard and coastal inundation overlay is anticipated to result in a minor increase in development capacity.</p>
<p>S77J (3)(c) Assess the costs and broader impacts of imposing those limits.</p>	<p>The costs and broader impacts of the s42A report recommendations with respect to the QFM have been assessed. Due to the relatively minor impacts of the changes to fault rupture provisions, this is not considered to be materially different to those outlined in the Qualifying Matters report prepared by Property Economics².</p>
<p>S77J (4)(a) Description of how the provisions of the district plan allow the same or a greater level of development than the MDRS</p>	<p>N/A</p>
<p>S77J (4)(b) Description of how modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to</p>	<p>The rationale for the recommended changes contained in this report are included in the relevant assessment of submissions, and also in the corresponding s32AA evaluation (notably, paragraphs 431 and 547 of this report) provided where material changes are proposed.</p>

¹ Wellington City Qualifying Matters Assessment. November 2022. Property Economics.

² Ibid.

<p>accommodate qualifying matters and, in particular, how they apply to any spatial layers relating to overlays, precincts, specific controls, and development areas, including</p> <p>(i) any operative district plan spatial layers; and</p> <p>(ii) any new spatial layers proposed for the district plan.</p>	<p>Overall, the proposed recommendations of this s42A report are considered to better give effect to the NZCPS, RPS, and reflect relevant non-statutory national guidance documents for land use planning and hazard risk management (including in relation to fault rupture³).</p> <p>Following this, I consider that the modification to the MDRS is limited to only modifications necessary to accommodate natural hazards as a qualifying matter, on the basis that one residential unit is enabled on existing vacant site, with the provision for two or more additional residential units in a high hazard area considered inconsistent with the hazard risk present in the Wellington Fault and Ohariu Fault Overlays.</p>
s77P Non-residential areas	
S77(P)(3)(a)(i) demonstrate why the territorial authority considers that the area is subject to a qualifying matter	Refer response to S77J(3)(a)(i) in this table.
S77J(3)(a)(ii) demonstrate why the territorial authority considers that the qualifying matter is incompatible with the level of development provided for by policy 3 for that area	I consider that the proposed recommendations contained within this report do not materially change the level of development provided for by policy 3.
S77J (3)(b) assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity	N/A
S77J (3)(c) Assess the costs and broader impacts of imposing those limits.	N/A

35. Property Economics, as outlined in the supplementary WCC Capacity Modelling Memo⁴, have reassessed development capacity to incorporate the following recommended changes which I consider will impact development capacity:

³ Planning for development of land on or close to active faults: A guideline to assist resource management planners in New Zealand. 2003. Ministry for the Environment.

⁴ WCC Capacity Modelling Natural and Coastal Hazards Memo. June 2023. Property Economics.

- a. Amending the limitation of residential units in the Wellington Fault and Ohariu Fault Overlays. This will result in removing the permitted rule allowing one additional residential unit per site to a maximum of two residential units per site, to only providing for a single residential unit on an existing vacant site where it is not practicable to locate 20 m from the edge of the fault deformation zone.
36. Following the advice of Property Economics, I consider that the recommendations of this s42A report on balance will have an immaterial impact on theoretical or realisable development capacity from a citywide development capacity perspective, and that the recommended amendments contained in Appendix A are in my view only of an extent necessary to accommodate the hazard related risk to people, property and infrastructure.
37. I note however that the following recommendations are not reflected in the reassessment of development capacity, but as these recommendations will not result in a reduction in development capacity, I consider that this does not present an issue with respect to the further evaluation of natural hazards as a qualifying matter.
 - a. Reduced extent of the tsunami inundation overlay that reflects removal of inundation depths of between 0-0.05m (updated spatial layer was unable to be produced prior to release of the s42A report).
 - b. Reduced extent of the coastal inundation overlay that reflects removal of inundation depths of between 0-0.05m (updated spatial layer was unable to be produced prior to release of the s42A report).

2.5 Trade Competition

38. Trade competition is not considered relevant to the provisions of the PDP relating to this topic.
39. There are no known trade competition issues raised within the submissions.

3.0 Consideration of Submissions and Further Submissions

3.1 Overview

40. Submitters collectively made 845 submission points in relation to the Natural Hazards and Coastal Hazards plan provisions contained with the Natural Hazards Chapter and Coastal Environment Chapter.

Report Structure

41. Submissions on this topic raised a number of submission points that have been categorised in accordance with the general structure of PDP chapters as follows:
 - Natural Hazard and Coastal Hazards – Definitions
 - Natural Hazards – General submissions
 - Natural Hazards – Site Specific

- Natural Hazards Chapter – Introduction
 - Natural Hazards Chapter – Objectives
 - Natural Hazards Chapter – Policies
 - Natural Hazards Chapter – Rules
 - Coastal Hazards – General submissions
 - Coastal Environment Chapter – Introduction – Coastal Hazards
 - Coastal Environment Chapter - Coastal Hazards – Objectives
 - Coastal Environment Chapter – Coastal Hazards – Policies
 - Coastal Environment Chapter – Coastal Hazards – Rules
42. I have considered substantive commentary on originating submissions contained in further submissions as part of my consideration of the submissions to which they relate, noting however that this has excluded commentary on any matters outside the scope of the originating submissions.
43. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission-by-submission approach. I have organised the evaluation in accordance with the layout of chapters of the PDP as notified.
44. Recommended amendments are contained in the following appendices:
- a. Appendix A – Recommended Amendments to Definitions, Natural Hazards Chapter, and Coastal Environment Chapter.
 - b. Appendix B – Recommended Responses to Submissions and Further Submissions on Natural Hazards and Coastal Hazards.
45. Additional information is also obtainable from the associated Natural and Coastal Hazards Section 32 Report, and the overlays and maps on the ePlan.
46. The following evaluation should be read in conjunction with the relevant summaries of submissions and further submissions, along with the full submissions.
47. Where a submission(s) seeks to retain a specific plan provision as notified, I have not provided a detailed evaluation or recommendation in the body of this report, but an associated recommendation is provided in the summary of submission table in Appendix B.
48. Where a further evaluation of the relief sought in a submission(s) has been undertaken the evaluation and recommendations are set out in the body of this report. A marked-up version of the Natural Hazards Chapter and Coastal Environments Chapter – Coastal Hazards with recommended amendments in response to submissions is included as Appendix A.

49. This report only addresses definitions that are specific to this topic. Definitions that relate to more than one topic have been addressed in Hearing Stream 1 and in the associated section 42A report.

Format for Consideration of Submissions

50. For each identified topic, the consideration of submissions has been undertaken in the following format:
- Matters raised by submitters;
 - Assessment of submission points made; and
 - Summary of corresponding recommendations.
51. The recommended amendments to the relevant parts of the PDP are set out in Appendix A of this report where all text changes are shown in a consolidated manner.
52. A s32AA evaluation has also been undertaken where any material change from the policy direction in the proposed Natural Hazards Chapter or Coastal Hazards related provisions in the Coastal Environments Chapter has been recommended as part of my assessment of relevant submissions.

3.2 Natural Hazards and Coastal Hazards - Definitions

53. The following section of the report includes consideration and recommendations in relating to definitions in the PDP particularly relevant to the Natural Hazards chapter and Coastal Hazards parts of the Coastal Environment chapter.

Definition – Coastal Hazard Overlays

54. CentrePort [402.6] seeks retention of the definition of 'Coastal Hazard Overlays' as notified. WIAL [FS36.16] opposes this submission to the extent that it conflicts with WIAL's primary submission which seeks to remove the application of the tsunami coastal hazard overlays.

Definition – Community Scale Natural Hazard Mitigation Structures

55. GWRC [351.37] seeks the retention of the definition for 'Community Scale Natural Hazard Mitigation Structures' as notified.
56. CentrePort [402.4 and 402.12] seeks clarification on the relationship between matters covered in the definition of 'Natural Hazard Mitigation Works' and 'Community Scale Natural Hazard Mitigation Structures', particularly what is meant by community scale and what activities are excluded from this. It [402.11] also seeks to be included as one of the parties referenced in the definition of 'Community Scale Natural Hazard Mitigation'.

Definition – Green Infrastructure

57. GWRC [351.39] seeks to amend the Definition of 'Green Infrastructure' to include an example, such as a constructed wetland, to assist plan users.

Definition – Hazard Sensitive Activities

58. RVANZ [350.2], The Fuel Companies [372.11] and MOE [400.7] seek the retention of the definition for 'Hazard Sensitive Activities' as notified.
59. New Zealand Motor Caravan Association [314.4] seeks inclusion of additional clarification in the definition of 'Hazard Sensitive Activities' by way of a set of criteria defining why and how an un-named activity may be sensitive. It [314.5] also seeks the removal of any reference to visitor accommodation and a specific exclusion for campgrounds on the basis that effects from hazards can be easily moderated through more specific site management efforts as many of the activities are not permanently attached to the land (i.e. people can be moved easily and forewarned in the event of a potential risk or natural hazard).

Definition – High Coastal Hazard Area

60. CentrePort [402.15] seeks the retention of the definition for 'High Coastal Hazard Area' as notified.

Definition – Less Hazard Sensitive Activities

61. GWRC [351.41] seeks the retention of the definition for 'Less Hazard Sensitive Activities' as notified.
62. The Fuel Companies [372.14 and 372.15] seek that the definition of 'Less Hazard Sensitive Activities' is amended to clarify whether accessory buildings can be related to a Hazardous Facility.

Definition – Natural Hazard

63. FENZ [273.11] seeks the retention of the definition for 'natural hazard' as notified.

Definition – Natural Hazard Mitigation Works

64. GWRC [351.42] seeks the retention of the definition for 'Natural Hazard Mitigation Works' as notified.
65. CentrePort Limited [402.17 and 402.18] considers that there is uncertainty as to the relationship between matters covered in the definition of Natural Hazard Mitigation Works and what is covered in the definition of Community Scale Natural Hazard Mitigation and seeks further clarification, in particular what is covered in the definition of Community Scale Natural Hazard Mitigation.

Definition – Natural Hazard Overlays

66. Kāinga Ora [391.31 and 391.157, supported by WIAL [FS36.14], opposed by Thorndon Residents' Association Inc [FS69.7] and Toka Tū Ake EQC [FS70.53]] considers that references to "Natural Hazard Overlays" should be removed and replaced by a newly defined term

'Natural Hazard Areas'. This follows Kāinga Ora's position that 'Natural Hazard Overlays' (which in the submitters view should comprise flood hazard mapping) should instead be included as non-statutory, information-only mapping layer that sits outside the Proposed District Plan.

67. Kāinga Ora [391.36 and 391.37], opposed by WIAL [FS36.19 and FS36.20], GWRC [FS84.54 and FS84.55] and Toka Tū Ake EQC [FS70.48], seeks that the definition of Natural Hazard Overlays is amended as follows:

NATURAL HAZARD OVERLAYS AREA

means the combined mapped extent within the District Plan of the following natural hazards:

- ~~a. Flood Hazards~~
- a. Liquefaction Hazards
- b. Fault Hazards

And the Council's publicly available information showing the modelled extent of flooding affecting specific properties in its GIS viewer. The maps are non-statutory and can be reviewed to take account of any property-specific information.

Definition – Soft Engineering Natural Hazard Mitigation Works

68. GWRC [351.48] seeks the retention of the definition for Soft Engineering Natural Hazard Mitigation Works as notified.

Proposed definition - Hard Engineering Natural Hazards Mitigation Works

69. GWRC [351.36, supported by WIAL FS36.11] considers the term 'hard engineering' is defined in both the RPS and regional plan. They consider inclusion of a definition for hard engineering natural hazard mitigation works would align with the use of a specific definition of soft engineering hazard mitigation works and suggest a new definition for 'Hard Engineering Natural Hazards Mitigation Works' that aligns with the operative RPS and regional plan as follows:

Engineering works that use structural materials such as concrete, steel, timber or rock armour to provide a hard, inflexible edge between the land-water interface along rivers, shorelines or lake edges. Typical structures include groynes, seawalls, revetments or bulkheads that are designed to prevent erosion of the land.

Assessment

Definition – Coastal Hazard Overlays

70. I agree in part with CentrePort [402.6] that the definition of 'Coastal Hazard Overlays' should be retained as notified. The inclusion of the definition is to simplify the plan provisions that are relevant to all of the mapped coastal hazards contained in the plan. However, as the low, medium and high hazard areas referenced in the definition are not specifically mapped in the

PDP, I am of the opinion that it would be clearer if the definition referred to the mapped extent of the relevant coastal hazards. This approach would also be consistent with the approach taken for the natural hazards overlay definition.

Definition – Coastal Hazard Overlays

means the combined mapped extent within the District Plan of the ~~Low Coastal Hazard Area, Medium Coastal Hazard Area and the High Coastal Hazard Area~~, following coastal hazards:

- a. Tsunami; and
- b. Coastal inundation including sea level rise.

Definition – Community Scale Natural Hazard Mitigation Structures

71. In response to CentrePort [402.4, 402.11 and 402.12] and GWRC [351.37], I note that the PDP definition of Community Scale Natural Hazard Mitigation Structures is as follows (with my added emphasis):

*means natural hazard mitigation works that **serve multiple properties** and are constructed and administered by the Crown, the Greater Wellington Regional Council, Wellington City Council, or their nominated contractor or agent.*

72. In my opinion, it is clear that the intent is that 'Community Scale Natural Hazard Mitigation Structures' is a subset of 'Natural Hazard Mitigation Works' with 'Community Scale Natural Hazard Mitigation Structures' constructed and administered by specific entities to a scale that serves multiple properties. The 'community scale' aspect relates to the hazard mitigation works serving multiple properties. I suggest that the purpose of this definition would be better achieved if 'serve multiple properties' was replaced with 'protects multiple properties or regional infrastructure' as I consider that this better reflects the scale of works and the purpose of those works that are intended to be permitted. I consider that this would provide a greater distinction between 'Community Scale Natural Hazard Mitigation Structures' and 'Natural Hazard Mitigation Works'. In response to CentrePort seeking to be included as one of the parties referenced in the definition of 'Community Scale Natural Hazard Mitigation', I agree that this would be appropriate on the basis that the company that operates Wellington Port is recognised in relation to 'lifeline utilities' in the CDEM Act, with the hazard mitigation works they would undertake falling under the protection of regional infrastructure and potentially also providing direct protection to multiple properties.

73. However, I note that the definition for 'Community Scale Natural Hazard Mitigation Structures' is only referenced in the PDP in the Earthworks Chapter in EW-P12, EW-P13 and EW-P17, and is not used in the Natural Hazards or Coastal Hazards provisions. The associated rule in the Earthworks Chapter – EW-R17 also does not rely on this definition. It is evident that there is a lack of consistency across related or similar provisions including in the Natural Hazards chapter (NH-P16, NH-P17 and rules NH-R2, NH-R3), the Coastal Environment chapter (CE-P24 and CE-R17) and Earthworks chapter (EW-P12, EW-P13 and EW-P17, and rules EW-R17, and EW-R18).

In my opinion the various references to ‘the Crown’, ‘statutory authorities’ and ‘Crown entities’ appears to be unintentional, and is unclear and too broad. For example, I suspect it was not intended to provide for Crown Entities such as Health Research Council of New Zealand, New Zealand Blood Service, or Drug Free Sport New Zealand to undertake permitted natural hazard mitigation and it would seem logical to only enable those entities who have a legislative remit to undertake natural hazard management for the protection of people, property and infrastructure to undertake hazard mitigation works as a permitted activity. I consider that New Zealand Transport Agency Waka Kotahi are the only Crown Entity that would regularly undertake hazard mitigation works as part of their primary function, of the scale and purpose anticipated by the relevant provisions. KiwiRail, although not a Crown Entity, as a State-Owned Enterprise, are ‘the Crown’ as KiwiRail are similarly anticipated to undertake hazard mitigation works of the scale and purpose anticipated by the relevant provisions. Following this, I suggest it would be more appropriate and efficient to list the specific entities intended to be included. Subject to including CentrePort as one of the listed entities, I consider that the clarity sought by the submitter would best be achieved, whilst also addressing the existing inconsistencies across the plan in relation to permitted works relating to natural hazard mitigation works and structures, if the ‘Community Scale Natural Hazard Mitigation Structures’ definition was deleted in its entirety, with consequential amendments made to clarify the specific entities in each of the relevant provisions.

74. It is my opinion that to achieve consistency and clarity for plan administration amendments to policies NH-P16, NH-P17, and rules NH-R2, NH-R3, should be made to ensure that the same group of entities are referenced. I suggest that the Panel consider, in line with Schedule 1, clause 99(2)(b) of the RMA, recommending that the list of specified entities is GWRC, WCC, Waka Kotahi, and KiwiRail. I note that relevant provisions CE-P24 and CE-R17 are not following the ISPP, with clause 99(2)(b) not relevant to these provisions. Following my recommendation to delete the definition, I consider it is appropriate to include CentrePort [402.11] and Wellington International Airport Limited where references to crown entities or similar are proposed to be replaced, as they are entities that meet the ‘lifeline utilities’ provided for in the CDEM Act. Although outside the scope of submissions, following my recommendation to include CentrePort as a ‘lifeline utility’ provided for in the CDEM Act the Panel could, in line with Schedule 1, clause 99(2)(b) of the RMA, consider recommending an amendment to also include Wellington International Airport Limited where references to crown entities or similar are proposed to be replaced.

Definition – Green Infrastructure

75. I disagree with GWRC [351.39] that a specific example would materially assist plan users in understanding the types of infrastructure included in the definition. It would only serve to confirm that the listed example is included, and could skew how the provision is interpreted. I also note that the Green Infrastructure definition is taken directly from Section 14. Definitions Standard in the National Planning Standards 2019. Consequently, it would not be appropriate to modify this definition given that this standard has the force of a regulation.

Definition – Hazard Sensitive Activities

76. I disagree with New Zealand Motor Caravan Association [314.4] that the definition of 'Hazard Sensitive Activities' needs to be expanded to clarify why and how an unnamed activity may be sensitive. As clearly stated in the Introduction to the Natural Hazards Chapter, unnamed activities are treated in the PDP as Less Hazard Sensitive Activities, not Hazard Sensitive Activities, as follows:

Hazard sensitivity

...

'If an activity is not identified in the definitions is proposed in a Natural Hazard Overlay, then for the purposes of the application it shall be assessed as a less hazard sensitivity activity.'

77. I also disagree with the New Zealand Motor Caravan Association [314.5] that visitor accommodation and campgrounds should be excluded from the definition of Hazard Sensitive Activities. Visitor accommodation and campgrounds are activities that can involve large numbers of people that stay overnight. In this regard these activities are similar in nature to residential units. In my opinion, it is therefore appropriate for the PDP to require resource consent to ensure appropriate mitigation has occurred, thereby ensuring that the risk of these activities establishing in areas susceptible to natural hazards has been suitably addressed.
78. I would also note that not all natural hazards provide advance warning, as suggested by the submitter, with natural hazards such as fault rupture, or near source tsunami events having the potential to occur with no or very little warning.
79. Visitor accommodation also often involves people from out of town staying in the City, noting that in most instances they are unlikely to have a similar or common understanding of the natural hazard risk as a result of events such as tsunami that impact coastal areas where visitor accommodation is commonly located, or the correct response (i.e. evacuation) following a natural hazard event. As a result, I am of the opinion that it is appropriate to consider whether visitor accommodation should be located within the medium and high hazard overlays.

Definition – Less Hazard Sensitive Activities

80. In response to the Fuel Companies [372.14 and 372.15] I consider that it is unnecessary to amend the definition of 'Less Hazard Sensitive Activities' as I am of the opinion that the definition is clear that all accessory buildings used for non-habitable purposes, regardless of the primary activity the accessory building relates to, falls within the scope of the definition.
81. However, using a service station as an example, if an accessory building was used to store hazardous substances then the accessory building could be considered to be part of the Major Hazard Facility and in this situation the accessory building would be deemed to be a Hazard Sensitive Activity.

Definition – Natural Hazard Mitigation Works

82. I have addressed the matters raised by CentrePort [402.17 and 402.18] in relation to the definition of Natural Hazard Mitigation Works and what the definition of Community Scale Natural Hazard Mitigation above in paragraph 72.

Definition – Natural Hazard Overlays

83. I disagree with Kāinga Ora [391.31, 391.36, 391.37 and 391.157] that references to 'Natural Hazard Overlays' should be removed and replaced by a newly defined term 'Natural Hazard Areas' that excludes Flood Hazard. I do not consider there to be a material difference between using the term 'Natural Hazard Area' or 'Natural Hazard Overlay' as the collective term for the combined extent of the Natural Hazard Overlays contained in the PDP. However, I am of the opinion that using the term 'Natural Hazard Overlays' as the collective term for all of the individual natural hazard overlays is clearer and avoids any potential confusion regarding the difference between a natural hazard overlay and a natural hazard area.
84. In considering the use of natural hazard overlays more broadly I note that Section 12 of the National Planning Standards directs the use of Spatial Layers for District Plans in Table 18, with this table clearly outlining that an overlay 'spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions'.
85. In response to the request that one or more of the Natural Hazard Overlays are deleted from the PDP and replaced with non-statutory hazard mapping, and the amendment sought to the definition of Natural Hazard Overlay by Kāinga Ora [391.36 and 391.37] to reflect this relief, I have addressed these matters elsewhere in this report at paragraphs 132132 and 133133.

Proposed definition - Hard Engineering Natural Hazards Mitigation Works

86. In response to GWRC [351.36] I support the inclusion of a specific definition for 'Hard Engineering Natural Hazards Mitigation Works' on the basis that it would add clarity and reduce any uncertainty concerning activities deemed to be hard engineering mitigation works. However, instead of relying on the definition used in the Wellington Region Regional Policy Statement and Wellington Regional Plan as requested by GWRC I consider that it would be more appropriate that this definition is modified to better align with the structure of the existing definition for 'Soft Engineering Natural Hazards Mitigation Works' contained in the PDP. I note that the existing definition of 'Natural Hazard Mitigation Works' includes reference to 'hard engineering'. I also note that the term 'hard engineering' is specifically referenced in CE-P26 and CE-R24.
87. Although outside the scope of this submission, to improve the interpretive and administrative clarity concerning these provisions the Panel could, in line with Schedule 1, clause 99(2)(b) of the RMA, consider recommending an amendment to rename policy CE-P26 to 'Hard Engineering Natural Hazards Mitigation Works' and replace reference to 'hard engineering measures' with 'Hard Engineering Natural Hazards Mitigation Works', as well as an amendment to rule CE-R24 to align it with the definition. I consider that the suggested amendments to CE-P26 and CE-R24 do not change the intent of these provisions.

Proposed definition – Minimise

88. GWRC [including 351.119, 351.120, 351.121, 351.124, 351.125, 351.129, 351.130, 351.131, 351.133 and 351.134] made a number of submissions that seek to include the term 'minimise' in objectives and policies in relation to natural and coast hazards. Following the

recommendations and reasoning to include the term minimise (as contained in paragraphs 221 to 232) in provisions relating to natural and coastal hazards, I consider the inclusion of a new definition for ‘minimise’ in relation to natural hazards would provide additional clarity for plan implementation. I note the term ‘minimise’ is used elsewhere in the PDP, so to avoid any unanticipated interpretation issues consider it appropriate to limit the application of this definition to natural and coastal hazards. This definition would be as follows:

Minimise

for the purposes of the natural hazard and coastal hazard overlays means to reduce as low as reasonably practicable.

Summary of recommendations

89. HS5-NH-Definitions-Rec1: That the definition of ‘Coastal Hazard Overlays’ be amended as set out below and as detailed in Appendix A.

Definition – Coastal Hazard Overlays

means the combined mapped extent within the District Plan of the ~~Low Coastal Hazard Area, Medium Coastal Hazard Area and the High Coastal Hazard Area~~. following coastal hazards:

- c. Tsunami; and
- d. Coastal inundation including sea level rise.

90. HS5-NH-Definitions-Rec2: That the definition of ‘Community Scale Natural Hazard Mitigation Structures’ be deleted.
91. HS5-NH-Definitions-Rec3: That a definition of ‘minimise’ be included in the Definitions section of the District Plan as set out below and detailed in Appendix A.

Minimise

for the purposes of the natural hazard and coastal hazard overlays means to reduce as low as reasonably practicable.

92. HS5-NH-Definitions-Rec4: That NH-R2, NH-R3, NH-P16, and NH-P17 are amended to specifically refer to ‘Greater Wellington Regional Council, Wellington City Council, Waka Kotahi, KiwiRail, CentrePort Limited and Wellington International Airport Limited’ as detailed in Appendix A.
93. HS5-NH-Definitions-Rec5: That a definition of ‘Hard Engineering Natural Hazards Mitigation Works’ be included in the Definitions section of the District Plan as set out below and detailed in Appendix A.

Hard Engineering Natural Hazards Mitigation Works

means engineering works that are designed to prevent erosion of land and use structural materials such as concrete, steel, timber or rock armour to provide a hard, inflexible edge at the land-water interface along rivers, shorelines or lake edges. Hard engineering techniques include groynes, seawalls, revetments or bulkheads.

94. HS5-NH-Definitions-Rec6: That submission points relating to Natural Hazards and Coastal Hazard definitions are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

95. In my opinion, based on the analysis above, the amendments to the definitions are the most appropriate way to achieve the objectives of the plan compared to the notified provisions. In particular, I consider that:
- a. The proposed amendments simplify, reduce unnecessary duplication and clarify the definitions contained in the Plan which reduces the likelihood of interpretative issues when applying relevant provisions of the plan. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the PDP.
 - b. The introduction of a definition for 'minimise' helps to ensure that the outcomes sought in the PDP, with respect to low and medium hazard areas in particular, are clearly articulated and easily implementable in terms of mitigating the impacts of natural hazards on people, property and infrastructure, whilst still enabling development.
 - c. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

NATURAL HAZARDS

3.3 Natural Hazards Chapter - General Submissions

96. The following section of the report includes consideration of, and recommendations on, general submissions that do not specifically relate to a particular provision in the Natural Hazards chapter of the PDP. In considering these general submissions, submissions have been organised according to key themes. Submissions specific to a particular provision are addressed in subsequent sections of this report.

Matters raised by submitters

General / Chapter wide

97. Restaurant Brands Limited [349.31] seek that Ngā Mōrearea ā-Taiao - Natural Hazards is retained as notified.
98. David Karl [309.2] considers that whanau's homes should not be unnecessarily impacted by inaccurate modelling, but also that further development should not occur in areas that it should not. The submitter states that there is emotional pain and significant costs linked to Council holding information that is not publicly available and then requiring costly changes to building plans before providing approval. The submitter seeks that hazard zoning [sic] be based on the best information available.
99. Victoria University of Wellington Students' Association [123.37] considers that community resilience is an incredibly important factor in terms of natural hazard response, and seeks that infrastructure facilitates bringing people together.
100. Jane Szentivanyi and Ben Briggs [369.12] consider that natural hazards such as flooding and slips are an important qualifying factor in determining future development.
101. Kāinga Ora [391.154] partially supports the inclusion of rules in relation to flood hazards, as well as the risk-based approach to the management of natural hazards. However, they [391.155, opposed by Toka Tū Ake EQC [FS70.51] and GWRC [FS84.57] seek amendments to the Natural Hazards chapter so that rules do not refer to static maps.
102. David Karl [309.5] seeks that objectives, policies and rules relevant to hazard zoning be drafted to ensure that the relevant hazard zones (as shown on a map) can most easily be updated to reflect new information.
103. GWRC [351.27, 351.28 and 351.118, supported by Toka Tū Ake EQC [FS70.17, FS70.18 and FS70.20]] seeks that WCC continues to work with it to discuss the City's flood hazards in relation to the proposed intensification.
104. The Fuel Companies [372.88] supports the Natural Hazard chapter's intent, as it seeks to protect people, property and infrastructure from natural hazards. The chapter's 'risk-based approach' is also supported as it seeks to manage effects from natural hazards by classifying activities and providing separate provisions for these activities depending on their level of hazard sensitivity.
105. Taranaki Whānui ki te Upoko o te Ika [389.63, opposed by Buy Back the Bay [FS79.5, FS79.22 and FS79.41] seeks amendments that appropriately address concerns around ensuring that Taranaki Whānui can implement existing consents around Te Motu Kairangi / Miramar Peninsula, Mount Crawford, and Shelly Bay Taikuru without future impediment.
106. VicLabour [414.20] seeks that the coastal inundation and tsunami provisions are retained with amendments to specific provisions. They [414.21] also seeks that the Council start considering a programme of managed retreat.
107. Mary-Anne O'Rourke [195.1] considers that there is a valid risk in the future from ratepayers who are unable to attain house insurances for council consented houses that have been built in known flood and tsunami prone areas, taking future class actions against the Council.

108. Avryl Bramley [202.2] seeks a whole of city and a suburb-by-suburb earthquake and Tsunami risk assessment around existing and proposed buildings to ensure that sufficient resources are likely to be available in the event of a major earthquake.
109. Mt Cook Mobilised [331.9] seeks that water storage capacity be increased in the City in preparation for a major earthquake. They [331.8] seek that the Natural Hazards chapter include provisions relating to emergency management in times of a major earthquake or natural disaster.
110. Property Council New Zealand [338.6] seeks that natural hazards overlays be included in LIM reports.
111. Oyster Management Limited [404.8 and 404.9] seeks that the PDP applies appropriate provisions to reflect the probability and limitations in mitigating risks of liquefaction and tsunami, and consistency in the approach to potentially hazard sensitive activities in the Natural Hazards and Coastal Hazards Overlays.
112. Oyster Management Limited [404.7] seeks that the PDP recognises the benefits of existing investment in the CBD in relation to natural hazards and coastal hazards.
113. Kimberley Vermaey [348.5] considers that rules relating to additions in the Natural Hazards Overlay do not address alterations to existing buildings. The submitter considers that there is the potential for alterations to increase the risk from the conversion of non-habitable buildings and there needs to be consideration as to whether it is appropriate to convert existing buildings to ensure the rule frameworks are consistent with the additions framework.

Natural hazards and infrastructure

114. CentrePort [402.91, 401.92, 402.94 and 402.95, opposed by the Telcos [FS25.28] and Powerco Limited [FS61.42] seeks that Infrastructure Natural Hazards provisions are located within the Natural Hazards Chapter, and that the plan is amended so that all Natural Hazards requirements are included in one chapter.

Flood hazard

115. Kāinga Ora [391.19, 319.20, 319.30 and 391.156, supported by Metlifecare Limited [FS87.2], Stride Investment Management Limited [FS107.38 and FS107.39] and Investore Property Limited [FS108.38 FS108.39], opposed by Thorndon Residents' Association Inc [FS69.6], Toka Tū Ake EQC [FS70.44, FS70.45, FS70.46 and FS70.52], Onslow Residents Community Association [FS80.32], Greater Wellington Regional Council [FS84.51, FS84.52, FS84.53 and FS84.58], Te Rūnanga o Toa Rangatira [FS138.74 and FS1038.75] and Mt Victoria Historical Society Inc [FS39.5] seeks that natural hazard flooding overlays in the PDP are deleted and that the information is held on non-statutory GIS maps. They assert that including Flood Hazard overlays in the District Plan ignores the dynamic nature of flood hazards and will create unnecessary additional cost and uncertainty for landowners and land developers. It is considered appropriate to include rules in relation to flood hazards but sought that the rules are not linked to static maps.

116. Tyers Stream Group [221.29] supports the Natural Hazards chapter as it relates to the Tyers stream catchment. However, they [221.28, opposed by the Telcos [FS25.27] and Powerco Limited [FS61.41]] also seek stricter rules to restrict buildings and infrastructure in areas covered by the Stream Corridor Overlay, the Overland Flow Path Overlay and the Ponding Overlay.
117. Elliott Thornton [399.1] seeks that the permitted depth for access is set at 0.3m, consistent with the GWRC's Flood Hazard Modelling Standard, and where that standard is not met, a risk management approach is taken which could consider matters such as the duration of the flood hazard, velocity, the ability for emergency vehicle access, or ability to provide alternative access during a major flood event.
118. GWRC [351.29 and 351.30, supported by Toka Tū Ake EQC [FS70.19] considers it is important to identify areas subject to flooding hazard in the rural area, as well as in the residential and other zones. The submitter notes that currently the PDP does not provide any information on flooding hazards across the whole rural zone, and considers that these areas will be subject to flooding and that this should be shown on the Plan. In response it seeks that the flood hazard overlays are amended to apply to the Rural Zone, with the overlay to be based on the regional flood hazard mapping (Regional Exposure Assessment 1% AEP RCP8.5 2101-2120 (arccgis.com)).
119. Kimberley Vermaey [348.1] seeks that buildings with flood water depth of less than 0.5m in the Flood Hazard Overlay not require resource consents, subject to required minimum floor levels.

Land stability

120. Toka Tū Ake EQC [282.1, supported by GWRC [FS84.126] seeks that a landslide hazard overlay is included into planning maps. They suggest that this overlay would be linked to provisions that restrict development (through sensitive activities) implemented in high-risk areas.
121. Toka Tū Ake EQC [282.5, supported in part by GWRC [FS84.127] seeks that objectives, policies and rules are developed in the Natural Hazards chapter to restrict hazard sensitive activities and potentially hazard sensitive activities in high-risk land located as a new landslide hazard overlay.

Fault Hazard

122. Toka Tū Ake EQC [282.2 and 282.6] seeks that the term 'Fault Hazard Overlay' in the Natural Hazards chapter is changed to 'Fault Avoidance Zone' with confined, unconfined, distributed, and uncertain fault areas included as separate categories.
123. Aggregate and Quarry Association [303.13, opposed by WCCERG [FS112.33] seeks that the PDP provisions do not rule out quarries along the faultline.
124. Kimberley Vermaey [348.3] seeks that where there is a poorer understanding of the fault location less restrictive objectives, policies and rules should apply and where there is a good understanding of fault location there should be more restrictive objectives, policies and rules.

The new policy framework would require identification of the position of the fault and a corresponding permitted, controlled, or restricted discretionary activity status.

Liquefaction Hazard Overlay

125. WIAL [406.19, opposed by Guardians of the Bays Inc [FS44.181] and Toka Tū Ake EQC [FS70.83] opposes the Liquefaction Hazard Overlay to the extent that it covers the Airport Zone and seeks that the Liquefaction Hazard Overlay is removed from the Airport Zone. They consider that the engineering and design requirements of airport infrastructure, including the requirements under the CDEM to remain operational following a natural hazard event, mean that liquefaction and flood hazard inundation cannot occur on site for operational reasons.

Overlays and mapping

126. Kāinga Ora [391.21] support the mapping of other, non-flooding related natural hazards, such as liquefaction and fault hazard, to be incorporated into the PDP as these hazards are less subject to change.

127. WIAL [406.25, opposed by Guardians of the Bays Inc [FS44.184] and Toka Tū Ake EQC [FS70.85] opposes the mapping of 'inundation areas' mapped within the Airport Zone as ponding, such as that depicted on the PDP planning maps, does not occur within its landholdings and seeks the deletion of all Flood Hazard Overlays from the Airport Zone.

128. WIAL [406.26, opposed by Guardians of the Bays Inc [FS44.182], Toka Tū Ake EQC [FS70.85] also considers that they are required to manage liquefaction risk to ensure the Airport can continue to operate following a seismic event. On that basis they oppose the mapping of the 'liquefaction hazard overlay' within the Airport Zone.

Assessment

Assessment – General / Chapter wide

129. Submissions supporting various natural hazard related aspects of the PDP are noted.

130. In response to David Karl [309.2] I disagree any amendments to the PDP are required as I consider that the hazard overlays are a direct mapped output based on the best available information for each of the relevant natural hazards and that this information is publicly available through the District Plan e-plan. The District Plan overlays have been informed by specific natural hazard research on all of the natural hazards managed by the PDP (for example, fault rupture, and liquefaction) that has been undertaken for the PDP, with the reports that have informed the extent of the Natural Hazard Overlays being publicly accessible on the WCC website. Additional relevant reports, such as those that outline the Wellington Water Limited approach to flood modelling for each of the stormwater catchments, are also available on request.

131. In response to Victoria University of Wellington Students' Association [123.37] I consider that including natural hazard mapping in the PDP improves the community's awareness of natural

and coastal hazards.

132. In response to Kāinga Ora [391.155] and David Karl [309.5] I am of the opinion that mapping and associated provisions contained within the PDP is the most appropriate and effective approach in managing the natural hazard risks to people, property and infrastructure. The PDP approach ensures that the consenting process can appropriately consider natural hazard risks to people and property.
133. I acknowledge that mapping natural hazards in the District Plan is less responsive than having the information sitting outside of the District Plan. This is particularly so for hazards that are more subject to change (such as flood hazards which can change in response to changes in ground levels, stormwater network capacity and the installation of flood defence systems). Comparatively, this reduced responsiveness is due to the need to follow the RMA Schedule 1 process for a plan change relating to any amendment to the natural hazard mapping. Nevertheless, I consider that the approach of having the natural hazard mapping embedded in the plan ensures that the community can participate in a formal process with much greater certainty of how an individual property is impacted. An approach that has the flood hazard mapping sit outside the district plan such as non-statutory mapping would result in updated hazard modelling and mapping impacting people and properties in new ways (from a District Plan perspective as opposed to hazard event likelihood) without the community having any opportunity to challenge the mapping through a formal RMA process. Predicted hazard event severity and frequency may change due to advances in how natural hazards and the impacts of climate change are understood. However, it is the process of consultation with the affected communities and their respective risk appetite (as well as the higher order policy framework) that determines the appropriate planning response. Community consultation on the way the effects of natural hazards are managed is a critically important aspect to ensure the approach taken achieves both regulatory requirements and community-driven outcomes. Following this, in response I do not support the proposed amendments to the PDP sought by Kāinga Ora [391.155] to remove reference to static maps.
134. Although I broadly agree with Jane Szentivanyi and Ben Briggs [369.12] as I understand the points raised in their submissions, I consider that the PDP appropriately responds to risks related to natural hazards through the risk-based approach that underpins the PDP approach to the use and development in hazard prone areas that reflects the degree of risk to people, property and infrastructure. For example, in a general sense activities less sensitive to the impacts of natural hazards are allowed, with activities with a greater sensitivity to the impacts of natural hazards much more controlled, particularly in areas more prone to natural hazards.
135. In response to GWRC [351.27, 351.28 and 351.118] I agree that continued collaboration between regional and local authorities is very important. However, as this collaboration already exists and collaboration is essentially a non-statutory method to achieve the objectives of the Plan, I do not consider that any amendments to the District Plan are needed to achieve this.
136. In response to Taranaki Whānui ki te Upoko o te Ika [389.63] I note that a resource consent can be implemented in accordance with the conditions of consent. Consequently, I disagree with the submitters as I consider that it is unnecessary and inappropriate to amend any of the

natural hazard related plan provisions or natural hazard overlay maps solely to reflect an approved resource consent. I also note that approved consents are not always implemented, and any future use or development sought should consider any relevant natural hazard overlay.

137. In response to VicLabour [414.21] a Council programme for climate change adaptation including an approach to managed retreat is a matter best considered outside of the District Plan review process and in my opinion is not a matter that requires the Panel's direction. I consider that the approach taken by the PDP to predominantly avoid additional hazard sensitive activities or buildings and structures associated with hazard sensitive activities in areas identified as at high risk from natural hazards (for example the High Hazard Tsunami 1:100 year inundation extent and the coastal inundation during a 1:100 year storm) will ensure any future managed retreat from these areas, particularly those outside of the CBD, is not made more challenging through enabling further intensification.
138. In response to Mary-Anne O'Rourke [195.1] the PDP identifies areas of the City susceptible to natural hazards based on current best available information. The proposed framework implements a risk-based approach to the management of potential consequences of these hazard events to property and buildings and the health and safety of people as required under the RMA. In my opinion, the ability of homeowners to obtain house insurance for existing dwellings located within areas known to be susceptible to natural and coastal hazards is only relevant to Hearing Panel's consideration of the PDP to the extent that the PDP should, in my view, ensure that any new development or hazard sensitive activities do not result in an increased risk to people or property.
139. In response to the relief sought by Mt Cook Mobilised [331.9] to increase the water storage capacity in the City in preparation for a major earthquake, I am of the opinion that this is not a matter that is relevant to the Natural Hazards Chapter. However, I consider that the ability to accommodate water storage tanks on site is not restricted by the Natural Hazard provisions due to accessory buildings being generally enabled as a less hazard sensitive activity and small-scale building additions also being provided for in most hazard overlays.
140. In response to the submission of Mt Cook Mobilised [331.8] who seeks that the Natural Hazards chapter include provisions relating to emergency management in times of a major earthquake or natural disaster in the Natural Hazards chapter, I am of the opinion that an emergency management response to hazards is best addressed as part of emergency management planning and processes developed in accordance with the Civil Defence and Emergency Management Act 2002. As requirements and guidance on emergency management are adequately provided for outside of the RMA, the procedural principle in s.18A(b)(i) RMA – to include only those matters relevant to the purposes of the Act, and also the provision for emergency works in s 330 of the Act, I consider that it is both unnecessary and inappropriate to include emergency management related provisions in the District Plan.
141. In response to Property Council New Zealand [338.6], the Local Government Official Information and Meetings Act 1987 sets out the requirements relating to information, including hazard information, held by council and how this information is provided through the Land Information Memoranda (LIM) process. Consequently, I am of the opinion this matter

does not need to be addressed in the PDP.

142. Oyster Management Limited [404.7] raise the issue of the PDP striking the right balance between managing natural hazard risk to people, property and infrastructure in the CBD whilst also recognising the significant existing financial investment and that the relocation of the CBD is impractical.
143. As clearly demonstrated in the supporting technical assessments used to inform the PDP hazard planning approach, the CBD is an area highly susceptible to natural hazards, particularly of liquefaction and tsunami events. Although the PDP identifies areas highly susceptible to liquefaction (based on soil classification and fill present), to avoid unnecessary duplication with requirements in the Building Code, the Natural Hazards Chapter only seeks to manage the establishment of new emergency service facilities in the Liquefaction Hazard Overlay (as detailed in the associated Section 32 report⁵).
144. In considering the impact of the liquefaction overlay and associated plan provisions I have identified an inconsistency between the risk ranking in the Natural Hazards Introduction section and the provisions relevant to liquefaction hazard. I have consulted Mr Beban, who led the development of the natural and coastal hazard provisions contained in the PDP and the associated s32 report. Mr Beban confirmed, as outlined in his Statement of Evidence, that the Liquefaction Hazard Overlay has been incorrectly identified as a high hazard ranking, whereas it should have a Low Hazard ranking. In my opinion, correcting the hazard ranking for the liquefaction hazard rectifies any unintended misalignment between policies and rules in relation to this hazard, particularly with regards to the CBD.
145. Overall, I am of the opinion that the impact of the Liquefaction Hazard Overlay and associated plan provisions on the functioning of the CBD is negligible. The related provisions only seek to manage the establishment and on-going functionality of emergency service facilities, and I consider that these plan provisions appropriately reflect the probability and limitations of mitigating the risk of liquefaction. I note that the Liquefaction Hazard Overlay is also relevant to subdivision, with rules in relation to subdivision located in the Subdivision chapter, albeit having a controlled activity status and no specific matters of control in relation to liquefaction.
146. For the reasons outlined above I consider that the Natural Hazards Chapter adequately recognises the significant existing investment in the CBD. I discuss this issue in relation to Coastal Hazards in paragraphs 584 to 590590.
147. In response to Oyster Management Limited [404.8 and 404.9] seeking that the PDP applies appropriate provisions to reflect the probability and limitations in mitigating risks of liquefaction and tsunami, I am of the opinion that the PDP achieves this. Firstly, the liquefaction hazard related provisions only seek to control the establishment and ensure on-going functionality of emergency service facilities. Secondly, although a building cannot impact the likelihood of a tsunami event, a building can incorporate measures to reduce the likelihood of damage to the building and harm to people that occupy the building. I also highlight that the PDP does not require hazard-related risk to be eliminated entirely but seeks to reduce or

⁵ Section 32 Evaluation Report - Part 2 - Natural and Coastal Hazards: <https://wellington.govt.nz/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/whats-in-the-proposed-district-plan/section-32-reports>

not increase it, or to minimise as per the proposed amendments in this report.

148. I have considered the PDP approach to potentially hazard-sensitive activities contained within the Natural Hazards chapter and the Coastal Environment chapter and consider that the slightly more hazard-specific approach taken in the Natural Hazards chapter is not appropriate in the Coastal Environment chapter in response to coastal hazards. The more nuanced approach in the Natural Hazards chapter is necessary due to the quite different natural hazards and associated impacts from the hazard events e.g. effects of fault rupture are predominantly managed by locating a minimum distance from the fault, whereas for flood hazard locating in the inundation area is acceptable subject to mitigation in the form of floor levels and not displacing flood waters in a way that impacts adjoining properties.
149. In response to Oyster Management Limited [404.7] seeking that the PDP recognises the benefits of existing investment in the CBD in relation to natural hazards and coastal hazards, for the above reasons I am of the opinion that the PDP already achieves this by providing specific policies and rules that are more enabling with respect to use and development in hazard overlays than areas outside of the CCZ.
150. I have considered whether the Natural Hazards chapter should replicate the approach to the CCZ contained within the Coastal Hazards provisions, but am of the opinion that this is not necessary. This is due to the Natural Hazards Overlays and associated provisions having much less impact on the CCZ than the Coastal Hazard provisions. The mitigation of the effects of inundation (non-coastal) in many cases will be able to be achieved through building design (i.e. minimum floor levels to protect against a 1:100 year flood event), avoiding hazard sensitive activities at ground floor level and locating buildings in the most appropriate parts of a site to minimise hazard risk.
151. I agree with Kimberley Vermaey [348.5] that rules in the Natural Hazards chapter do not adequately address alterations to existing buildings as the natural hazard rules do not expressly include alterations or conversions. I consider that this is an oversight as conversions can, in the same way as a new building, result in introducing new hazard sensitive activities into a hazard overlay. I consider that the policy direction clearly intends for conversions to be managed by the rule framework and suggest that this omission is best rectified by way of amendments to (renumbered) rules NH-R6, NH-R7, NH-R8, NH-R9, NH-R10, NH-R10, NH-R11 and NH-R12 to ensure that these rules explicitly address conversions to existing buildings.

Assessment – Natural hazards and infrastructure

152. In response to CentrePort Limited [402.91, 402.92, 402.93, 403.94 and 402.95] the PDP provisions that manage the effects of hazards in relation to infrastructure are located in the Infrastructure chapter to comply with the requirements of the National Planning Standards - sections 7.5, 7.28b and Section 7.10 in particular clearly require that plan provisions relating to hazards relevant to the coastal environment are located in a Coastal Environment chapter. For this reason I do not agree that all hazard related infrastructure provisions should be located in the Natural Hazards chapter. I note that further submitters [FS25.28 and FS61.42] similarly prefer that the infrastructure rules related to natural hazards to be in the INF-NH sub-chapter rather than the general Natural Hazards chapter to keep the INF provisions largely self-

contained in one location.

Assessment – Flood hazard

153. In response to Kāinga Ora [391.19, 319.20, 319.30 and 391.156] and in addition to my related assessment set out in paragraphs 132 to 133 133 of this report, I provide the following comments.
154. The submitter highlights the dynamic nature of flood hazards, and that the inclusion of flood mapping in the District Plan will result in ‘unnecessary additional cost and uncertainty for landowners and land developers’. However, given the adverse effects of flooding and cumulative effects that could result from development in flood prone areas such as through the displacement of flood water, I consider that the requirement to obtain resource consent is appropriate, with the benefits outweighing the costs.
155. Additional to this, another important factor is the inability to easily update flood hazard maps contained within the District Plan to reflect new information. As outlined earlier in this report in paragraph 132 to 133133, any change to the District Plan is required to be undertaken in accordance with the First Schedule of the RMA, whereas if the flood hazard maps were to sit outside the plan, the flood hazard mapping could be undertaken without having to follow this process.
156. In my view the comparative unresponsiveness of the RMA plan-making process to new information is not reason enough to support removal of the flood mapping from the District Plan. The current flood modelling and mapping aligns with best-practice methods and is based on the most robust information presently available.
157. It is also recognised that the PDP provides a framework for the consideration of the risks to new development in the Flood Hazard Overlays. As such it does not prevent applicants providing site specific flood hazard assessments to demonstrate that the risk from flooding to a proposal is low or avoided.
158. I also note that all of the other territorial authorities within the Wellington region that have undertaken recent plan reviews have sought to retain flood hazard maps within their respective District Plans (namely Lower Hutt City and Porirua City). As these flood hazard maps are based on similar modelling assumptions as the maps in the PDP, I am of the opinion that regional consistency is also a matter worthy of consideration and an ideal outcome in terms of the management of hazards across the region.
159. For the reasons outlined in paragraphs 153 to 157158, I do not support the flood mapping being removed from the District Plan and replaced with non-statutory GIS maps. I also disagree with the deletion of all references to ‘Natural Hazard Overlays’ as this is contrary to the National Planning Standards 2019 which clearly enables the use of overlays for matters such as natural hazards.
160. In response to Tyers Stream Group [221.28], it is unclear what specific amendments are being sought by the submitter to achieve the desired ‘stricter management of rules’. I consider that the risk-based approach taken by the notified plan provisions appropriately addresses the hazard risk to property and people through controlling, managing, and restricting development

commensurate to the level of hazard risk identified. I also note that plan provisions relating to how development and infrastructure is required to consider matters such as effects from earthworks and stormwater management aspects of development or infrastructure are contained within other chapters of the PDP, including the Earthworks chapter, Three Waters chapter and Infrastructure chapter.

161. In considering the necessity for a new standard for property access in the form of a permitted flood inundation depth of 0.3m, I have considered the appropriateness and effectiveness of such a standard. The conclusion I have reached is that due to the stormwater conveyance function of much of the road network, the inundation depths and velocity will likely be the same or greater than on the adjacent property where it is proposed an access standard apply. It therefore seems counterintuitive to ensure safe access to the road which in many cases would experience a greater degree of flooding. On that basis, I disagree with the relief sought as I consider it would be inefficient in an urbanised environment to require resource consent for a new property access that is susceptible to flooding of depths over 0.3 m.
162. In response to the request from GWRC [351.29 and 351.30] I have reviewed the Natural and Coastal Hazards s32 report that supported the notification of the PDP and note that it is silent on the matter of flood hazard mapping for rural areas. I have consulted Mr Beban who advised, as outlined in his statement of evidence, that the reason for not initially including these areas in the PDP was due to the unavailability of flood hazard mapping for the rural catchments that were sufficiently robust. Consequently, I disagree that flood hazard mapping should be introduced into the plan as part of this review process.
163. Nevertheless, I note that the application of flood hazard mapping to the Rural Zone at this stage in the process would directly impact property owners who have only had the option to participate in this process through making a further submission on the originating submission of GWRC.
164. In response to Kimberley Vermaey [348.1] I agree in part that the on-site impacts of low-level flood inundation could be managed through a permitted standard requiring minimum floor levels for buildings in low flood inundation areas as this would adequately mitigate the risk of damage to the new building. However, as outlined by Mr Osborne, this would disregard the cumulative effects of flood water displacement on adjoining properties that could result from permitted development within low flood inundation areas. I also note that the flood inundation mapping excludes inundation depths of 0 – 0.05 m, and does not identify the specific inundation depths. Consequently, I disagree with the introduction of a permitted standard for new buildings in areas of low-level flood inundation.

Assessment – Landslide hazard

165. In response to Toka Tū Ake EQC [282.5], I agree that slope stability and landslide hazard risk can and should be managed by the District Plan where the hazard risk is significant. If there is robust information on land susceptible to landslides available to inform a landslide hazard overlay, then I am of the view that it would be appropriate for there to be a landslide hazard

overlay with corresponding plan provisions to appropriately control use and development in areas susceptible to landslides. However, as this hazard overlay was not included in either the draft District Plan or the notified Proposed District Plan, I consider that it would be both impractical and inappropriate from a natural justice perspective to introduce a landslide hazard response into the PDP by way of a recommendation in this report and subsequent and decision on the IPI. In my view, the appropriate mechanism to introduce a landslide hazard overlay and corresponding plan provisions is through a future variation or change to the District Plan. This approach would ensure via the process set out in the First Schedule of the RMA that iwi, statutory parties, directly impacted property owners and the wider community are appropriately consulted and provided with the opportunity to contribute to the plan and decision-making process.

Assessment – Fault Hazard

166. Toka Tū Ake EQC [282.2 and 282.6] and Kimberley Vermaey [348.3] seek similar changes to the hazard mapping and plan provisions for fault hazard. In response, I can confirm that the Fault Hazard Overlay mapped in the PDP reflects the Fault Avoidance Zones that were prepared on behalf of council by GNS Science. The Fault Avoidance Zones have been referred to in the PDP as an ‘overlay’ to align with how they have been applied in a planning context i.e. as overlays and not zones, consistent with the direction in the National Planning Standards 2019.
167. I agree that a more refined approach to the mapping is required to better reflect the fault complexity and risk in relation to how defined the fault deformation zone is that informs the extent of the fault hazard overlay. The GNS Science fault report⁶ and fault avoidance zones mapping prepared on behalf of council include this level of information, which has been presented in a publicly available webviewer⁷ to illustrate the proposed update to the fault overlays to submitters and the Panel. I consider it appropriate, as guided by the MfE guidance on landuse planning around active faults⁸ that supports a less restrictive policy and rule response where a fault’s complexity category is poorly defined or distributed and where fault rupture occurrence is less likely, that the policies and rules are amended to reflect the hazard risk in relation to how well defined the fault is. For example, my understanding of the Shepherds Gully Fault and Terawhiti Fault from the GNS Science fault report⁹, is that these faults are relatively poorly understood with respect to exactly where deformation would occur along with the possibility that deformation could be occur across a wider area, potentially reducing the severity of rupture due to the less concentrated nature of the rupture.
168. Mr Beban, as set out in his Statement of Evidence, has proposed an approach to plan provisions that reflects the ‘fault complexity’ categories. I agree with this approach as I consider it provides the relief sought by the submitter, whilst also improving alignment with

⁶ Active Fault Mapping and Fault Avoidance Zone for Wellington City. May 2021. GNS Science Consultancy.

⁷ Accessed from <https://wellington.govt.nz/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/hearings-information/hearings-topics-and-schedule/hearing-stream-5> or <https://wcc.maps.arcgis.com/apps/webappviewer/index.html?id=1d1f4a7db77245a1861865085410de64>

⁸ Planning for development of land on or close to active faults: A guideline to assist resource management planners in New Zealand. 2003. Ministry for the Environment.

⁹ Ibid.

the MfE guidance. In my view these amended plan provisions provide greater certainty for the community, and better reflect the scientific understanding of the risks to people and property from fault rupture.

169. I also suggest, following advice from Dr Litchfield as the Earthquake Geologist/Tectonic Geomorphologist engaged to provide technical support for the preparation of the s42A report, that relevant provisions referring to buildings being located 20 m from a fault, should refer to being 20 m from the edge of a fault deformation zone, as this more accurately represents the area where fault rupture is most likely in the event of an earthquake. I consider amending the reference to 'from a fault' to 'edge of the fault deformation zone' responds to the relief sought by Toka Tū Ake EQC [282.2 and 282.6] and Kimberley Vermaey [348.3].
170. I agree, from a hazard-risk management and operational need perspective, with the Aggregate and Quarry Association [303.13] who seek that the PDP provisions should not rule out quarries along the fault. I have considered the hazard sensitivity of quarrying activities and consider it is unclear.
171. Quarrying activities are not expressly included in any of the hazard sensitive definitions, and as per the introduction section of the Natural Hazards chapter that states 'if an activity is not identified in the definitions is proposed in a Natural Hazard Overlay then for the purposes of the application it shall be assessed as a less hazard sensitivity activity'. However, 'buildings associated with primary production (excluding [...] buildings identified as Less Hazard Sensitive Activities') are identified in the PDP definition of 'Potentially Hazard Sensitive Activities', with the PDP definition for Primary Production including quarrying activities.
172. As quarrying activities (as an activity) is not identified in the definition of Potentially Hazard Sensitive Activity or Hazard Sensitive Activity, I consider that quarrying activities would be treated by the PDP as a Less Hazard Sensitive Activity and be permitted in all of the Natural Hazard Overlays. New buildings associated with quarrying activities would be treated as a Potentially Hazard Sensitive Activity, with the exception of accessory buildings, which would be a Less Hazard Sensitive Activity. The end result is that the relevant rules provide for quarrying activities as a Less Hazard Sensitive Activity as a permitted activity in the Fault Hazard Overlays, but associated buildings would require resource consent as a potentially hazard sensitive activity unless located 20 m from the fault deformation zone.
173. As buildings associated with quarrying activity will have low occupancy, and most likely be of low value, I consider that it would be appropriate to treat buildings associated with quarrying activities as a Less Sensitive Hazard Activity. I am of the opinion that this is best achieved by including Quarrying Activities and associated buildings in the definition of Less Hazard Sensitive Activities. As a result a minor consequential amendment to exclude 'quarrying activities' from the reference to 'buildings associated with primary production' in the definition of 'Potentially Hazard Sensitive Activities' is also recommended.

Assessment – Liquefaction Hazard Overlay

174. In response to WIAL [406.19] I do not agree that the Liquefaction Hazard Overlay should be removed from the Airport Zone. In my opinion all areas that are known to be susceptible to the natural hazards addressed in the PDP should be included in the relevant hazard overlay,

regardless of whether there are requirements for natural hazard risks to be mitigated in addition to the responsibilities of Territorial Authorities under the RMA. Following advice from Mr Osborne as set out in his evidence, I am also not convinced by the evidence presented by WIAL that the stated engineering and design requirements relevant to the Airport’s operation following a hazard event reduces the hazard risk during a hazard event to a level that risk is no longer present. It is also not explicitly clear in the evidence provided by WIAL why the removal of hazard overlays from the Airport Zone is a more appropriate option in the context of the requirements of s32 RMA.

Assessment – Overlays and mapping

- 175. In response to WIAL [406.25] I rely on the evidence (paragraph 42) of Mr Osborne who confirms that the flood modelling undertaken by Wellington Water predicts that areas of the Airport will flood particularly where the piped stormwater network capacity will be exceeded and overflow from stormwater inlets in a high rainfall event. While I acknowledge that the Airport has a duty under its CDEM functions to address natural hazard risk, I do not support the removal of the flood hazard overlay inundation area from the Airport Zone on this basis. If alternative flood hazard modelling or evidence is presented to that confirms that such flooding would not occur, then I would be open to reconsidering my position on this matter.
- 176. I also do not agree that the liquefaction hazard overlay should be removed from the Airport Zone as the overlay is informed by the liquefaction susceptibility report¹⁰ prepared by GNS Science Consultancy on behalf of WCC, as outlined in the evidence of Ms Griffin that identifies that that part of the Airport where the liquefaction overlay applies as highly susceptible to liquefaction. I also note that the rules associated with the liquefaction hazard overlay only control activities related to emergency service facilities so could be considered to have a minimal impact on the Airport’s overall operation. Again, I would be open to reconsidering this position if further evidence was provided showing that this hazard had been incorrectly identified on the site. However, until such information is supplied, and given no further evidence has been received to date to the contrary, I remain of the opinion that the liquefaction hazard extent depicted on the planning maps should be retained.

Summary of recommendations

- 177. HS5-NH-General Submissions-Rec7: That the hazard risk rating for the liquefaction hazard is amended to a low risk ranking in the NH-Introduction as detailed in Appendix A.
- 178. HS5-NH-General Submissions-Rec8: That the fault hazard policies, rules and overlay maps are amended to incorporate fault complexity as detailed in Appendix A.
- 179. HS5-NH-General Submissions-Rec9: That the definition of ‘Less Hazard Sensitive Activities’ is amended to include ‘Quarrying Activities’ as follows:

LESS HAZARD SENSITIVE ACTIVITIES	means the following land use activities: <ul style="list-style-type: none"> a. Accessory buildings used for non-habitable purposes
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¹⁰ Liquefaction susceptibility verification report for Wellington City Council. May 2021. GNS Science.

	<ul style="list-style-type: none"> b. Buildings associated with marina operations (above MHWS) c. Maritime emergency facilities d. Informal recreation activities and organised sport and recreation activities within the Sport and Active Recreation Zone, including those for maritime purposes in the Evans Bay Marine Recreation Area e. Parks Facilities f. Parks Furniture <u>g. Quarrying Activities</u>
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180. HS5-NH-General Submissions-Rec10: That the definition of ‘Potentially Hazard Sensitive Activities’ is amended to exclude ‘quarrying activities’ from the reference to ‘buildings associated with primary production’ as follows:

POTENTIALLY HAZARD SENSITIVE ACTIVITIES	<p>means the following land use activities:</p> <ul style="list-style-type: none"> a. Buildings associated with primary production (excluding Residential Units, Minor Residential Units, Residential Activities, or buildings identified as Less Hazard Sensitive Activities, <u>or Quarrying Activities</u>) b. Commercial Activity c. Commercial Service Activity d. Community Corrections Activity. e. Entertainment Facility f. Food and Beverage Activity g. Industrial Activities h. Integrated Retail Activity i. Large Format Retail Activity j. Major Sports Facility k. Offices l. Retail Activities m. Rural Industrial Activities
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181. HS5-NH-General Submissions-Rec11: That rules NH-R7, NH-R8, NH-R10, NH-R11, NH-R12, NH-R13, NH-R15 and NH-16 are amended to include conversions to existing buildings.

182. HS5-NH-General Submissions-Rec12: That submission points relating to ‘Natural Hazards – General Submissions’ are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

183. In my opinion, based on the analysis above in paragraphs 166 to 168, the proposed amendments with respect to fault hazard, specifically the introduction of fault complexity into the policies, rules and overlay maps are the most appropriate way to achieve the objectives of the plan compared to the notified provisions. In particular, I consider that:

- a. The proposed amendments are a more effective approach to managing the consequences of fault rupture in the event of an earthquake as they reflect more detailed information now available with respect to fault rupture. This in turn will ensure appropriate and commensurate mitigation, whilst taking a more enabling approach to development in areas where the hazard risk is relatively low. Consequently, the amended provisions are more efficient and effective than the notified provisions in achieving the objectives of the PDP.
- b. On balance, the recommended amendments will not have any greater environmental, social, or cultural effects than the notified provisions. Whilst there is an economic cost to the more onerous restrictions relating to development in the Wellington Fault Overlay, I consider that this is outweighed by the benefits that result from a more appropriate hazard management response to a high hazard area.

3.4 Site specific submissions

Matters raised by submitters

184. Rod Halliday [25.3, opposed by Heidi Snelson [FS24.4] considers that the flood inundation and overland flowpath at 28 Westchester Drive is inaccurate and that the presence of the Stebbings Dam upstream and concrete retaining wall structures holding up the road will prevent this hazard. Glenside Progressive Association (GPA) [FS4.10 – inferred by Council to relate to 25.3] state they are not in a position to comment on the veracity of this statement but if any development is to take place, it is important that the lie of the land including gullies is accurately mapped, that these are not filled in during earthworks and that roads are planned to avoid them.
185. Oliver Sangster [112.6] opposes and seeks removal of the Flood Hazard - Inundation Overlay applying to 22B Glenside Road on the basis that the mapping is inaccurate as it does not reflect the new (higher) ground level as a result of earthworks and retaining wall construction.
186. David Karl [309.1] advises that ground levels were required to be raised by approximately 1 metre during the construction of a house on 29a Trent Street and seeks that the flood hazard overlays are amended to reflect current ground-levels.
187. Singvest Group Limited [129.1] opposes the Flood Hazard – Inundation Overlay applying to 154 Victoria Street and seeks removal of the Flood Hazard – Inundation Overlay from 154 Victoria Street.
188. Michael Thomas [219.1] considers that 18 Campbell Street is significantly higher than the adjoining property at 16A Campbell Street and that any water would flow there, noting that 18 Campbell Street has a retaining wall along its western fence that would provide a barrier to flooding. The submitter seeks removal of the Flood Hazard – Inundation Overlay from 18 Campbell Street.
189. Southern Cross Healthcare Limited [380.10] seeks removal of the Flood Hazard – Inundation Overlay and/or removal of the Flood Hazard – Overland Flowpath Overlay from 82, 84, 86, 88

and 90 Hanson Street and that further investigation is undertaken regarding application of the flood hazard (inundation) overlay and Flood Hazard – Overland Flowpath around existing buildings on these properties.

Assessment

190. In considering site specific requests to amend or remove flood hazard overlays I have sought advice from Mr Osborne, the Senior Hydraulic Modeller at Wellington Water Limited engaged to provide expert advice to inform a response to submissions relating to flood hazard. Mr Osborne has undertaken further assessment and provided recommendations in response to the relief sought by submitters, as outlined in his accompanying Statement of Evidence. I have relied on Mr Osborne’s assessment and recommendations to inform my response and recommendations to the relief sought.
191. In response to Rod Halliday [25.3] I do not agree with any change to the Flood Hazard – Inundation Overlay as it applies to 28 Westchester Drive as I consider the overlay to be an accurate representation of the flood hazard on this property for the reasons outlined in paragraphs 18 to 19 of Mr Osborne’s evidence.
192. In response to Oliver Sangster [112.6] I note that the development and earthworks that have occurred on the property at 22B Glenside Road have not been captured in the flood modelling undertaken to inform the flood hazard overlay. Consequently, I agree that a reduction in the extend of the Flood Hazard – Inundation Overlay as it applies to 22B Glenside Road is appropriate as set out in paragraphs 20 to 21 of Mr Osborne’s Statement of Evidence, and below.

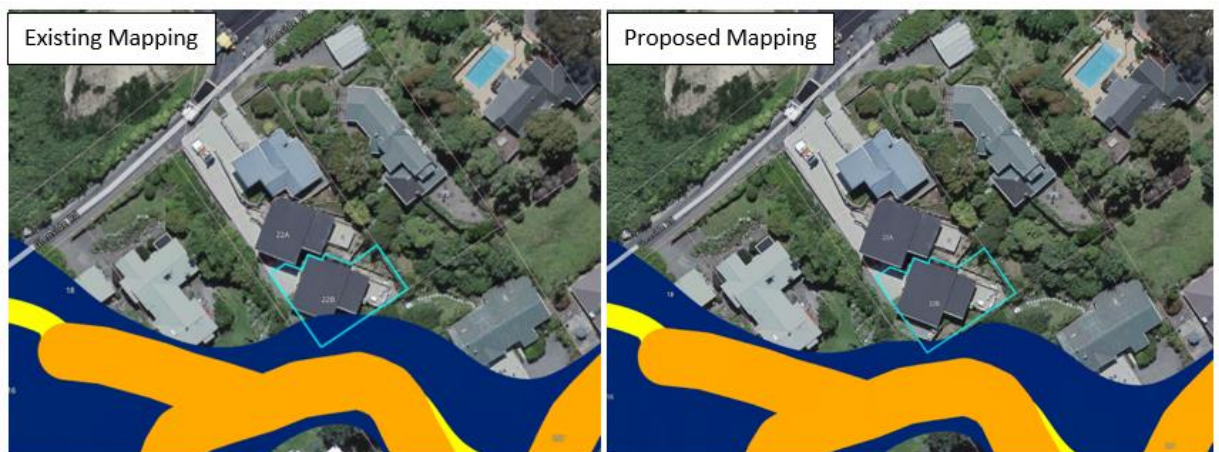


Figure 1. Representation of Wellington Water Flood Hazard mapping - 22B Glenside Road

193. In response to David Karl [309.1] I agree that the Flood Hazard – Inundation Overlay applying to 29a Trent Street should be amended as set out in paragraphs 26 to 27 of Mr Osborne’s Statement of Evidence and below to reflect current ground-levels that were not reflected in the Wellington Water flood modelling that informed the Flood Hazard – Inundation Overlay.



Figure 2. Representation of Wellington Water Flood Hazard mapping - 22B Glenside Road including the recommended change to the Flood Hazard – Inundation Overlay

194. In response to Singvest Group Limited [129.1] opposition to the Flood Hazard – Inundation Overlay applying to 154 Victoria Street, I have checked the Flood Hazard – Inundation Overlay and confirm that it does not apply to 154 Victoria Street, Te Aro as illustrated in Figure 3. Consequently, I do not agree with any amendments to the flood hazard overlay in response to this submission.

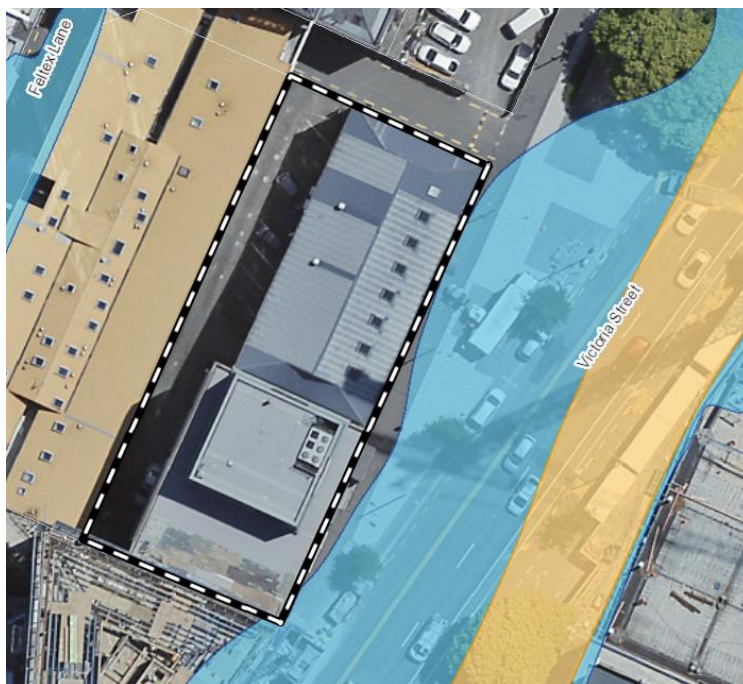


Figure 3. Excerpt from WCC PDP Planning Maps showing 154 Victoria Street and the Flood Hazard – Inundation Overlay (blue) and Overland Flowpath (orange).

195. In response to Michael Thomas [219.1] for the reasons outlined in Mr Osborne’s evidence I disagree with the Flood Hazard – Inundation Overlay being removed from 18 Campbell Street.
196. In response to Southern Cross Healthcare Limited [380.10] I disagree with the Flood Hazard – Inundation Overlay or Flood Hazard – Overland Flowpath being removed from 82, 84, 86, 88 and 90 Hanson Street for the reasons outlined in paragraphs 28 to 29 of Mr Osborne’s evidence.

Summary of recommendations

197. HS5-NH-Site specific submissions-Rec13: That the Flood Hazard – Inundation Overlay be amended to reflect the proposed mapping changes shown in Figure 1. and Figure 2.
198. HS5-NH-Site specific submissions-Rec14: That submission points relating to ‘Site specific submissions’ are accepted/rejected as detailed in Appendix B.

3.5 Natural Hazards Chapter – Introduction

Matters raised by submitters

199. Oyster Management Limited [404.10 and 404.12] seeks that the natural hazard introduction is retained as notified and supports the Introductory text to the extent that it takes an adaptation approach to natural hazards.
200. WIAL [406.208] supports the recognition of Wellington Airport within the introductory text and seeks that the Natural Hazards chapter introduction is retained as notified.
201. WCC [266.65] considers there is a need to clarify and add detail in relation to sensitivity rating definitions, and seeks amendments to the introduction of the Natural Hazards chapter as follows:

Amend the first sentence of paragraph one of the introduction under ‘Hazard Sensitivity’ as follows:

To assist with determining the consequences associated with natural hazards, buildings and activities have been allocated a sensitivity rating (see Definitions – less hazard sensitive activities, potentially hazard sensitive activities, hazard sensitive activities).

202. WCC [266.66] also seeks a minor correction to the spelling of ‘Shepard’s Gully Fault Overlay’ and consequential amendments to reflect this correction where referenced throughout the PDP.
203. WCC Environmental Reference Group [377.55] support the Natural Hazards chapter's Introduction, including the risk framework, the use of both buildings and activities, and the three focus areas of people, property and infrastructure.
204. Argosy Property [383.19, opposed by Toka Tū Ake EQC [FS70.1]] seek the deletion of the ‘Natural Hazard Overlay’ table in the Introduction and opposes hazard rankings being attributed to the various natural hazards.

205. Fabric Property Limited [425.9, opposed by Toka Tū Ake EQC [FS70.10]] seeks that the introduction to the Natural Hazards chapter is amended to delete the hazard rankings from the Natural Hazards Overlay table. In the event that the table is not removed, it alternatively [425.10, opposed by Toka Tū Ake EQC [FS70.11]] seeks that the Natural Hazards chapter introduction is amended to remove the 'High' hazard ranking for the Liquefaction Hazard Overlay.

Assessment

206. I agree with the amendments sought by WCC [266.65] to amend the Natural Hazards Introduction to reference sensitivity rating definitions as this improves clarity for plan implementation.
207. In response to WCC [266.66] I have investigated this matter and have found the correct spelling of the name of the Faultline is 'Shepherd's Gully Fault Overlay' and I recommend this correction be made throughout the PDP. I consider this a minor amendment within clause 16 of Schedule 1 of the RMA.
208. In response to Argosy Property [383.19] and Fabric Property Limited [425.9] I consider that classifying hazard risk levels based on the likelihood and consequence of particular hazard events is an appropriate approach, particularly as it provides a foundation for the risk-based land use planning response within the PDP that is commensurate with the degree of risk to people, property and infrastructure. I agree with Toka Tū Ake EQC [FS70.10] who consider that the removal of the table will undermine the risk-based approach taken. This risk-based approach is consistent with the WRPS and non-statutory guidance for land use planning for natural hazard-related risk, as outlined in the Natural and Coastal Hazards s32 Report. It also provides the justification for a more enabling approach for buildings and activities in low (risk) hazard areas, where risks can be reduced or mitigated to an acceptable level, and for less hazard sensitive activities. Argosy Property highlight that their properties within the CCZ are wholly or partly subject to the Flood Hazard Overlay – Inundation Area and the Liquefaction Hazard Overlay. As noted in paragraph 144 of this report, it has been identified that the PDP incorrectly attributes a high hazard ranking to the Liquefaction Hazard Overlay whereas, as confirmed by Mr Beban in his Statement of Evidence, it was the intention that the liquefaction hazard overlay would have a low hazard ranking. I also note that, with respect to liquefaction hazard, the PDP approach seeks to avoid unnecessary duplication with the Building Code requirements and to only manage the establishment and post-disaster function of emergency management facilities within areas highly susceptible to liquefaction.
209. I note that the plan provisions do not solely rely on the hazard risk ranking in determining the appropriateness of buildings and activities within hazard overlays, with policies and rules incorporating a more granular approach that reflects each of the individual hazards and the hazard sensitivity of activities. For example, in relation the Wellington Fault Overlay (ranked as a high-risk hazard) there is a specific rule (NH-R5 as recommended in this report) that provides for permitted additions to buildings in various parts of the fault overlays. By contrast, additions to a building (NH-R4) or new buildings within a Flood Hazard – Stream Corridor (also ranked as

a high-risk hazard) are a Non-Complying Activity. This illustrates that a blanket approach has not been taken to managing risk across individual hazard scenarios with the same hazard ranking. Consequently, I do not agree that the hazard risk ranking table should be deleted from the Natural Hazards Introduction section, as I am of the opinion that it importantly attributes a hazard risk rating to inform the landuse planning framework. The absence of the risk ranking table would introduce a lack a transparency and context for the risk-based approach applied in the PDP.

210. In the absence of removing the hazard ranking table Fabric Property Limited [425.10] have alternatively sought an amendment to the Natural Hazards chapter introduction to remove the 'High' hazard ranking for the Liquefaction Hazard Overlay. As outlined in paragraphs 144 and 208 of this report I agree that the liquefaction hazard should have a low hazard ranking, noting the further submission by Toka Tu Ake/EQC [FS70.11] highlights that *liquefaction is a hazard associated with earthquakes, much of central Wellington is built on ground likely to liquefy in an earthquake, and the risk of earthquakes in Wellington is high*. However, I further note that hazard susceptibility and the allocated hazard ranking is not the same (for example there are areas of the city with a low susceptibility to liquefaction but these are not included as a hazard overlay in the Plan as they are not considered to result in consequences to justify a low hazard) and that the approach to hazards management is to avoid unnecessary duplication with other legislative requirements.

Summary of recommendations

211. HS5-NH-Introduction-Rec15: That the NH-Introduction is amended as set out below and as detailed in Appendix A.

NH-Introduction

To assist with determining the consequences associated with natural hazards, buildings and activities have been allocated a sensitivity rating (see Definitions – [less hazard sensitive activities](#), [potentially hazard sensitive activities](#), [hazard sensitive activities](#)).

212. HS5-PX-RecX: That references to the 'Sheppard Fault', 'Sheppards Fault', 'Sheppard's Fault', and 'Sheppards Gully' are amended to the correct spelling of the name of the fault which is 'Shepherds Gully' throughout the PDP (including INF-NH-R60 (a)(iii); NH – Introduction; NH-P12; NH-R5-1(b); NH-R7; SUB-R17; SUB-R18 and SUB-R18-1; SUB-R22 and Planning Maps Key).
213. HS5-NH-Introduction-Rec16: That submission points relating to NH-Introduction are accepted/rejected as detailed in Appendix B.

3.6 Objectives – Natural Hazards Chapter

NH-O1 Risk from natural hazards

Matters raised by submitters

214. Argosy Property [383.23], CentrePort Limited [402.96], Oyster Management Limited [404.13], KiwiRail Holdings Limited [408.93] and MOE [400.44, supported by Waka Kotahi, FS103.50] request the retention of NH-O1 as notified.
215. WIAL [406.209, opposed by Toka Tū Ake EQC [FS70.91] consider the risks from natural hazards should be avoided where they are intolerable and that the concept of intolerability should be brought into this policy to better acknowledge that people, activities, property and infrastructure have varying levels of hazard tolerance. It seeks that NH-O1 is deleted, or amended as set out below.

NH-O1 (Risk from natural hazards)

Subdivision, use and development in the Natural Hazard Overlays do not create an intolerable level of ~~reduces or does not increase~~ the risk to people, property, and infrastructure.

216. GWRC [351.119, supported by Toka Tū Ake EQC [FS70.21, opposed by Stride Investment Management Limited [FS107.10] and Investore Property Limited [FS108.10] considers it appropriate to amend the objective to have regard to Objectives 19 and 20 and Policies 51 and 52 of the Proposed RPS Change 1 and seeks amendments to NH-O1 as follows:

Amend NH-O1 (Risk from natural hazards) as follows:

Subdivision, use and development within the Natural Hazard Overlays minimises ~~reduce or do not increase~~ the risk from natural hazards to people, property and infrastructure.

217. GWRC notes that minimise is defined as ‘as low as reasonably practicable (ALARP)’ and is in line with standard risk-based hazard management approaches. Consequently, it considers that this leaves room for reduction as far as practicable but is a clearer signal than ‘reduce or do not increase’, to actively look to bring down the risk in the design and planning of a development.

Assessment

218. In responding to the relief sought by WIAL [406.209], I acknowledge that the concept of intolerability is included in the Strategic Objectives (SRCC-O2) of the PDP. I note however that Mr McCutcheon, the s42A Reporting Planner for Part 1 plan wide matters and Strategic Direction, has recommended amendments that replace the current wording of SRCC-O2.3 ‘*Avoided where the risks are intolerable*’ with ‘*Avoided where there would be a high risk to life or buildings*’.
219. I agree that the concept of tolerability has a place in broader natural hazard risk management and as part of consultation with the community for the district plan review the community’s risk tolerance has been considered as evidenced through the various submissions on natural and coastal hazards received. However, in the context of land use planning I consider that use of the term ‘intolerable’ within NH-O1 would introduce a lack of clarity and certainty for plan implementation due to the varying degrees of tolerability such as between property and people may differ. I am not aware of an existing commonly accepted definition of tolerability in the

context of hazard risk. Also, I consider that the concept of tolerability would require direction in the plan on how to approach varying levels of tolerance in the context of a proposal where tolerance of a building and safety of people may differ. I agree Toka Tū Ake EQC [FS70.91] that people, buildings and infrastructure could have differing levels of tolerability and that introducing this concept into the objective would introduce uncertainty. In comparison 'reduce' and 'do not increase' are more certain terms that can be more easily understood and demonstrated. However, I acknowledge that 'reduce' and 'do not increase' are two different outcomes, and I consider this in detail in response to other submissions including in paragraphs 221 to 232 which set out my view in detail.

220. GWRC [351.119] seek the use of the term 'minimise' in place of 'reduce or do not increase' in NH-O1.
221. Firstly, I consider that a risk-reduction approach that requires minimisation of risk to 'as low as reasonably practicable' is quite a different test to 'reduce or not increase'. Minimise to as low as reasonably practicable requires demonstration that everything reasonably practicable has been incorporated to reduce risk, but could conceivably result in a residual increase in risk to people or property. Conversely, the difference between 'reduce' and 'do not increase' could be significant, if 'reduce' could be interpreted to be satisfied by demonstrating only a small reduction in risk where it may be practicable to reduce risk to a greater degree, with 'not increase' being clear, but also involves a hard test if increasing the number of buildings or people in hazard prone areas.
222. In considering the appropriate outcome that the Plan should be seeking, it is appropriate to take direction from higher-level documents. I've considered the requirements of section 6(h) of the RMA to 'manage significant risks from natural hazards' noting no definition of significant risk is provided. Although, not directly relevant to non-coastal hazards, the NZCPS 2010 directs that subdivision, use, and development in areas potentially affected by coastal hazards over at least the next 100 years avoid increasing the risk of harm from coastal hazards.
223. Whilst the WRPS 2013 directs that activities 'do not increase' the risk and consequence of natural hazard events (Objective 20), that inappropriate subdivision and development in areas at high risk from natural hazards should be avoided (Policy 29) and that in the context of a district plan review, regard should be given to minimising the risk and consequences of natural hazard events (Policy 51). This focus on minimising natural hazard risk is further reinforced in Change 1 to the Proposed RPS (Policy 51 and 52)
224. However, in relation to the Proposed RPS Change 1, I concur with Mr McCutcheon's verbal confirmation in Hearing Stream 1 that given the current point that this change is at in the process it is difficult to place much statutory weight on it. However, as Change 1 as publicly notified its intent to minimise natural hazard risk (Policy 51 and 52) can be used to inform consideration in the context of the WCC PDP process.
225. Following the very high-level overview outlined in the preceding paragraphs, I consider that the higher-order direction on hazard management is limited and variable, with the NZCPS relevant only to coastal hazards. Given the lack of clear direction on outcomes in relation to management of the risk from significant natural hazards, I consider below the various terminology used from an interpretation and policy implementation perspective.

226. In high hazard areas I consider it appropriate the natural hazard related risk is not increased, and ideally reduced in relation to the risk present in the existing environment. I have considered this in relation to the PDP and consider that the existing use of the term 'reduce' is not entirely clear in its meaning. Reduce could relate to reducing the risk present in relation to the existing environment i.e., a 'net decrease' outcome. Alternatively, reduce could equally be considered to relate to reducing the risk with respect to new buildings or activities proposed to be located within areas susceptible to natural hazards. The test is very different depending on one's interpretation. No increase in risk, based on my interpretation, is intended to ensure that hazard-related risk is not increased from the existing use. It essentially allows for a like-for-like scenario, or at least no increase where a reduction is not practicable or necessary. I consider this outcome appropriate for high hazard areas. For that reason, I consider that the policy direction in relation to high hazard areas should be clarified to require that *existing* risk is not increased or is reduced.
227. With the exception of not increasing risk in high hazard areas, I am of the opinion that minimising hazard-related risk as low as reasonably practicable in medium and low hazard risk areas, whilst allowing for new activities in less hazard prone areas, is an appropriate overall outcome that can be further nuanced in response to each of the distinct natural hazards and the different impacts that result. I consider this appropriate due to the lower probability and lower consequences of the hazard scenarios that make up the medium and low hazard risk areas. The result of the position I have reached in relation to the amendments to NH-O1 sought by GWRC, is that I agree in part with the submitter and consider that a more nuanced approach to the outcomes sought for high hazard areas and low and medium hazards areas is necessary to reflect that a minimise outcome is appropriate for low and medium hazard areas.
228. Based on commonly held understanding of the terms 'minimise' and 'reduce', I consider that the difference between them is that minimise requires more than a just a simple reduction. Without additional clarity I consider that the degree to which a proposal is required to reduce or minimise hazard risk is unclear. If 'minimise' is to be introduced into objectives or policies, I am of the opinion that a definition of 'minimise' in the PDP would also be required to provide certainty and clarity. I note that the main difference between the common understanding of, and the proposed definition, of 'minimise' is the between what is possible (common understanding) and what is practicable (proposed definition). I consider that there is a material difference between the two terms, and that practicable is more appropriate in the context of the assessment of risk reduction and associated mitigation.
229. In my view an objective and policy framework that provides for development whilst at the same time requiring hazard-related risks to be minimised through incorporating hazard-resilience into new developments in areas susceptible to natural hazards, offers a future focused approach that will provide for the safety of future residents.
230. I also consider that a minimisation approach that is highly dependent on individual interpretation provides scope for an increase in hazard-related risk. This may be acceptable in some contexts but not in others. For example, in high hazard areas where risk avoidance is most appropriate, and 'minimisation as low as reasonably practicable' is an unacceptable interpretive default position.

231. My opinion is that a more nuanced approach to the language used in objectives and policies relating to hazard risk than that contained in the PDP would be appropriate to improve clarity of the outcomes sought with respect to the degree of risk associated with the various natural hazard scenarios (low, medium and high hazard ranking). I consider this would provide partial relief to GWRC and improve the likely alignment with the relevant outcomes sought in Change 1, where the language used in the policies in response to hazard risk management reflects the risk ranking and achieves the outcomes sought by the Plan.
232. I consider that the minimise approach also better aligns with the exception provided for in relation to regionally significant infrastructure and those parts of the Central City located in high hazard areas, where the objectives and policy direction recognise the functional and operational need of port, rail and airport activities (airport recommended to be included in NH-O4 in paragraph 254254), the impracticality of relocating the CBD and the impact of constraining development in the Central City. Consequently, the policy direction for these exceptions is proposed to be one of ‘minimisation’. This approach ensures that hazard risk is minimised as far as practicable (subject to the definition) but also recognises that there may be instances where, even with mitigation measures incorporated, the risk associated with locating in a high hazard risk area may still result in an increase in risk, for example significant increases in workers or residents in high hazard areas of the City Centre Zone.
233. Following the proposed approach set out in the preceding paragraphs, I am of the opinion that NH-O1 should be amended to only apply to high hazard areas. I also consider that NH-O1 should be amended to clarify that the outcome relates to the level of natural hazard related risk present in the existing environment, as opposed to the risk being introduced by a proposed activity.
234. Following the recommended amendments to NH-O1, I consider that an additional objective that specifically addresses the outcome sought in relation to hazard risk in low and medium hazard risk areas is necessary, and that this objective directs that hazard risk in low and medium risk areas is required to be ‘minimised’, with an associated definition for ‘minimise’ meaning as low as reasonably practicable, introduced into the Plan.
235. I also note Mr McCutcheon’s recommendation in Hearing Stream 1 to amend SRCC-O2.2 outlined in the text box below, and concur with this change as I consider it aligns with the recommendations in this report set out in paragraphs 236 and 237237.

Risks from natural hazards are:

...

*2. Planned for through adaptation and mitigation measures to ensure the **risks are low**, to;*

*2. Planned for through adaptation and mitigation measures so that **risk is not increased or is reduced**.*

(emphasis added).

Summary of recommendations

236. HS5-NH-O1-Rec17: That NH-O1 is amended as set out below and as detailed in Appendix A.

NH-O1 Risk from natural hazards in High Hazard Areas of the Natural Hazard Overlays

Subdivision, use and development within the High Hazard Areas of the Natural Hazard Overlays reduce or do not increase the existing risk from natural hazards to people, property and infrastructure.

237. HS5-NH-O1-Rec18: That a new objective, NH-OX is introduced to provide an objective for low and medium natural hazard areas, as set out below and as detailed in Appendix A.

NH-OX Risk from natural hazards in Low and Medium Hazard Areas of the Natural Hazard Overlays

Subdivision, use and development within the Low and Medium Hazard Areas of the Natural Hazard Overlays minimise the risk from natural hazards to people, property and infrastructure.

238. HS5-NH-O1-Rec19: That submission points relating to NH-O1 are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

239. As outlined in s32AA, a further evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes. I consider that the proposed amendments to NH-O1 and proposed new objective NH-OX requires an evaluation akin to a full s32 evaluation, which follows.

Proposed objectives:

NH-O1 Risk from natural hazards in High Hazard Areas of the Natural Hazard Overlays

Subdivision, use and development within the High Hazard Areas of the Natural Hazard Overlays reduce or do not increase the existing risk from natural hazards to people, property and infrastructure.

NH-OX Risk from natural hazards in Low and Medium Hazard Areas of the Natural Hazard Overlays

Subdivision, use and development within the Low and Medium Hazard Areas of the Natural Hazard Overlays minimise the risk from natural hazards to people, property and infrastructure.

General intent:

The two proposed objectives seek to ensure that development within areas prone to natural hazards require consideration to ensure that the risks to people, property, and infrastructure

either do not increase, or reduce the existing risk present in high hazard areas, and minimise the risk introduced by future development in low and medium hazard areas. These amended objectives improve consistency with the outcomes sought under higher order direction and the strategic objectives.

Comparison between PDP objectives and proposed objectives:

- The proposed objectives give effect to Part II of the RMA better than the PDP objectives due to the proposed objectives providing clearer outcomes for the respective hazard risk of an area, whilst also better providing for social and economic wellbeing through enabling development in low and medium hazard areas.
- The proposed objectives achieve improved alignment with the higher order documents (s6(h) of the RMA, NZCPS and RPS) by taking a risk-based approach to the management of natural hazards that more clearly reflects the direction to not increase hazard-related risk in high hazard areas, and more clearly directs the level of acceptable risk to be achieved from future development in low and medium hazard areas.
- The proposed objectives provide clearer direction for implementation of the plan and decision-making when considering a resource consent application under s104.
- The proposed objectives will not give rise to unjustifiability high costs on the community, though some properties will be more impacted than others.
- The proposed objectives provide additional clarity to the regulatory framework for the management of the subdivision, use, and development within the Natural Hazard and Coastal Hazard Overlays. This provides the community, developers, and stakeholders with greater direction and clarity on how change will be managed and what outcomes need to be met for development to proceed.

240. I consider that the environmental, economic, social and cultural effects of the recommended amendments to NH-O1 and new NH-OX are not significantly different to those outlined in the s32 assessment in relation to NH-O1 and new NH-OX as notified in the PDP. The refinement to the outcomes sought, particularly with respect to medium hazard areas is considered to provide clarity that development is enabled and anticipated subject to mitigation of hazard risk, such as through building design or location on site.

241. Overall, I consider that the proposed objectives represent a minor refinement of the outcomes already sought by the Plan, whilst providing greater clarity of outcomes sought for high hazard areas, distinct from low and medium hazard areas.

3.6.1 NH-O2 Planned natural hazard mitigation works

Matters raised by submitters

242. CentrePort Limited [402.97] seeks that NH-O2 is retained as notified.

243. GWRC [351.120 and 351.121, supported by Toka Tū Ake EQC [FS70.22] supports the inclusion of ‘catchment management’ in the objective as notified, and seeks the following amendments to NH-O2 to recognise the need to minimise risk:

NH-O2 Planned natural hazard mitigation works

~~There is reduced~~ The risk to people, property and infrastructure from flood hazards through planned mitigation works and catchment management is minimised.

244. GWRC notes that minimise is defined as ‘as low as reasonably practicable (ALARP)’ and is in line with standard risk-based hazard management approaches. Consequently, it considers that this leaves room for reduction as far as practicable but is a clearer signal than ‘reduced’, to actively look to bring down the risk in the design and planning of the development.

Assessment

245. I disagree with the relief sought by GWRC [351.120 and 351.121] concerning reference to minimising risk as opposed to reduced risk in relation to planned mitigation works and catchment management. In particular, I consider that it is inappropriate to direct the effectiveness of mitigation to the extent that it should be required to minimise risk, and that from a resource consenting perspective achieving a reduction is considered an appropriate outcome to seek with regards to mitigation works and catchment management.

Summary of recommendations

246. HS5-NH-O2-Rec20: That NH-O2 is confirmed as notified.
247. HS5-NH-O2-Rec21: That submission points relating to NH-O2 are accepted/rejected as detailed in Appendix B.

3.6.2 NH-O3 Natural systems and features

Matters raised by submitters

248. FENZ [273.60], GWRC [351.122] and CentrePort Limited [402.98] seek that NH-O2 is retained as notified.

Assessment

249. No further assessment is necessary.

Summary of recommendations

250. HS5-NH-O3-Rec22: That NH-O3 is confirmed as notified.
251. HS5-NH-O3-Rec23: That submission points relating to NH-O3 are accepted/rejected as detailed in Appendix B.

3.6.3 NH-O4 Operational port activities, passenger port facilities and rail activities

Matters raised by submitters

252. GWRC [351.123], and CentrePort Limited [402.99] seek the retention of NH-O4 as notified.
253. WIAL [406.211] opposes NH-O4 as it considers the activities listed in the objective have operational and functional constraints which ultimately govern the location of these activities, including within areas exposed to natural hazard risk. WIAL seeks either deletion of NH-O4 or amendments as follows:

NH-O4 Operational port activities, passenger port facilities and rail activities

NH-O4 ~~Operational port activities, passenger port facilities and rail activities~~

Airport, ~~Operational port activities, passenger port facilities and rail activities~~ are provided for, while also ensuring that subdivision, development and use of land occupied by operational port activities, passenger port facilities and rail activities do not create an intolerable level of ~~increase the~~ risk to people, property, and infrastructure.

Assessment

254. In response to WIAL [406.211], I agree that it is appropriate to include specific reference to the Airport given Wellington International Airport is included in the PDP definition of Regionally Significant Infrastructure and the Airport is also a lifeline utility under the CDEM Act. I disagree with the proposed amendment to introduce the concept of tolerability for the reasons outlined in paragraph 218 to 219219, but consider that replacing 'not increase' with 'minimise' provides partial relief to the submitter. This amendment recognises that these activities have functional and operational needs with respect to their respective locations, and that although all reasonably practicable measures may be incorporated into future developments associated with these activities, there may be an acceptable residual increase in risk as a result.
255. Also, although GWRC have not sought the inclusion of 'minimise' in this specific objective as they have for numerous other natural hazard provisions, following my broad assessment of the appropriateness of incorporating the term minimise into these provisions, I am of the view that the minimisation of hazard-related risk is appropriate for NH-O4 for the reasons outlined in paragraph 221 to 232232.

Summary of recommendations

256. HS5-NH-O4-Rec24: That NH-O4 is amended as set out below and detailed in Appendix A.

NH-O4 Airport activities, ~~Operational port activities, passenger port facilities and rail activities~~

Airport activities, ~~Operational port activities, passenger port facilities and rail activities~~ are provided for, while also ensuring that subdivision, development and use of land occupied by the Airport, operational port activities, passenger port facilities and rail activities ~~do not increase~~ minimise the risk to people, property, and infrastructure.

257. HS5-NH-O4-Rec25: That submission points relating to NH-O4 are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

258. In my opinion, based on the analysis above, the proposed amendments to NH-O4:

- a. appropriately provide for the Airport in natural hazard overlays, as outlined in the Natural and Coastal Hazards s32 report with respect to NH-O4;
- b. the amendment to replace the directive to 'not increase' risk to people, property, and infrastructure with 'minimise' to people, property, and infrastructure better reflects the intent of NZCPS (Policy 27) whilst still ensuring that natural hazard related risk is sufficiently managed by the Plan; and
- c. the recommended amendments will not have any greater environmental, social, or cultural effects than the notified provisions.

3.6.4 NH – proposed new objectives

Matters raised by submitters

259. Argosy Property [383.20] seeks the addition of a new objective as set out below that recognises that development in the natural hazard overlays in the City Centre zone is appropriate in some instances.

Add new objective NH-OX to the Natural Hazards chapter as follows:

Provide for a range of activities that maintain the vibrancy and vitality of the City Centre Zone, while also ensuring that subdivision, development and use in these areas do not increase the risk to people, property, and infrastructure

260. Fabric Property Limited [425.11] also considers that there should be an additional objective in the Natural Hazards chapter, as set out below:

Add new objective NH-OX to the Natural Hazards chapter as follows:

NH-O5 City Centre Zone

Provide for a range of activities that maintain the vibrancy and vitality of the City Centre Zone, while also ensuring that subdivision, development and use in these areas do not increase the risk to people, property, and infrastructure.

Assessment

261. In response to Argosy Property [383.20] and Fabric Property Limited [425.11], as discussed in paragraphs 142 to 150 of this report, of the Natural Hazards identified in the PDP, non-coastal inundation and liquefaction are the two hazard overlays that impact a large part of the City Centre Zone, with both ranked as a low-risk hazard (I recommend in paragraph 177 that liquefaction is revised to be categorized as a low hazard). As I consider that the plan provisions relating to flood inundation and liquefaction hazards present in the City Centre are not considered to be overly constraining to use and development due to the ability to relatively easily mitigate the associated hazard risk, I am of the opinion that a proposed City Centre Zone specific objective is not needed in the Natural Hazards Chapter.

Summary of recommendations

262. HS5-NH-General-Rec26: That no new additional objectives are included in the natural hazards chapter.
263. HS5-NH-General-Rec27: That submission points relating to proposed new natural hazard chapter objectives are accepted/rejected as detailed in Appendix B.

3.7 Policies – Natural Hazards Chapter

3.7.1 NH-P1 Identification of natural hazards

Matters raised by submitters

264. GWRC [351.124, supported by Waka Kotahi [FS103.51]], Argosy Property [383.24], Horokiwi Quarries Ltd [271.18], FENZ [273.61] and Oyster Management Limited [404.14] seek that NH-P1 is retained as notified.
265. MOE [400.5 and 400.6, supported by Wellington International Airport Limited [FS36.78]] seeks that NH-P1 is amended as follows so that an operational need for the Ministry to locate educational facilities in natural hazard areas to serve existing communities can be considered when managing development in natural hazard areas:

NH-P1 Identification of natural hazards

Identify natural hazards within the District Plan and take a risk-based approach to the management of subdivision, use and development based on:

1. The sensitivity of the activities to the impacts of natural hazards; ~~and~~
2. The hazard posed to people's lives and wellbeing, property and infrastructure, by considering the likelihood and consequences of natural hazard events; ~~and~~
3. The operational need for some activities to locate in natural hazard areas.

266. WIAL [406.213 and 406.214] seeks that NH-P1 (Identification of natural hazards) is amended to introduce the concept of tolerability.

Assessment

267. In response to MOE [400.5 and 400.6] I agree that recognition of the operational need for some activities to locate in natural hazard overlays is an appropriate consideration as there are various activities that may need to locate in a specific location where an alternative is not

practicable, to provide for the needs of the community e.g. schools or emergency service facilities that serve defined catchments of the city. I also suggest in addition to the specific relief sought by MOE that consideration of activities that more generally have a functional need to locate in a hazard overlay would also be appropriate.

268. In response to WIAL [406.213 and 406.214] I disagree with the introduction of the concept of tolerability to NH-P1 for the reasons outlined in paragraph 218 to 219 of this report.

Summary of recommendations

269. HS5-NH-P1-Rec28: That NH-P1 is amended as set out below and as detailed in Appendix A:

NH-P1 Identification of natural hazards

Identify natural hazards within the District Plan and take a risk-based approach to the management of subdivision, use and development based on:

1. The sensitivity of the activities to the impacts of natural hazards; ~~and~~
2. The hazard posed to people's lives and wellbeing, property and infrastructure, by considering the likelihood and consequences of natural hazard events; ~~and~~
3. The operational need or functional need for some activities to locate in Natural Hazard Overlays.

270. HS5-NH-P1-Rec29: That submission points relating to NH-P1 are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

271. In my opinion, the amendment to NH-P1 is more appropriate in achieving the objectives of the PDP than the notified provisions for the reasons outlined in paragraph 267. Overall, I consider that:

- a. The amendment recognises that there are certain activities, where they may be encouraged or enabled in the underlying zone, that justifiably need to locate in a natural hazard overlay. Consequently, NH-P1 is more efficient and effective than the notified provisions in achieving the objectives of the PDP.
- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there could be improved social wellbeing where activities that serve the needs of the community are located in accessible locations, whilst ensuring hazard risk is appropriately mitigated.

3.7.2 NH-P2 Levels of risk

Matters raised by submitters

272. Horokiwi Quarries Ltd [271.18], and FENZ [273.61] seek that NH-P2 is retained as notified.

273. GWRC [351.125, supported by Toka Tū Ake EQC [FS70.23], opposed by Stride Investment

Management Limited [FS107.11] and Investore Property Limited [FS108.11]] seeks that NH-P2 is amended as follows:

...
subdivision, use and development minimises ~~reduce or do not increase~~ the risk to people, property and infrastructure by:
...

274. Argosy Property [383.25] and Fabric Property Limited [425.12] consider NH-P2.1 is restrictive in only allowing low occupancy or low replacement value development within the Natural Hazard Overlays, that NH-P2.2 is unrealistic in expecting that mitigation can address the impacts from natural hazards, and that Policy NH-P.2 should apply in all hazard areas. Also, that NH-P2.3 is similarly restrictive and equally fails to recognise that a significant portion of the CBD is categorised as a high hazard area under the Liquefaction Hazard Overlay. They request that Policy NH-P2.3 should apply to the Fault Hazard Overlay only, and also recognise the functional needs in this location. Argosy Property seek the following changes to NH-P2:

Amend NH-P2 (Levels of risk) as follows:

Subdivision, use and development reduce or do not increase the risk to people, property and infrastructure by:

- ~~1. Allowing for those buildings and activities that have either low occupancy or low replacement value within the low, medium and high hazard areas of the Natural Hazard Overlays;~~
2. Requiring buildings and activities to reduce or not increase ~~mitigate~~ the impacts from natural hazards to people, property and infrastructure in the low hazard, ~~and~~ medium and high hazard areas within the Natural Hazard Overlays; and
3. Avoiding buildings and activities in the high hazard areas of the ~~Natural~~ Fault Hazard Overlays unless there is a functional ~~an exceptional~~ reason for the building or activity to be located in this area and the activity mitigates the impacts from natural hazards to people, property and infrastructure.

275. Fabric Property Limited [425.13], opposed by Toka Tū Ake EQC [FS70.12] seek the following changes to NH-P2:

Amend NH-P2 (Levels of risk) as follows:

Subdivision, use and development reduce or do not increase the risk to people, property and infrastructure by:

- ~~1. Allowing for those buildings and activities that have either low occupancy or low replacement value within the low, medium and high hazard areas of the Natural Hazard Overlays;~~
2. Requiring buildings and activities to reduce or not increase ~~mitigate~~ the impacts from natural hazards to people, property and infrastructure in the low hazard, ~~and~~ medium and high hazard areas within the Natural Hazard Overlays; and
3. Avoiding buildings and activities in the high hazard areas of the ~~Natural~~ Fault Hazard Overlays unless there is a functional or operational ~~an exceptional~~ reason for the building or activity to be located in this area and the activity mitigates the impacts from natural hazards to people, property and infrastructure.

276. MOE [400.47 and 400.48, supported by Waka Kotahi [FS106.52]], considers that, at times, there is an operational need to locate educational facilities in high hazard areas to serve

existing communities. They seek the following amendment to NH-P2 so that this need can be considered when managing development in natural hazard areas, whilst also requiring natural hazard risk to be mitigated through any new development.

Amend NH-P2 Levels of risk as follows:

Subdivision, use and development reduce or do not increase the risk to people, property and infrastructure by:

...

3. Avoiding buildings and activities in the high hazard areas of the Natural Hazard Overlays unless there is an exceptional reason or operational need for the building or activity to be located in this area and the activity mitigates the impacts from natural hazards to people, property and infrastructure.

277. CentrePort Limited [402.100 and 400.101, supported by WIAL [FS36.79]] considers that the area within the Special Purpose Port Zone has a number of hazard risks including those categorised as high. However, as this policy seeks to only allow buildings and activities in exceptional circumstances rather than recognising there may be a functional need or operational requirement for the building or activity it seeks the following amendments to NH-P2:

Amend NH-P2 Levels of risk as follows:

...

3. Avoiding buildings and activities in the high hazard areas of the Natural Hazard Overlays unless there is an there is a functional need or operational requirement or other exceptional reason for the building or activity to be located in this area, and the activity mitigates the impacts from natural hazards to people, property and infrastructure.

278. WIAL [406.215 and 406.216, opposed by Toka Tū Ake EQC [FS70.92]] oppose NH-P2 as notified, and consider that the concept of tolerability also needs to be brought into the policy, as per Objective SRCC-O2, to recognise that different activities, people, property and infrastructure will have a different tolerance to the effects of coastal hazards. It seeks that NH-P2 (Levels of risk) is either deleted or amended to introduce the concept of tolerability.

Assessment

279. In response to GWRC [351.125], I disagree with amending NH-P2 to introduce the directive to 'minimise' risk as I consider that this would inappropriately provide a minimise policy directive for all activities and development in all of the natural hazard overlays, which in my view is in conflict with the NH-P2.3 limb which includes an avoidance directive for high hazard overlays. I consider that a more nuanced approach that reflects the level of risk is more appropriate, which I discuss in more detail in paragraphs 221 to 232232. With respect to NH-P2 I consider that a more general statement 'addresses the natural hazard risk' more appropriately and sets up the policy to provide specific direction for low, medium and high hazard areas that aligns with a 'minimise' policy directive with respect to other natural hazard policies relating to low

and medium hazard areas. However, I do consider that introducing the ‘as low as reasonable practicable’ requirement in relation to mitigation of hazard risk into NH-P2.2 which applies to low and medium hazard areas is appropriate as complete avoidance of hazard risk is unnecessary. In my view, this provides partial relief to GWRC as mitigating hazard risk as low as reasonably practicable relates directly to a ‘minimisation’ approach.

280. Following the amendments discussed with respect to the NH-01, I consider that amendments to NH-P2 that in part respond to the broad relief sought by GWRC, to give effect to the proposed objectives relating to high hazard areas (avoiding development) and medium and low hazard areas (requiring hazard resilience is incorporated to minimise hazard risk), is required to provide the necessary policy direction for the associated rules.
281. In response to Argosy Property [383.25] and Fabric Property Limited [425.12], I disagree with the concerns that NH-P2.1 is too restrictive in only allowing low occupancy or low replacement value development within the Natural Hazard Overlays. NH-P2 establishes the risk-based approach to the management of significant natural hazard risk in the PDP. The risk-based approach is more enabling of low occupancy buildings and low replacement value buildings in all Natural Hazard Overlays due to the comparatively lower consequences as a result of a hazard event. The deletion of NHP2.1, as sought, would result in a less-enabling policy direction for activities less impacted by natural hazards.
282. The Natural Hazards chapter also provides a consenting pathway for higher occupancy activities and higher value buildings in the Natural Hazard Overlays by taking a risk-based approach that is focused on the sensitivity of activities and buildings to hazard events. It is only within the high hazard areas where activities and buildings sensitive to the effects of natural hazards is strongly discouraged with few exceptions. In medium hazard areas (i.e. Flood Hazard – Overland Flowpath) there is a consenting pathway for all activities and buildings subject to reducing or not increasing risk and not exacerbating the potential consequences of the hazard on other properties.
283. I also disagree with Argosy Property [383.25] and Fabric Property Limited’s [425.12] concerns that the requirements of NH-P2.2 rely on an unrealistic expectation that the impacts from natural hazards can be mitigated, noting that the intention of the risk-based approach to impacts of natural hazards is broadly to reduce risk to people, property and infrastructure from new activities or new buildings or new infrastructure being located in areas known as susceptible to natural hazards, not to eliminate risk entirely. In my view, with the exception of high hazard areas where the policy direction is to avoid, I consider that the policy direction in relation to low and medium hazard areas does not direct the mitigation of risk entirely. As acknowledged in the Introduction section of the Natural Hazards chapter, development is unable to change the likelihood of a hazard event occurring, but there are mitigation measures that can reduce the impacts of hazard events. This includes appropriate floor levels of building, locating bedrooms above ground floor, designing to enable ease of access for evacuation purposes or the provision for safe vertical evacuation.
284. Further, I do not agree with the proposed inclusion of high hazard areas in NH-P2.2 as these areas are those considered to be most susceptible to significant natural hazard events, where it is in most cases appropriate to strongly discourage potentially hazard sensitive activities and

hazard sensitive activities in high hazard areas. I highlighted previously that the allocation of a high risk ranking for the Liquefaction Overlay contained within the Introduction section was incorrect, and the Liquefaction Overlay should have a low hazard ranking as discussed in paragraph 142 to 144 of this report. In my opinion, this amendment to the liquefaction overlay risk ranking provides partial relief to that sought by the submitter.

285. Although I agree in part with the intent of replacing ‘exceptional’ reason with ‘functional’ reason, I would instead suggest that use of the term ‘functional need’ is more appropriate and consistent with the use of this term throughout the Natural Hazards chapter and PDP.
286. I agree with MOE [400.47 and 400.48] for the reasons set out above in paragraph 267 that consideration of activities with an operational need should be provided for in high hazard areas.
287. I also agree with CentrePort Limited [402.100 and 400.101] that NH-P2 should be amended to provide for consideration of whether an activity or building has a functional need or operational need to locate in a high hazard area of the Natural Hazard Overlays. In my opinion the inclusion of ‘functional need or operational need’ is an appropriate replacement for ‘exceptional reason’ which is not defined in the PDP.
288. I disagree with WIAL [406.215 and 406.216] that the concept of tolerability should be introduced to NH-P2, for the same reasons set out in paragraph 218 to 219 of this report.

Summary of recommendations

289. HS5-NH-P2-Rec30: That NH-P2 is amended as set out below and as detailed in Appendix A.

NH-P2 Levels of risk

Subdivision, use and development ~~reduce or do not increase the~~ manages natural hazard risk to people, property and infrastructure by:

1. Allowing for those buildings and activities that have either low occupancy or low replacement value within the low, medium and high hazard areas of the Natural Hazard Overlays;
2. Requiring buildings and activities to mitigate the ~~impacts~~ the risk resulting from the development from natural hazards to people, property and infrastructure as far as reasonably practicable in the low hazard, and medium hazard areas within the Natural Hazard Overlays; and
3. Avoiding buildings and activities in the high hazard areas of the Natural Hazard Overlays unless there is an operational need or functional need ~~exceptional reason~~ for the building or activity to be located in this area and the building or activity mitigates the impacts from natural hazards to people, property and infrastructure.

290. HS5-NH-P2-Rec31: That submission points relating to NH-P2 are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

291. In my opinion, the amendment to NH-P2 is more appropriate in achieving the objectives of the PDP than the notified provisions for the following reasons:

- a. The amendment reflects a more nuanced and clearer policy directive with respect to the low, medium and high hazard areas for the reasons stated in paragraphs 221 to 232. Consequently, NH-P2 is more efficient and effective than the notified provisions in achieving the objectives of the PDP.
- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

3.7.3 NH-P3 Less hazard sensitive activities

Matters raised by submitters

292. Horokiwi Quarries Ltd [271.19], and GWRC [351.126] seek that NH-P3 is retained as notified.

Assessment

293. No further assessment is necessary.

Summary of recommendations

294. HS5-NH-P3-Rec32: That NH-P3 is confirmed as notified.

295. HS5-NH-P3-Rec33: That submission points relating to NH-P3 are accepted/rejected as detailed in Appendix B.

3.7.4 NH-P4 Additions to buildings for potentially hazard sensitive activities and hazard sensitive activities in an identified inundation area of the flood hazard overlay

Matters raised by submitters

296. Precinct Properties New Zealand Limited [139.5], GWRC [351.127], Argosy Property [383.26], and Oyster Management Limited [404.15] seek that NH-P4 is retained as notified.

297. FENZ [273.62 and 273.63] seek the following amendments to NH-P4:

Amend NH-P4 (Additions to buildings for potentially hazard sensitive activities and hazard sensitive activities in an identified inundation area of the flood hazard overlay) as follows:

...

The activity, excluding additions to existing building, has an operational and/or functional need to locate within the Wellington Fault Overlay and Ohariu Fault Overlay and locating outside of these Overlays is not a practicable option.

Assessment

298. In response to FENZ [273.62 and 273.63], I disagree with the relief sought. In particular, I do not consider it appropriate for NH-P4 to be amended to also address activities within the Wellington Fault Overlay and Ohariu Fault Overlay as this policy is only intended to apply to the inundation area of the flood hazard overlay, noting that specific policy direction to manage buildings and activities in the Wellington Fault Overlay and Ohariu Fault Overlay is contained in NH-P10 and NH-P11.

Summary of recommendations

299. HS5-NH-P4-Rec34: That NH-P4 is confirmed as notified.

300. HS5-NH-P4-Rec35: That submission points relating to NH-P4 are accepted/rejected as detailed in Appendix B.

3.7.5 NH-P5 (Additions to buildings for potentially hazard sensitive activities and hazard sensitive activities within the overland flow paths and stream corridors of the Flood Hazard Overlays)

Matters raised by submitters

301. GWRC [351.128] seeks that NH-P5 is retained as notified.

302. FENZ [273.64] seek the following amendments to NH-P5:

Amend NH-P5 Additions to buildings for potentially hazard sensitive activities and hazard sensitive activities within the overland flow paths and stream corridors of the Flood Hazard Overlays as follows:

...

The activity, excluding additions to existing building, has an operational and/or functional need to locate within the Wellington Fault Overlay and Ohariu Fault Overlay and locating outside of these Overlays is not a practicable option.

303. Southern Cross Healthcare Limited [380.28] seeks the following amendment to NH-P5 to allow for additions to buildings in overland flowpaths and stream corridors that allow for the conveyance of flood waters:

Amend Policy NH-P5.3 Additions to buildings for potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths and stream corridors of the Flood Hazard Overlays as follows:

~~Only a~~ Allow additions to buildings that accommodate existing potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths and stream corridors, where it can be demonstrated that:

1. The risk from the 1% Annual Exceedance Probability flood event is low due to either the:
 - a. Proposed mitigation measures;
 - b. Size of the addition; or
 - c. Nature of the activities undertaken within the addition; and
2. The risk to people and property is reduced or not increased from the 1% Annual Exceedance Probability flood; and
3. Overland flowpaths and stream corridors or other mechanisms ~~are unimpeded, and unobstructed~~ to allow for the conveyancing of flood waters.

Assessment

304. In response to FENZ [273.64] I do not agree with amendments that seek to include reference to fault hazard in NH-P5 as it specifically relates to overland flowpaths and stream corridors, noting that specific policy direction to manage buildings and activities in the Wellington Fault Overlay and Ohariu Fault Overlay are contained in NH-P10 and NH-P11.
305. I agree in part with Southern Cross Healthcare Limited [380.28] that the use of 'unimpeded and unobstructed' could result in a test that excludes all scenarios where even a small impediment or obstruction occurs, and am of the opinion that this should be rectified by amending NH-P5.3 so that any building addition ensures the unimpeded conveyance of flood waters and no diversion of flood waters onto another property.
306. Following the recommended amendments to the objectives in response to GWRC detailed in paragraphs 221 to 232, I also consider consequential amendments are required to NH-P2 to reflect the recommended approach to direct the minimising hazard risk in low and medium hazard areas, and no increase or reducing risk in high hazard areas.

Summary of recommendations

307. HS5-NH-P5-Rec36: That NH-P5 is amended as set out below and as detailed in Appendix A.

Policy NH-P5 Additions to buildings for potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths and stream corridors of the Flood Hazard Overlays

Only allow additions to buildings that accommodate existing potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths and stream corridors, where it can be demonstrated that:

1. The risk from the 1% Annual Exceedance Probability flood event is low due to either the:
 - a. Proposed mitigation measures;
 - b. Size of the addition; or
 - c. Nature of the activities undertaken within the addition; and
2. In an overland flowpath the risk to people and property is ~~reduced or not increased~~ minimised from the 1% Annual Exceedance Probability flood event; and
3. In a stream corridor the existing risk to people and property is not increased or is reduced from the 1% Annual Exceedance Probability flood event; and Overland flowpaths and stream corridors or other mechanisms are unimpeded, and unobstructed to allow for the conveyancing of flood waters.
4. The conveyancing of flood waters through the stream corridor or overland flowpath is still able to occur unimpeded and is not diverted onto adjacent properties.

308. HS5-NH-P5-Rec37: That submission points relating to NH-P5 are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

309. In my opinion, the amendment to NH-P5 is more appropriate in achieving the objectives of the PDP than the notified provisions for the following reasons:

- a. The amendment reflects a more nuanced and clearer policy directive with respect to the low, medium and high hazard areas. Consequently, NH-P5 is more efficient and effective than the notified provisions in achieving the objectives of the PDP; and
- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

3.7.6 NH-P6 Potentially hazard sensitive activities and hazard sensitive activities within the identified inundation areas of the Flood Hazard Overlays

Matters raised by submitters

310. Precinct Properties New Zealand Limited [139.6], Argosy Property [383.27], and MOE [400.49] seek that NH-P6 is retained as notified.

311. FENZ [273.66 and 273.67] seeks amendments to NH-P6 as follows:

Amend NH-P6 Potentially hazard sensitive activities and hazard sensitive activities within the identified inundation areas of the Flood Hazard Overlays as follows:

...

The activity, excluding additions to existing building, has an operational and/or functional need to locate within the Wellington Fault Overlay and Ohariu Fault Overlay and locating outside of these Overlays is not a practicable option.

312. GWRC [351.129, supported by Toka Tū Ake EQC [FS70.24], opposed by Stride Investment Management Limited [FS107.12] and Investore Property Limited [FS108.12]] state that minimise is defined as ‘as low as reasonably practicable (ALARP)’ and is in line with standard risk-based hazard management approaches and seeks the following amendment to NH-P6:

Amend NH-P6 Potentially hazard sensitive activities and hazard sensitive activities within the identified inundation areas of the Flood Hazard Overlays as follows:

Provide subdivision development and use for potentially hazard sensitive activities and hazard sensitive activities within the inundation area provided that mitigation measures are incorporated to ensure the risk to people and property both on the site and on adjacent properties is minimised ~~not increased or is reduced~~.

313. GWRC consider this leaves room for reduction as far as practicable but is a clearer signal than ‘reduce or do not increase’, to actively look to bring down the risk in the design and planning of the development. It also considers that changes requested to the policies may necessitate amendments to the rules to have regard to the natural hazard direction in Proposed RPS Change 1.

314. Oyster Management Limited [404.16, 404.17, and 404.18, opposed by Toka Tū Ake EQC [FS70.66]] supports NH-P6 to the extent it enables potentially hazard sensitive activities within the inundation areas of the Flood Hazard Overlays. It seeks to amend the policy as follows so that it only applies when significant risk is posed to people and property:

Amend NH-P6 Potentially hazard sensitive activities and hazard sensitive activities within the identified inundation areas of the Flood Hazard Overlays to:

Provide for subdivision, development and use for potentially hazard sensitive activities and hazard sensitive activities within the inundation area provided that mitigation measures are incorporated to ensure ~~the~~ that significant risk to people and property both on the site and on adjacent properties is not increased or is reduced.

Assessment

315. In response to FENZ [273.66 and 273.67] I do not agree with amendments that seek to include reference to fault hazard in NH-P5 as it specifically relates to inundation areas, noting that specific policy direction to manage buildings and activities in the Wellington Fault Overlay and Ohariu Fault Overlay are contained in NH-P10 and NH-P11.

316. I agree with GWRC [351.129] as I consider that requiring that proposals should minimise risk to

people and property in flood inundation areas is an appropriate response to the level or risk associated with the identified inundation areas, where adequate floor levels will (subject to displacement of flood waters onto adjoining sites not occurring) in most cases adequately mitigate hazard risk.

317. I disagree with Oyster Management Limited [404.16, 404.17, and 404.18] that NH-P6 should be amended to refer to 'significant risk'. Section 6(h) of the Act requires Council to recognise and provide for the management of significant risks from natural hazards. In a general sense I agree with the associated Section 32 evaluation report, and concur that all of the natural hazards, and the hazard events the PDP provisions respond to, reflect the requirements of Council relating to natural hazards in s31 and s6(h) of the RMA.
318. As the submitter has provided limited justification to support the inclusion of 'significant' risk, I remain unconvinced the proposed amendment to NH-P6 is appropriate. There is also no definition of significant risk in the context of natural hazards that I am aware of, or that has been presented by the submitter. In my opinion the introduction of the concept of significant risk would result in uncertainty with respect to whether an activity has not increased or reduced 'significant risk'.

Summary of recommendations

319. HS5-NH-P6-Rec38: That NH-P6 is amended as set out below and as detailed in Appendix A.

NH-P6 Potentially hazard sensitive activities and hazard sensitive activities within the identified inundation areas of the Flood Hazard Overlays to:

Provide for subdivision, development and use for potentially hazard sensitive activities and hazard sensitive activities within the inundation area provided that mitigation measures are incorporated to ensure the risk to people and property both on the site and on adjacent properties is ~~not increased or is reduced~~ minimised.

320. HS5-NH-P6-Rec39: That submission points relating to NH-P6 are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

321. In my opinion, the amendment to NH-P6 is more appropriate in achieving the objectives of the PDP than the notified provisions for the following reasons:
- a. The amendment reflects a more nuanced and clearer policy directive with respect to the low, medium and high hazard areas. Consequently, NH-P6 is more efficient and effective than the notified provisions in achieving the objectives of the PDP; and
 - b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

3.7.7 NH-P7 Potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths of the Flood Hazard Overlays

Matters raised by submitters

322. MOE [400.50] seek that NH-P7 is retained as notified.

323. FENZ [273.68 and 273.69] supports the policy as it seeks to only allow new buildings or additions to buildings that accommodate existing Potentially Hazard Sensitive Activities and Hazard Sensitive Activities within identified hazardous areas where certain conditions can be met. Notwithstanding, these policies form relevant matters of discretion where related rules are infringed and FENZ considers they may have a functional or operational need to locate in identified hazardous areas and requests amendments to NH-P6 to reflect this as follows:

Amend NH-P7 Potentially hazard sensitive activities and hazard sensitive activities within the overland flow paths of the Flood Hazard Overlays as follows:

5. The activity, excluding additions to existing building, has an operational and/or functional need to locate within the Wellington Fault Overlay and Ohariu Fault Overlay and locating outside of these Overlays is not a practicable option.

324. GWRC [351.130, supported by Toka Tū Ake EQC [FS70.25], opposed by Stride Investment Management Limited [FS107.13] and Investore Property Limited [FS108.13]] state that minimise is defined as ‘as low as reasonably practicable (ALARP)’ and is in line with standard risk-based hazard management approaches and seeks the following amendment to NH-P7:

Amend NH-P7 Potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths of the Flood Hazard Overlays as follows:

Manage subdivision, development and use associated with potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths by:

1. Incorporating mitigation measures that ~~minimise the reduce or avoid an increase~~ in risk to people and property from the 1% Annual Exceedance Probability flood;

...

325. GWRC consider this leaves room for reduction as far as practicable but is a clearer signal than ‘reduce or do not increase’, to actively look to bring down the risk in the design and planning of the development. It also considers that changes requested to the policies may necessitate amendments to the rules to have regard to the natural hazard direction in Proposed RPS Change 1.

326. Oyster Management Limited [404.19, 404.20, 404.21, opposed in part by Toka Tū Ake EQC [FS70.67]] supports NH-P7 to the extent it enables potentially hazard sensitive activities within the inundation areas of the Flood Hazard Overlays, and seeks amendments to the policy, as set out below, so that it only applies when significant risk is posed to people and property.

Amend NH-P7 Potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths of the Flood Hazard Overlays as follows:

Manage subdivision, development and use associated with potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths by:

1. Incorporating mitigation measures that reduce or avoid an increase in significant risk to people and property from the 1% Annual Exceedance Probability flood;

...

Assessment

327. In response to FENZ [273.68 and 273.69] I do not agree with amendments that seek to include reference to fault hazard in NH-P5 as it specifically relates to subdivision, development and use for potentially hazard sensitive activities and hazard sensitive activities in inundation areas of the Flood Hazard Overlays, noting that specific policy direction to manage buildings and activities in the Wellington Fault Overlay and Ohariu Fault Overlay are contained in NH-P10 and NH-P11.
328. I agree with GWRC [351.130] as I consider that requiring proposals to minimise risk to people and property in overland flowpaths is an appropriate response to the level or risk associated with overland flowpaths, whilst ensuring ensure safe evacuation in a flood event and the unimpeded conveyance of flood waters and no diversion of flood waters onto another property occurs.
329. I disagree with Oyster Management Limited [404.19, 404.20, 404.21] that NH-P7 should be amended to refer to 'significant risk', for the reasons set out in paragraphs 318 to 319 of this report.
330. I consider that a minor consequential amendment to NH-P7 is appropriate following the recommended amendments to NH-P5 outlined in paragraph 304 of this report. In my view this amendment provides improved clarity, whilst not changing the intent of the policy.

Summary of recommendations

331. HS5-NH-P7-Rec40: That NH-P7 is amended as set out below and as detailed in Appendix A.

NH-P7 Potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths of the Flood Hazard Overlays

Manage subdivision, development and use associated with potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths by:

1. Incorporating mitigation measures that ~~reduce or avoid an increase in~~ minimise the risk to people and property from the 1% Annual Exceedance Probability flood;
2. Ensuring the conveyancing of flood waters through overland flowpaths is still able to occur unimpeded and is not diverted onto adjacent properties; and
- ~~2.3. Ensuring that people can safely evacuate from properties during a 1% Annual Exceedance Probability flood event; and~~
- ~~4. Overland flowpaths are unimpeded, and unobstructed to allow for the conveyancing of flood waters and is not diverted onto adjacent properties.~~

Section 32AA evaluation

332. In my opinion, the amendment to NH-P7 is more appropriate in achieving the objectives of the PDP than the notified provisions for the following reasons:

- a. The amendment reflects a more nuanced and clearer policy directive with respect to the low, medium and high hazard areas. Consequently, NH-P7 is more efficient and effective than the notified provisions in achieving the objectives of the PDP; and
- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

333. HS5-NH-P7-Rec41: That submission points relating to NH-P7 are accepted/rejected as detailed in Appendix B.

3.7.8 NH-P8 Potentially hazard sensitive activities and hazard sensitive activities within the stream corridors of the Flood Hazard Overlay

Matters raised by submitters

334. MOE [400.51] seeks that NH-P8 is retained as notified.

335. FENZ [273.70 and 273.71] supports the policy as it seeks to only allow new buildings or additions to buildings that accommodate existing Potentially Hazard Sensitive Activities and Hazard Sensitive Activities within identified hazardous areas where certain conditions can be met. Notwithstanding, as the submitter considers these policies form relevant matters of discretion where related rules are infringed, and considers they may have a functional or operational need to locate in identified hazardous areas, it seeks amendments to NH-P8 as follows:

Amend NH-P8 Potentially hazard sensitive activities and hazard sensitive activities within the stream corridors of the Flood Hazard Overlay as follows:

...

The activity, excluding additions to existing building, has an operational and/or functional need to locate within the Wellington Fault Overlay and Ohariu Fault Overlay and locating outside of these Overlays is not a practicable option.

336. RVANZ [350.61] considers that the use of both 'avoid' and 'unless it can be demonstrated' in NH-P8 is contradictory, and that the policy should be amended to be enabling when standards are met, rather than restrictive when standards are not met. It seeks the following amendments to NH-P8 as follows:

Amend NH-P8 Potentially hazard sensitive activities and hazard sensitive activities within the stream corridors of the Flood Hazard Overlay as follows:

~~Avoid~~ Enable subdivision development and use associated with potentially hazard sensitive activities and hazard sensitive activities within the stream corridors, ~~unless~~ where it can be demonstrated that:

...

337. GWRC [351.131, supported by Toka Tū Ake EQC [FS70.26], opposed by Stride Investment Management Limited [FS107.14] and Investore Property Limited [FS108.14]] state that minimise is defined as 'as low as reasonably practicable (ALARP)' and is in line with standard risk-based hazard management approaches and seeks the following amendment to NH-P8:

Amend NH-P8 Potentially hazard sensitive activities and hazard sensitive activities within the stream corridors of the Flood Hazard Overlay as follows:

Avoid subdivision development and use associated with potentially hazard sensitive activities and hazard sensitive activities within the stream corridors, unless it can be demonstrated that:

...

2. Mitigation measures are incorporated that minimise the risk ~~reduce or avoid an increase in~~ risk to people and property from the 1% Annual Exceedance Probability Flood;

...

338. GWRC consider this leaves room for reduction as far as practicable but is a clearer signal than 'reduce or do not increase', to actively look to bring down the risk in the design and planning of the development. It also considers that changes requested to the policies may necessitate amendments to the rules to have regard to the natural hazard direction in Proposed RPS Change 1.

Assessment

339. In response to FENZ [273.70 and 273.71] I am of the opinion that there is no need to amend NH-P8 for similar reasons to those set out in paragraph 327 of this report.

340. I disagree with RVANZ [350.61] that NH-P8 should be amended due to the current wording being contradictory. The intention of the policy is that it is strongly discouraging of subdivision, development and activities in the stream corridor area of the Flood Hazard Overlay as the Stream Corridor Overlay represents the greatest depths and velocity of flood waters in high rainfall events and has a high hazard risk ranking in the PDP. In my opinion the proposed change sought by the submitter would introduce a contradiction as enabling subdivision, development and use within the stream corridor is entirely contrary to the risk-based approach of the PDP. I also consider that retention of the term ‘avoid’ provides a more appropriate policy foundation for the Non-Complying Activity status for potentially hazard sensitive activities and hazard sensitive activities within the stream corridors of the Flood Hazard Overlay (NH-R15). I also note that there are other policies relating to natural hazards and coastal hazards that take an ‘avoid unless’ approach, and elsewhere in other chapters of the Plan (for example, NH-P11, CE-P18, INF-NFL-P50, HS-P1, VIEW-P3, NFL-P6, and EW-P15).
341. I disagree with GWRC [351.131] that minimisation of hazard-related risk is appropriate in high hazard areas, as minimisation allows room for an increase in hazard-related risk where it is not practicable to not increase risk, which could simply result from introducing more people into a high hazard area.
342. I also consider following recommendations in relation to other provisions (NH-O1 and NH-P2), that a consequential amendment to NH-P8.2 inserting the word ‘existing’ prior to risk would provide improved clarity for plan implementation as it clarifies the reduction or no increase relates to the hazard-related risk present in the existing environment, with the reduction not simply requiring a reduction of the risk introduced through a proposal.

Summary of recommendations

343. HS5-NH-P8-Rec42: That NH-P8 is amended as set out below and as detailed in Appendix A.

NH-P8 Potentially hazard sensitive activities and hazard sensitive activities within the stream corridors of the Flood Hazard Overlay

Avoid subdivision, development and use associated with potentially hazard sensitive activities and hazard sensitive activities within the stream corridors, unless it can be demonstrated that:

1. The activity, has an operational **need and or** functional need to locate within the Stream Corridor and locating outside of these Stream Corridor is not a practicable option;
2. Mitigation measures are incorporated that reduce or avoid an increase in the **existing** risk to people and property from the 1% Annual Exceedance Probability Flood;
3. People can safely evacuate the property during a 1% Annual Exceedance Probability Flood; and
4. The conveyancing of flood waters through the Stream Corridor is still able to occur unimpeded and is not diverted onto adjacent properties.

344. HS5-NH-P8-Rec43: That submission points relating to NH-P8 are accepted/rejected as detailed in Appendix B.

3.7.9 NH-P9 Emergency facilities in the Liquefaction Overlay

Matters raised by submitters

345. FENZ [273.72 and 273.73] supports the policy as it seeks to only allow new buildings or additions to buildings that accommodate existing Potentially Hazard Sensitive Activities and Hazard Sensitive Activities within identified hazardous areas where certain conditions can be met. Notwithstanding, as the submitter considers these policies form relevant matters of discretion where related rules are infringed, and considers they may have a functional or operational need to locate in identified hazardous areas, it seeks amendments to NH-P9 as follows:

Amend NH-P9 Emergency facilities in the Liquefaction Overlay as follows:

...

The activity, excluding additions to existing building, has an operational and/or functional need to locate within the Wellington Fault Overlay and Ohariu Fault Overlay and locating outside of these Overlays is not a practicable option.

346. Greater Wellington Regional Council [351.132, supported by Toka Tū Ake EQC [FS07.27]] seek that NH-P9 is amended to add a clause to say that the foundation designs must be designed and certified by a qualified geotechnical engineer in order to prevent liquefaction induced deformation of the building and in doing so maintains its post event functionality.
347. CentrePort Limited [402.102 and 402.103] seek that NH-P9 is amended as follows as the term Emergency Service Facilities is defined in the PDP while the term Emergency Facility may be subject to interpretation:

Amend NH-P9 Emergency facilities in the Liquefaction Overlay as follows:

Only allow new emergency service facilities within the Liquefaction Overlay where it can be demonstrated that:

1. The emergency service facility will be able to maintain post disaster functionality following an earthquake; and

...

Assessment

348. In response to FENZ [273.72 and 273.73] I am of the opinion that there is no need to amend NH-P8 for similar reasons to those set out in paragraph 327 of this report.
349. I agree in part with GWRC [351.132] that NH-P9 should be amended to require building foundations to be designed by a qualified geotechnical engineer as the primary mitigation available to prevent liquefaction induced deformation of the building and in doing so maintain its post-disaster functionality following an earthquake. However, I do not consider it appropriate for the policy, which acts as a matter of discretion in relation to NH-R9, to include

certification as this would typically occur following resource consent approval during the building process and would be a matter best addressed as a condition of resource consent.

350. I agree with CentrePort Limited [402.102 and 402.103] that reference to 'Emergency Facility' in NH-P9 should be amended to 'Emergency Service Facilities' as the former term is undefined and may be subject to interpretation.

Summary of recommendations

351. HS5-NH-P9-Rec44: That NH-P9 is amended as set out below and detailed in Appendix A.

NH-P9 Emergency facilities in the Liquefaction Overlay

Only allow new emergency service facilities within the Liquefaction Overlay where it can be demonstrated that:

1. The emergency service facility will be able to maintain post disaster functionality following an earthquake, including having foundations designed by a suitably qualified geotechnical engineer to prevent liquefaction induced deformation of the building; and
2. Emergency vehicles will be able to service the impacted community by being able to enter and leave the site.

352. HS5-NH-P9-Rec45: That submission points relating to NH-P9 are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

353. In my opinion, the amendment to NH-P7 is more appropriate in achieving the objectives of the PDP than the notified provisions for the following reasons:

- a. The amendment reflects a more nuanced and clearer policy directive with respect to the liquefaction hazard overlay, and as a matter of discretion is more targeted in the mitigation expected for this specific natural hazard. Consequently, NH-P9 is more efficient and effective than the notified provisions in achieving the objectives of the PDP; and
- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

3.7.10 NH-P10 Potentially hazard sensitive activities within the Wellington Fault Overlay and Ohariu Fault Overlay

Matters raised by submitters

354. MOE [400.52] and CentrePort Limited [402.104] seek that NH-P10 is retained as notified.
355. WCC [266.67] and WCC Environmental Reference Group [377.56] consider that NH-P10 needs to be amended for clarity and consistency, and seek amendments as follows:

Amend NH-P10 Potentially hazard sensitive activities within the Wellington Fault Overlay and Ohariu Fault Overlay as follows:

Manage subdivision, development or use associated with potentially hazard sensitive activities, including additions to existing buildings within the Wellington Fault Overlay and Ohariu Fault Overlay by ensuring that:

1. The activity is located more than 20m ~~of~~ from the Wellington Faultline or Ohariu Faultline; and
2. The activity incorporates mitigation measures that ensure the risk from fault rupture to people, property and infrastructure is reduced or not increased.

356. FENZ [273.75 and 273.76] supports the policy as it seeks to only allow new buildings or additions to buildings that accommodate existing Potentially Hazard Sensitive Activities and Hazard Sensitive Activities within identified hazardous areas where certain conditions can be met. Notwithstanding, the submitter considers these policies form relevant matters of discretion where related rules are infringed, and considers they may have a functional or operational need to locate in identified hazardous areas, it seeks amendments to NH-P10 as follows:

Amend NH-P10 Potentially hazard sensitive activities within the Wellington Fault Overlay and Ohariu Fault Overlay as follows:

...

The activity, excluding additions to existing building, has an operational and/or functional need to locate within the Wellington Fault Overlay and Ohariu Fault Overlay and locating outside of these Overlays is not a practicable option.

357. GWRC [351.133, supported by Toka Tū Ake EQC [FS70.28]] state that minimise is defined as ‘as low as reasonably practicable (ALARP)’ and is in line with standard risk-based hazard management approaches and seeks amendments to NH-P10 as follows:

Amend NH-P10 Potentially hazard sensitive activities within the Wellington Fault Overlay and Ohariu Fault Overlay as follows:

Manage subdivision, development or use associated with potentially hazard sensitive activities, including additions to existing buildings within the Wellington Fault Overlay and Ohariu Fault Overlay by ensuring that:

...

3. The activity incorporates mitigation measures that ensure the risk from fault rupture to people, property and infrastructure is minimised ~~reduced or not increased.~~; or

...

358. GWRC consider this leaves room for reduction as far as practicable but is a clearer signal than ‘reduce or do not increase’, to actively look to bring down the risk in the design and planning of the development. It also considers that changes requested to the policies may necessitate amendments to the rules to have regard to the natural hazard direction in Proposed RPS

Change 1.

Assessment

359. In response to more general submissions on the PDP approach to fault rupture hazard as discussed in detail in paragraphs 166 to 168, I recommend significant amendments that introduce new policies which supersede NH-P10, NH-P11, and NH-P12, with these set out in Mr Beban's supporting evidence. For the panels benefit, the matters raised in these submission points have been considered when forming the recommended policy response to fault rupture. In particular:

- i. I agree with WCC [266.67] and WCC Environmental Reference Group [377.56] as this amendment improves the wording of the policy without changing the intent of the policy;
- ii. I agree with FENZ [273.75 and 273.76] that the introduction of operational need and functional need as a matter for consideration for new activities and buildings within the Wellington Fault Overlay and Ohariu Fault Overlay is appropriate as I agree that there may be activities that can demonstrate that there is no practicable alternative location. Activities with an operational need or functional need have been provided for in the proposed new NH-P13; and
- iii. I disagree with GWRC [351.133] that minimisation of hazard-related risk is appropriate in high hazard areas, as 'minimise' leaves room for an increase in hazard risk and I consider that 'reduce or not increase' is more appropriate in the context of a high-risk hazard.

360. I agree with FENZ [273.75 and 273.76] that the introduction of operational need and functional need as a matter for consideration for new activities and buildings within the Wellington Fault Overlay and Ohariu Fault Overlay is appropriate. Activities with an operational need or functional need have been provided for in the proposed new NH-P13.

Summary of recommendations

361. HS5-NH-P10-Rec46: That submission points relating to NH-P10 are accepted/rejected as detailed in Appendix B.

3.7.11 NH-P11 Hazard sensitive activities, excluding a single residential dwelling on an existing site, within the Wellington Fault Overlay and Ohariu Fault Overlay

Matters raised by submitters

362. FENZ [273.77] and MOE [400.53] seek that NH-P11 is retained as notified.

363. Toka Tū Ake EQC [282.7] considers that the plan does not adequately manage the risks of fault rupture, with single residential dwellings able to be located within the Wellington and Ohariu Fault Overlays and refers to the MfE guidelines for planning around an active fault that advise

that Buildings Importance Category (BIC) 2 (residential) structures are not developed within the fault avoidance zones (within 20m of the fault race) of Recurrence Interval Class (RIC) I (≤ 2000 years) faults on brownfield sites and RIC I and II (2000 – 3500 years) on greenfield sites. The Wellington Fault is RIC I and the Ohariu Fault is RIC II. The submitter considers that any residential development within the Fault Overlays should be avoided within 20m of the Wellington Fault, even on an existing site and seeks amendments to NH-P11 as follows:

Amend NH-P11 Hazard sensitive activities, excluding a single residential dwelling on an existing site, within the Wellington Fault Overlay and Ohariu Fault Overlay as follows:

~~Hazard sensitive activities, excluding a single residential dwelling on an existing site,~~ within the Wellington Fault Overlay and Ohariu Fault Overlay

Avoid subdivision, development or use associated with hazard sensitive activities, ~~excluding a single residential dwelling on an existing site,~~ within the Wellington Fault Overlay and Ohariu Fault Overlay unless it can be demonstrated that:

1. The activity is located more than 20m from the Wellington Faultline or Ohariu Faultline, or
2. The activity, excluding additions to existing building, has a operational and functional need to locate within the Wellington Fault Overlay and Ohariu Fault Overlay and locating outside of these Overlays is not a practicable option; and
3. The activity incorporates mitigation measures that ensure the risk from fault rupture to people and property is reduced or not increased; or
4. For additions to existing buildings, the change in risk from fault rupture to people and property is reduced or not increased.

364. RVANZ [350.63 and 350.64] considers that the use of both ‘avoid’ and ‘unless it can be demonstrated’ in NH-P11 is contradictory, and that the policy should be amended to be enabling when standards are met, rather than restrictive when standards are not met. It seeks amendments to NH-P11 as follows:

Amend NH-P11 Hazard sensitive activities, excluding a single residential dwelling on an existing site, within the Wellington Fault Overlay and Ohariu Fault Overlay as follows:

~~Avoid-Enable~~ subdivision, development or use associated with hazard sensitive activities, excluding a single residential dwelling on an existing site, within the Wellington Fault Overlay and Ohariu Fault Overlay ~~unless where~~ it can be demonstrated that:

...

365. GWRC [351.134, supported by Toka Tū Ake EQC [FS70.29]] state that minimise is defined as ‘as low as reasonably practicable (ALARP)’ and is in line with standard risk-based hazard management approaches and seeks amendments to NH-P11 as follows:

Amend NH-P11 Hazard sensitive activities, excluding a single residential dwelling on an existing site, within the Wellington Fault Overlay and Ohariu Fault Overlay as follows:

Avoid subdivision, development or use associated with hazard sensitive activities, excluding a single residential dwelling on an existing site, within the Wellington Fault Overlay and Ohariu Fault Overlay unless it can be demonstrated that:

...

3. The activity incorporates mitigation measures that ensure the risk from fault rupture to people and property is minimised ~~reduced or not increased~~; or

4. For additions to existing buildings, the change in risk from fault rupture to people and property is minimised ~~reduced or not increased~~.

366. GWRC consider this leaves room for reduction as far as practicable but is a clearer signal than 'reduce or do not increase', to actively look to bring down the risk in the design and planning of the development. It also considers that changes requested to the policies may necessitate amendments to the rules to have regard to the natural hazard direction in Proposed RPS Change 1.
367. WCC Environmental Reference Group [377.57] considers that NH-P11 should be amended as follows, as it appears to allow for single residential buildings to be constructed on existing sites, such as for a replacement dwelling or possibly in accordance with new rules allowing for infill housing on a single site. They consider that it may be prudent to not allow any new housing even on existing sites so that over time the fault lines are de-populated, reducing the risk of loss of life, reducing future insurance burdens and ultimately providing for more green corridors within the city.

Amend NH-P11 Hazard sensitive activities, excluding a single residential dwelling on an existing site, within the Wellington Fault Overlay and Ohariu Fault Overlay as follows:

Hazard sensitive activities, excluding a single existing residential dwelling on an existing site, within the Wellington Fault Overlay and Ohariu Fault Overlay

Avoid subdivision, development or use associated with hazard sensitive activities, excluding a single existing residential dwelling on an existing site, within the Wellington Fault Overlay and Ohariu Fault Overlay unless it can be demonstrated that:

...

Assessment

368. I note that in response to more general submissions on the PDP approach to fault rupture hazard, significant amendments have been recommended that introduce new policies to replace NH-P10, NH-P11, and NH-P12, as outlined in Mr Beban's supporting evidence. The submission points relevant to NH-P10, NH-P11, NH-P12 have been considered in the development of the recommended new policies.
369. In response to Toka Tū Ake EQC [282.7] and WCC Environmental Reference Group [377.57], I consider that it would be inappropriate for the plan to preclude the building of a single dwelling on an existing vacant site, as this preclusion could render land incapable of reasonable use where an existing vacant site is impacted. However, I consider that a new dwelling on a vacant site should require resource consent to ensure that the any new residential unit beyond that

already present on a site incorporates hazard resilience measures such as use of light-weight materials and appropriate foundations due to the risk to life presented by these faults. I also note that existing use will apply in the event that an existing residential dwelling is to be replaced with a new dwelling in accordance with s10 of the RMA. Regardless, I agree in part with the submitters that it is not appropriate to provide for a second dwelling on sites that already accommodate a dwelling in the Wellington Fault and Ohariu Fault Overlays where these dwellings cannot be located 20 m or more from the fault deformation zone, as in my view avoiding the likelihood and consequences of fault rupture that would be introduced through enabling a second dwelling in an area most at risk from fault rupture outweighs the benefit of housing supply enabled by the notified NH-P11, which are minimal from a citywide housing supply perspective as confirmed by the supplementary analysis undertaken by Property Economics¹¹.

370. I disagree with RVANZ [350.63 and 350.64] for the reasons set out paragraphs 340340.

371. I disagree with GWRC [351.134] that minimisation of hazard-related risk is appropriate in high hazard areas, as minimisation allows room for an increase in hazard-related risk where it is not practicable to not increase risk, which could simply result from introducing more people into a high hazard area.

Summary of recommendations

372. HS5-NH-P11-Rec47: That submission points relating to NH-P11 are accepted/rejected as detailed in Appendix B.

3.7.12 NH-P12 Potentially hazard sensitive activities and hazard sensitive activities within the Sheppard's Fault Overlay and Terawhiti Fault Overlay

Matters raised by submitters

373. FENZ [273.78] supports the policy as it seeks to only allow new buildings or additions to buildings that accommodate existing Potentially Hazard Sensitive Activities and Hazard Sensitive Activities within identified hazardous areas where certain conditions can be met. Notwithstanding, these policies form relevant matters of discretion where related rules are infringed. As FENZ consider they may have a functional or operational need to locate in identified hazardous areas, it seeks amendments to NH-P12 as follows:

¹¹ WCC Capacity Modelling Natural and Coastal Hazards Memo. June 2023. Property Economics.

Amend NH-P12 Potentially hazard sensitive activities and hazard sensitive activities within the Sheppard's Fault Overlay and Terawhiti Fault Overlay as follows:

Allow for potentially hazard sensitive activities and hazard sensitive activities within the Sheppard's Fault Overlay and Terawhiti Fault Overlay with the exception of educational facilities, health care facilities and emergency facilities (unless it can be demonstrated that these facilities have an operational need to be located in these areas), where it can be demonstrated that the activity is more than 20m from either the Sheppard's Fault or Terawhiti Fault and the development incorporates mitigation measures that ensure the risk from fault rupture to people and property is reduced or not increased.

374. GWRC [351.135, supported by Toka Tū Ake EQC [FS70.30]] state that minimise is defined as 'as low as reasonably practicable (ALARP)' and is in line with standard risk-based hazard management approaches and seeks amendments to NH-P11 as follows:

Amend NH-P12 Potentially hazard sensitive activities and hazard sensitive activities within the Sheppard's Fault Overlay and Terawhiti Fault Overlay as follows:

Allow for potentially hazard sensitive activities and hazard sensitive activities within the Sheppard's Fault Overlay and Terawhiti Fault Overlay with the exception of educational facilities, health care facilities and emergency facilities, where it can be demonstrated that the activity is more than 20m from either the Sheppard's Fault or Terawhiti Fault and the development incorporates mitigation measures that ensure the risk from fault rupture to people and property is minimised ~~reduced or not increased~~.

375. GWRC consider this leaves room for reduction as far as practicable but is a clearer signal than 'reduce or do not increase', to actively look to bring down the risk in the design and planning of the development. It also considers that the changes requested to the policies may necessitate amendments to the rules to have regard to the natural hazard direction in Proposed RPS Change 1.
376. MOE [400.54 and 400.55, supported by FENZ [FS14.5]] acknowledges the risk that natural hazards can pose to people and property but notes, at times, it has an operational need to locate educational facilities in fault overlays to provide for existing communities. It requests an amendment to policy NH-P12 as follows to provide for development in fault overlays where there is an operational need to locate there, noting that this would still require resource consent as a Discretionary Activity, which is considered appropriate and is supported:

Amend NH-P12 Potentially hazard sensitive activities and hazard sensitive activities within the Sheppard's Fault Overlay and Terawhiti Fault Overlay as follows:

Allow for potentially hazard sensitive activities and hazard sensitive activities within the Sheppard's Fault Overlay and Terawhiti Fault Overlay with the exception of educational facilities, health care facilities and emergency facilities (unless it can be demonstrated that these facilities have an operational need to be located in these areas), where it can be demonstrated that the activity is more than 20m from either the Sheppard's Fault or Terawhiti Fault and the development incorporates mitigation measures that ensure the risk from fault rupture to people and property is reduced or not increased.

Assessment

377. I note that in response to more general submissions on the PDP approach to fault rupture hazard, I am recommending significant amendments that introduce new policies to replace NH-P10, NH-P11, and NH-P12, with these set out in Mr Beban's supporting evidence. The submission points relevant to NH-P10, NH-P11, NH-P12 have been considered in the development of the recommended new policies.
378. I agree with FENZ [273.78] and MOE [400.54 and 400.55] that the introduction of operational need as a matter for consideration for new activities and buildings within the Shepherd's Fault Overlay and Terawhiti Fault Overlay is appropriate as I agree that there may be activities that can demonstrate that there is no practicable alternative location. Activities with an operational need or functional need have been provided for in the proposed new NH-P12.
379. I agree in part with GWRC [351.135] that minimisation of hazard-related risk is appropriate in low hazard areas as this approach is commensurate with the comparatively lower likelihood or consequences of hazard events that inform the low hazard areas.

Summary of recommendations

380. HS5-NH-P12-Rec48: That submission points relating to NH-P12 are accepted/rejected as detailed in Appendix B.

3.7.13 NH-P13 Subdivision, use and development which will be occupied by members of the public, or employees associated with the operational port activities, passenger port facilities and rail activities in the Wellington Fault Overlay

Matters raised by submitters

381. GWRC [351.136] and KiwiRail [408.94] seeks that NH-P13 is retained as notified.
382. CentrePort Limited [402.105] opposes NH-P13 as it is considered unnecessary and requests that it be deleted in its entirety. As large parts of the port operations, including the Kaiwharawhara ferry terminal location, are included within the fault overlay it considers a policy limitation to 10 passengers or 10 employees would therefore render large parts of the Special Purpose Port Zone unusable for these activities.
383. Toka Tū Ake EQC [282.8] considers that activities should be located 20m from the Wellington Fault and seeks amendments to NH-P13 as follows:

Amend NH-P13 Subdivision, use and development which will be occupied by members of the public, or employees associated with the operational port activities, passenger port facilities and rail activities in the Wellington Fault Overlay as follows:

Provide for subdivision, development and use associated with the operational port activities, passenger port facilities and rail activities, within the Wellington Fault Overlay, where the subdivision, development and use does not involve the construction of new buildings which will be occupied by more than 10 employees associated with the operational port activities, passenger port facilities and rail activities or any members of the public, and where it can be demonstrated that the activity is located more than 20 m from the Wellington Fault.

384. It notes that MfE guidelines for planning around an active fault advise that BIC 3 (including principal railway stations) structures are not developed within the fault avoidance zones (within 20 m of the fault race) of RIC I, II and III faults on brownfield sites. The Wellington Fault is RIC I and developments associated with the railway or port facilities should therefore not be permitted within 20 m of the Wellington Fault, even on an existing site. It also notes that buildings on top of faults are at risk of complete destruction and pose high risk to life, as the foundations are likely to be pulled apart by the ground moving in different directions underneath them in the event of an earthquake. Further, faults can be unpredictable and may not rupture to the surface in exactly the same place in each earthquake and earthquakes can also cause other serious ground deformation close to the fault, e.g., uplift, subsidence, and fissure formation. Toka Tū Ake EQC state that this is the reason for a 20 m avoidance buffer on either side of a mapped fault, to prevent construction of residences in an area likely to suffer fault rupture and ground deformation in the event of an earthquake.

Assessment

385. I disagree with CentrePort Limited [402.105] that NH-P13 is unnecessary and should be deleted. The PDP approach to hazard management in relation to operational port activities and passenger port activities is to provide for a defined consenting pathway (refer NH-O4, NH-P13, NH-P14, NH-R8) to the hazard-sensitivity approach applied to most other activities. The approach applied to operational port activities and passenger port activities recognises the functional need, existing investment and social and economic benefit of these activities by providing a comparatively more enabling consenting pathway, particularly with respect to high hazard areas.
386. The policy framework is more enabling of new buildings in the Wellington Fault Overlay that will accommodate less than 10 employees associated with the operational port activities, passenger port facilities and rail activities or any members of the public. This approach does not preclude use of areas of the Special Purpose Port Zone, but provides a policy foundation for allowing for low occupancy and therefore lower risk development to occur without the need for resource consent. Deletion of this policy would result in these lower-risk buildings and activities requiring resource consent under the PDP. Buildings or activities involving a greater number of port or passenger workers or public occupying new buildings represent a greater hazard-risk scenario, with the associated provisions requiring resource consent to ensure hazard-related risk is appropriately mitigated.

387. In response to Toka Tū Ake EQC [282.8] I disagree with this amendment as although fault rupture has the potential to have significant implications on buildings and safety of occupants, this policy is intentionally enabling of the establishment of port and rail related buildings and activities that have low occupancy in the fault overlay due to the operational need for these regionally significant activities to remain located in the current location.
388. To improve interpretation of this policy and to distinguish it from NH-P14 that currently has the same policy title, I suggest that the Panel consider a minor amendment to the policy title that clarifies the policy relates to low occupancy buildings which better reflects the intent of the policy. I consider that is a minor amendment within clause 16 of Schedule 1 of the RMA.

Summary of recommendations

389. HS5-NH-P13-Rec49: That NH-P13 is amended as set out below and as detailed in Appendix A.

NH-P13 ~~Subdivision, use and development which will be occupied by members of the public, or employees associated with the~~ Buildings with a low occupancy associated with Operational port activities, passenger port facilities and rail activities in the Wellington Fault Overlay

Provide for subdivision, development and use associated with the operational port activities, passenger port facilities and rail activities, within the Wellington Fault Overlay, where the subdivision, development and use does not involve the construction of new buildings which will be occupied by more than 10 employees associated with the operational port activities, passenger port facilities and rail activities or any members of the public.

390. HS5-NH-P13-Rec50: That submission points relating to NH-P13 are accepted/rejected as detailed in Appendix B.

3.7.14 NH-P14 Subdivision, use and development which will be occupied by members of the public, or employees associated with the operational port activities, passenger port facilities and rail activities in the Wellington Fault Overlay.

Matters raised by submitters

391. KiwiRail [408.95] seeks that NH-P13 is retained as notified.
392. Toka Tū Ake EQC [282.9] considers that activities should be located 20 m from the Wellington Fault and seeks amendments to NH-P14 as follows:

Amend NH-P14 Subdivision, use and development which will be occupied by members of the public, or employees associated with the operational port activities, passenger port facilities and rail activities in the Wellington Fault Overlay as follows:

Manage subdivision, development and use associated within the operational port activities, passenger port facilities and rail activities within the Wellington Fault Overlay where the subdivision, development and use involves the construction of new buildings which will be occupied by members of the public, or more than 10 employees associated with the operational port activities, passenger port facilities and rail activities by ensuring that:

1. Mitigation measures are incorporated that avoid an increase in risk to people, property and infrastructure from the fault rupture of the Wellington Fault- ; and
2. Where it can be demonstrated that the activity is located more than 20 m from the Wellington Fault.

393. It notes that MfE guidelines for planning around an active fault advise that BIC 3 (including principle railway stations) structures are not developed within the fault avoidance zones (within 20 m of the fault race) of RIC I, II and III faults on brownfield sites. The Wellington Fault is RIC I, and developments associated with the railway or port facilities should not be permitted within 20 m of the Wellington Fault, even on an existing site. It also notes that buildings on top of faults are at risk of complete destruction and pose high risk to life, as the foundations are likely to be pulled apart by the ground moving in different directions underneath them in the event of an earthquake. Further, faults can be unpredictable and may not rupture to the surface in exactly the same place in each earthquake and earthquakes can also cause other serious ground deformation close to the fault, e.g., uplift, subsidence, and fissure formation. Toka Tū Ake EQC state that this is the reason for a 20 m avoidance buffer on either side of a mapped fault, to prevent construction of residences in an area likely to suffer fault rupture and ground deformation in the event of an earthquake.

394. GWRC [351.137, supported by Toka Tū Ake EQC [FS70.31]] state that minimise is defined as ‘as low as reasonably practicable (ALARP)’ and is in line with standard risk-based hazard management approaches and seeks amendments to NH-P14 as follows:

Amend NH-P14 Subdivision, use and development which will be occupied by members of the public, or employees associated with the operational port activities, passenger port facilities and rail activities in the Wellington Fault Overlay as follows:

Manage subdivision, development and use associated within the operational port activities, passenger port facilities and rail activities within the Wellington Fault Overlay where the subdivision, development and use involves the construction of new buildings which will be occupied by members of the public, or more than 10 employees associated with the operational port activities, passenger port facilities and rail activities by ensuring that:

1. Mitigation measures are incorporated that minimises the avoid an increase in risk to people, property and infrastructure from the fault rupture of the Wellington Fault.

395. GWRC considers this leaves room for reduction as far as practicable but is a clearer signal than ‘reduce or do not increase’, to actively look to bring down the risk in the design and planning of the development. It also considers that changes requested to the policies may necessitate amendments to the rules to have regard to the natural hazard direction in Proposed RPS Change 1.

396. CentrePort Limited [402.106 and 402.107] opposes NH-P14 as it is considered unnecessary. As large parts of the Port Operations, including the Kaiwharawhara ferry terminal location, are included within the fault overlay it considers a policy limitation to 10 passengers or 10 employees renders large parts of the Special Purpose Port Zone unusable for these activities and seeks amendments to NH-P14 as follows:

Amend NH-P14 Subdivision, use and development which will be occupied by members of the public, or employees associated with the operational port activities, passenger port facilities and rail activities in the Wellington Fault Overlay as follows:

Manage subdivision, development and use associated within the operational port activities, passenger port facilities and rail activities within the Wellington Fault Overlay where the subdivision, development and use involves the construction of new buildings ~~which will be occupied by members of the public, or more than 10 employees~~ associated with the operational port activities, passenger port facilities and rail activities by ensuring that:

1. Mitigation measures are incorporated that avoid an increase in risk to people, property and infrastructure from the fault rupture of the Wellington Fault.

...

Assessment

397. In response to Toka Tū Ake EQC [282.9] I agree in part with this amendment as fault rupture has the potential to have significant implications on buildings and safety of occupants, particularly where a greater number of occupants are concerned. However, I consider that the conjunction should be 'or' not 'and' as if a building or activity is located 20 m from the fault deformation zone, my understanding is that the risk has been adequately avoided. Following the advice of Dr Litchfield, as set out in her accompanying evidence, I recommend use of the term 'fault deformation zone' as it provides greater clarity than reference to the 'Wellington Fault'. Using an 'or' also acknowledges that there may be a scenario where a building may not be able to entirely locate 20 m from the fault, but mitigation can be incorporated into the building to ensure risk is not increased. I note that as only a small proportion of the railway and port activities are impacted by the Wellington Fault Overlay the addition of this requirement would not impose an unduly onerous restriction over a significant portion of their respective site (only the northern portion where there is less certainty regarding the position of the Wellington Fault, and it is considered that fault rupture would be less concentrated in a single fault location).
398. I agree with GWRC [351.137] that the term 'minimise' should replace 'reduce or not increase', but for slightly differing reasons. In my opinion, 'minimise' largely directs development to incorporate mitigation to lower levels of risk as a result of being located in a hazard prone area, but also recognises that port and rail activities impacted by a high hazard area, in this case the Wellington Fault Overlay, may not be able to practicably reduce risk below the existing levels, i.e. an increase in risk may result.
399. In response to CentrePort Limited [402.106 and 402.107] I disagree with the relief sought and consider that it would be inappropriate and unnecessary to revise NH-P14 to provide enabling policy direction for development within the Wellington Fault Overlay. This is due to the high risk of fault rupture and associated effects and also the ability to locate new buildings 20 m from the

fault deformation zone.

400. The proposed recommendation in paragraph 402 also includes a proposed amendment to the title of NH-P14 which simplifies the title without materially altering the policy. I consider that is a minor amendment within clause 16 of Schedule 1 of the RMA.
401. Although outside the scope of submissions specific to NH-P14, to improve the interpretive and administrative clarity concerning this provision the Panel could, in line with Schedule 1, clause 99(2)(b) of the RMA, consider recommending an amendment to NH-P14.1, as set out in the paragraph 402 to clarify that mitigation measures are required specifically to buildings to minimise the consequences of fault rupture to people and buildings.

Summary of recommendations

402. HS5-NH-P14-Rec51: That NH-P14 is amended as set out below and as detailed in Appendix A.

NH-P14 ~~Subdivision, use and development~~ Buildings which will be occupied by members of the public, or employees associated with the operational port activities, passenger port facilities and rail activities in the Wellington Fault Overlay

Manage subdivision, development and use associated within the operational port activities, passenger port facilities and rail activities within the Wellington Fault Overlay where the subdivision, development and use involves the construction of new buildings which will be occupied by members of the public, or more than 10 employees associated with the operational port activities, passenger port facilities and rail activities by ensuring that:

- ~~1. Mitigation measures are incorporated that avoid an increase in risk to people, property and infrastructure from the fault rupture of the Wellington Fault.~~
1. Any new buildings are located more than 20 m from the edge of the fault deformation zone of the Wellington Fault; or
2. Mitigation measures are incorporated into the building to minimise the risk to people and buildings in the event of fault rupture and the activity can continue to operate following an earthquake.

403. HS5-NH-P14-Rec52: That submission points relating to NH-P14 are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

404. In my opinion, the amendments to NH-P14 are more appropriate in achieving the objectives of the PDP than the notified provisions, in particular:
- a. The amendments provide additional clarity that the location of buildings more than 20 m from the fault deformation zone is adequate mitigation with respect to the impacts of fault rupture. Consequently, NH-P14 is more efficient and effective than the notified provisions in achieving the objectives of the PDP;
 - b. Although not changing the intent or scope of the policy, the amendment to the policy title simplifies the title and is more directive improving ease of interpretation; and

- c. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

3.7.15 NH-P15 Natural systems and features

Matters raised by submitters

- 405. GWRC [351.138] and WCC Environmental Reference Group [377.58] seeks that NH-P15 is retained as notified.

Assessment

- 406. No further assessment necessary.

Summary of recommendations

- 407. HS5-NH-P15-Rec53: That NH-P15 is confirmed as notified.
- 408. HS5-NH-P15-Rec54: That submission points relating to NH-P15 are accepted/rejected as detailed in Appendix B.

3.7.16 NH-P16 Natural hazard mitigation works

Matters raised by submitters

- 409. Waka Kotahi [103.53] supports enabling hazard mitigation or stream and river management works within the Natural Hazard Overlay where this will decrease the risk to people's lives and wellbeing, property and infrastructure.
- 410. GWRC [351.139] considers that NH-P16 as notified implies that the mitigation works will be hard-engineering based, noting that this may not be the case and that it would be good to clarify in the policy that the mitigation works could consist of a range of options as outlined in NH-P17 and Policy 52 in Proposed RPS Change 1. It also considers that changes requested to the policies may necessitate amendments to the rules to have regard to the natural hazard direction in Proposed RPS Change 1. GWRC seeks amendments to NH-P16 as follows:

Amend NH-P16 Natural hazard mitigation works as follows:

Enable natural hazard mitigation or stream and river management works undertaken by a statutory agency or their nominated contractors or agents within Natural Hazard Overlays where there is no other practicable option and these will significantly decrease the existing risk to people's lives and wellbeing, property and infrastructure.

Assessment

- 411. Waka Kotahi's [103.53] support of NH-P16 is acknowledged.

412. I disagree with GWRC [351.139] that NH-P16 as notified implies that the mitigation works will be hard-engineering based, as the intended purpose of this policy is to provide an easier consenting pathway for mitigation works of a scale that results in a significant decrease in hazard risk to people, property and infrastructure. However, I consider that a minor amendment to NH-P16 to add 'works' directly following 'natural hazard mitigation' enabling a hyperlink to the existing definition of Natural Hazard Mitigation Works (which includes soft engineering hazard mitigation works) would reduce any potential uncertainty of the policy intent of NH-P16.
413. I note the use of 'statutory agency'. Although outside the scope of submissions specific to NH-P16, to improve the interpretive and administrative clarity concerning this provision the Panel could, in line with Schedule 1, clause 99(2)(b) of the RMA, consider recommending an amendment to include the specific the entities as set out in paragraphs 73 to 74 of this report.
414. I consider that for overall plan consistency and simplicity 'stream and river management works' be removed as I consider that 'natural hazard mitigation works' encompasses works that would be involved in stream and river management but including them separately connected by "or" suggests they are different. I consider this is a minor amendment within clause 16 of Schedule 1 of the RMA. I note there is no definition of river or stream management works contained in the Plan. The associated rule (NH-R2) allows for flood mitigation works, which I consider is an appropriate term to use in the rule.

Summary of recommendations

415. HS5-NH-P16-Rec55: That NH-P16 is amended as set out below and as detailed in Appendix A.

NH-P16 Natural hazard mitigation works

Enable natural hazard mitigation ~~or stream and river management~~ works undertaken by ~~a statutory agency~~ [the Greater Wellington Regional Council, Wellington City Council, Waka Kotahi, KiwiRail, CentrePort Limited or Wellington International Airport Limited](#) or their nominated contractors or agents within Natural Hazard Overlays where these will significantly decrease the existing risk to people's lives and wellbeing, property and infrastructure.

416. HS5-NH-P16-Rec56: That submission points relating to NH-P16 are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

417. In my opinion, the amendment to NH-P16 is more appropriate in achieving the objectives of the PDP than the notified provisions for the following reasons:
- Removal of reference to 'stream and river management works' simplifies the policy whilst not resulting in a change of scope or intent;
 - It is a more targeted approach that replaces uncertain terms such as 'statutory agency' with references to the specific entities that are anticipated to carry out

natural hazard mitigation works of a scale that protects multiple properties, people and significant infrastructure will result in improved plan administration;

- c. Consequently, NH-P16 is more efficient and effective than the notified provisions in achieving the objectives of the PDP; and
- d. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

3.7.17 NH-P17 Green infrastructure

Matters raised by submitters

418. GWRC [351.140] considers it appropriate to amend NH-P17 for consistency with Policy 52 in Proposed RPS Change 1. Green infrastructure has been defined in the WCC PDP with a strong focus on engineering systems that mimic natural systems, however there are other natural hazard mitigation measures that the Proposed RPS Change directs consideration of, which aren't captured by green infrastructure. It seeks that policy NH-P17 is broadened as follows, noting that the relief sought may necessitate amendments to the rules to have regard to the natural hazard direction in Proposed RPS Change 1:

Amend NH-P17 Green infrastructure as follows:

Encourage the use of green infrastructure, non-structural, soft engineering or Mātauranga Māori approaches when undertaking natural hazard mitigation or stream and river management works by a statutory agency or their nominated contractors or agents within Natural Hazard Overlays.

419. WCC Environmental Reference Group [377.59] considers that NH-P17 should be amended so that Green Infrastructure is the default choice for undertaking natural hazard mitigation, with other options considered in circumstances where green infrastructure solutions do not exist, are not suitable, or are prohibitively expensive. It seeks amendments to NH-P17 as follows:

Amend NH-P17 Green infrastructure as follows:

~~Encourage~~ **Require** the use of green infrastructure when undertaking natural hazard mitigation or stream and river management works by a statutory agency or their nominated contractors or agents within Natural Hazard Overlays unless green infrastructure solutions do not exist, are not suitable or are prohibitively expensive.

Assessment

420. I support in part the amendments sought by GWRC [351.140] to the extent that NH-P17 should be amended to encourage Mātauranga Māori approaches, but suggest that it would be appropriate to receive direction from Taranaki Whānui and Ngāti Toa Rangatira on whether they support this recommendation. This inclusion recognises the value of traditional māori knowledge systems in addition to western science-based knowledge in relation to the natural

environment. I am of the opinion that NH-P17 does not need to be amended to include specific reference to non-structural or soft engineering mitigation works as I consider that these are already clearly provided for within the definition of Green Infrastructure.

421. Although I agree with WCC Environmental Reference Group [377.59] that green infrastructure should be used wherever practicable and effective, I do not agree that the NH-P17 should be amended to 'require' the use of green infrastructure as the policy approach and associated rules are intended to encourage the use of green infrastructure through a more-enabling consenting pathway to reduce barriers for hazard mitigation works that benefit multiple properties.
422. I note the use of 'statutory agency'. Although outside the scope of submissions specific to NH-P17, to improve the interpretive and administrative clarity concerning this provision the Panel could, in line with Schedule 1, clause 99(2)(b) of the RMA, consider recommending an amendment to include the specific the entities as set out in paragraphs 73 to 74 of this report.
423. I consider simplifying the policy by deleting 'stream and river management works' from the policy as these works are provided for within the definition of natural hazard mitigation works but including them separately connected by "or" suggests they are different. I consider this is a minor amendment within clause 16 of Schedule 1 of the RMA.

Summary of recommendations

424. HS5-NH-P17-Rec57: That NH-P17 is amended as set out below and detailed in Appendix A.

NH-P17 Green infrastructure

Encourage the use of green infrastructure, or Mātauranga Māori approaches when undertaking natural hazard mitigation ~~or stream and river management~~ works by a statutory agency the Greater Wellington Regional Council, Wellington City Council, Waka Kotahi, KiwiRail, CentrePort Limited or Wellington International Airport Limited or their nominated contractors or agents within Natural Hazard Overlays.

425. HS5-P17-Rec58: That submission points relating to NH-P17 are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

426. In my opinion, the amendment to NH-P17 is more appropriate in achieving the objectives of the PDP than the notified provisions for the following reasons:
- a. Including encouragement of Mātauranga Māori approaches recognises the role of tangata whenua as kaitiaki and encourages tangata whenua involvement in management of natural hazards;
 - b. It is a more targeted approach that replaces uncertain terms such as 'statutory agency' with references to the specific entities that are anticipated to carry out

natural hazard mitigation works of a scale that protects multiple properties, people and significant infrastructure will result in improved plan administration;

- c. Consequently, NH-P17 is more efficient and effective than the notified provisions in achieving the objectives of the PDP; and
- d. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

3.7.18 Natural Hazards – proposed new policies

Matters raised by submitters

427. Argosy Property [383.21, opposed by Toka Tū Ake EQC [FS70.2], and 383.22] seeks the addition of two new policies as set out below that recognise that development in the natural hazard overlays in the City Centre Zone is appropriate in some instances.

Add new policy NH-PX to the Natural Hazards chapter as follows:

Enable subdivision, development and use associated within the City Centre Zone and within all of the Natural Hazard Overlays, where they do not involve the construction of new buildings which will be occupied by members of the public or the creation of vacant allotments

Add new policy NH-PX to the Natural Hazards chapter as follows:

Manage subdivision, development and use within the City Centre Zone and within all of the Natural Hazard Overlays, where they involve the construction of new buildings which will be occupied by members of the public or result in the creation of a vacant allotment by ensuring that the activity, building or subdivision incorporates measures that reduce or do not increase the risk to people, and property.

Assessment

428. I disagree with Argosy Property [383.21 and 383.22] that specific policies are needed in the Natural Hazards Chapter to recognise that development in the natural hazard overlays in the City Centre Zone is appropriate in some instances. In my opinion, as set out in paragraphs 142 to 5 of this report, the impact of the natural hazards that are managed by the Natural Hazards Chapter on the City Centre Zone (primarily liquefaction and flood inundation) is not of a magnitude that justifies the need for a specific policy framework for this zone.
429. As outlined in detail in paragraphs 166 to 168 of this report, in response to Toka Tū Ake EQC [282.2 and 282.6] and Kimberley Vermaey [348.3] I agree that a more refined approach to the mapping would better reflect the fault complexity and risk and note that this information is available. Following the amendments proposed to the fault hazard mapping, I consider that it is also necessary to update the fault hazard policies to directly reflect the fault complexity as

guided by the MfE guidance on landuse planning around active faults¹².

430. As outlined in paragraph 168 of this report, Mr Beban, as set out in his accompanying Statement of Evidence, has provided a proposed approach to plan provisions that reflects the 'fault complexity' categories and I agree with the approach suggested as I consider it provides the relief sought by the submitter, whilst also improving alignment with the MfE guidance. I am of the view that replacing the existing fault hazard policies with the policies suggest by Mr Beban is more effective in achieving the objectives of the Plan.

Summary of recommendations

431. HS5-NH-General-Rec59: That the following policies are included in the natural hazards chapter and replace NH-10, NH-11 and NH-12.

¹² Planning for development of land on or close to active faults: A guideline to assist resource management planners in New Zealand. 2003. Ministry for the Environment.

NH-P10 Potentially hazard sensitive activities and hazard sensitive activities and related buildings and structures within the uncertain poorly-constrained, uncertain constrained, distributed, well-defined or well-defined extended areas of the of the Terawhiti and Shepherds Gully Fault Overlays

Subdivision, use, and development for potentially hazard sensitive activities and hazard sensitive activities within the uncertain poorly-constrained, uncertain constrained, distributed, well-defined or well-defined extended areas of the of the Terawhiti and Shepherds Gully Fault Overlays are managed as follows:

1. Allow for additions to existing buildings for potentially hazard sensitive activities and hazard sensitive activities within the uncertain poorly-constrained, uncertain constrained, well-defined or well-defined extended areas of the of the Terawhiti and Shepherds Gully Fault Overlays;
2. Allow for potentially hazard sensitive activities and hazard sensitive activities and related buildings and structures within the uncertain poorly-constrained, uncertain constrained, distributed, well-defined or well-defined extended areas of the of the Terawhiti and Shepherds Gully Fault Overlays with the exception of educational facilities, health care facilities, hazardous facilities major hazardous facilities, and emergency service facilities;
3. Only allow educational facilities, health care facilities, hazardous facilities major hazardous facilities, and emergency service facilities within the uncertain poorly-constrained, uncertain constrained, distributed, well-defined or well-defined extended areas of the of the Terawhiti and Shepherds Gully Fault Overlays, where it can be demonstrated that:
 - a. The building, building platforms associated with subdivision or activity is more than 20 m from the edge of fault deformation zone of the Shepherds Gully Fault and Terawhiti Fault; or
 - b. Mitigation measures are incorporated into the building to maintain safety of the occupants and the structural integrity of the building in the event of fault rupture; and
 - c. The building or activity has an operational need or functional need to locate within the Terawhiti and Shepherds Gully Fault Overlays and locating outside of these Overlays is not a practicable option.

NH-P11 Potentially hazard sensitive activities and hazard sensitive activities and related buildings and structures within the uncertain poorly-constrained, uncertain constrained, or distributed areas of the Wellington Fault and Ohariu Fault Overlay

Provide for subdivision, development, and use for potentially hazard sensitive activities and hazard sensitive activities and related buildings and structures for these activities within the uncertain poorly-constrained, uncertain constrained or distributed areas of the Wellington Fault and Ohariu Fault Overlays provided:

1. Any new buildings, building platforms associated with subdivision, or additions to existing buildings are located more than 20 m from the edge of the fault deformation zone of the Wellington Fault and Ohariu Fault; or
2. Mitigation measures are incorporated into the building to minimise the risk to life of the occupants and the structural integrity of the building in the event of fault rupture.

NH-P12 Potentially hazard sensitive activities and hazard sensitive activities and related buildings and structures within the well-defined or well-defined extended areas of the Wellington Fault and Ohariu Fault Overlays

Subdivision, use, and development for potentially hazard sensitive activities and hazard sensitive activities within the well-defined or well-defined extended areas of the of the Wellington Fault and Ohariu Fault Overlays are managed as follows:

1. Only allow for additions to existing buildings for potentially hazard sensitive activities and hazard sensitive activities within the well-defined or well-defined extended areas of the Wellington Fault and Ohariu Fault Overlays where:
 - a. For activities that have an operational need or functional need to locate within the well-defined or well-defined extended areas of the Wellington Fault and Ohariu Fault Overlays and locating outside these areas is not a practicable option:
 - i. Any new additions are located more than 20 m from the fault deformation zone of the Wellington Fault and Ohariu Fault; or
 - ii. Mitigation measures are incorporated into the addition to minimise the risk to life of the occupants and the structural integrity of the building in the event of fault rupture;
 - b. For any other additions to buildings containing potentially hazard sensitive activities and hazard sensitive activities:
 - i. Any new additions are located more than 20 m from the fault deformation zone of the Wellington Fault and Ohariu Fault; or
 - ii. Mitigation measures are incorporated into the addition to not increase the risk to life of the occupants and the structural integrity of the building in the event of fault rupture;

[...]

[continued]

NH-P12 Potentially hazard sensitive activities and hazard sensitive activities and related buildings and structures within the well-defined or well-defined extended areas of the Wellington Fault and Ohariu Fault Overlays

[. . .]

2. Only allow a single residential unit on an existing vacant site to be located within the well-defined or well-defined extended areas of the Wellington Fault and Ohariu Fault Overlays where:
 - a. Locating a residential unit on the site outside of the Wellington Fault and Ohariu Fault Overlays is not a practicable option; and
 - b. Mitigation measures are incorporated into the building to minimise the risk to life of the occupants and the structural integrity of the building in the event of fault rupture.
3. Avoid subdivision, use, and development (with the exception of a single residential dwelling on an existing vacant site) for potentially hazard sensitive activities and hazard sensitive activities within the well-defined or well-defined extended areas of the Wellington Fault and Ohariu Fault Overlays as follows:
 - a. For building, building platforms associated with subdivision or activities that have an operational need or functional need to locate within the well-defined or well-defined extended areas of the Wellington Fault and Ohariu Fault Overlays and locating outside these areas is not a practicable option:
 - i. Any new building, building platforms associated with subdivisions or activity are located more than 20 m from the fault deformation zone of the Wellington Fault and Ohariu Fault; or
 - ii. Mitigation measures are incorporated into the building to minimise the risk to life of the occupants and the structural integrity of the building in the event of fault rupture.
 - b. For any other building, building platforms associated with subdivisions or activity containing potentially hazard sensitive activities and hazard sensitive activities:
 - i. Any building, building platforms associated with subdivisions or activity are able to be or are located more than 20 m from the fault deformation zone of the Wellington Fault and Ohariu Fault; or
 - ii. 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.

432. HS5-NH-General-Rec60: That submission points relating to proposed new natural hazard

chapter policies are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

433. In my opinion, based on the analysis above, the proposed amendments with respect to fault hazard policies, specifically the introduction of fault complexity into the policies are the most appropriate way to achieve the objectives of the plan compared to the notified provisions. In particular, I consider that:

- a. The proposed amendments are a more effective approach to managing the consequences of fault rupture in the event of an earthquake which reflects more detailed information now available with respect to fault rupture, which in turn ensure appropriate and commensurate mitigation, whilst taking a more enabling approach to development in areas where the hazard risk is relatively low. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the PDP; and
- b. On balance, the recommended amendments will not have any greater environmental, social, or cultural effects than the notified provisions. Whilst there is an economic cost to the more onerous restrictions relating to development in the Wellington Fault Overlay in particular, I consider that this is outweighed by the benefits resulting from a more appropriate and efficient hazard management response that seeks to ensure risk of property damage or loss of life is not increased in a high hazard area.

3.8 Rules – Natural Hazards Chapter

3.8.1 NH-R1 Less hazard sensitive activities within all hazard areas

Matters raised by submitters

434. Horokiwi Quarries Ltd [271.20] seeks that NH-R1 is retained as notified.
435. WCC [266.68, opposed by Kāinga Ora [FS89.103] considers an amendment is needed for clarity and consistency and seeks amendments to NH-R1 as set out below.

Amend NH-R1 (Less hazard sensitive activities within all hazard areas) as follows:

Less hazard sensitive activities within all ~~hazard areas~~ Natural Hazard Overlays

Assessment

436. I agree with WCC [266.68] as I consider that amending NH-R1 to refer to the defined term 'Natural Hazard Overlays' will act to improve clarity and consistency for plan users.

Summary of recommendations

437. HS5-NH-R1-Rec61: That NH-R1 is amended as set out below and as detail in Appendix A.

NH-R1 Less hazard sensitive activities within all ~~hazard areas~~ Natural Hazard Overlays

[...]

438. HS5-NH-R1-Rec62: That submission points relating to NH-R1 are accepted/rejected as detailed in Appendix B.

3.8.2 NH-R2 Flood mitigation works within the Flood Hazard Overlays

439. No submission points were received on NH-R2 however following my consideration of submission points on NH-R4, in my opinion it would be more consistent with the policy titles (NH-P4, NH-P5, NH-P6, NH-P7, NH-P8) to add ‘the inundation area, overland flowpaths or the stream corridor of’ before ‘the Flood Hazard Overlays’, as set out in the relevant recommendation section below.
440. I note the use of ‘Crown entity, Regional or Territorial Authority’. Although outside the scope of submissions specific to NH-R2, to improve the interpretive and administrative clarity concerning this provision the Panel could, in line with Schedule 1, clause 99(2)(b) of the RMA, consider recommending an amendment to include the specific the entities as set out in paragraphs 73 to 74 of this report.

Summary of recommendations

441. HS5-NH-R2-Rec63: That NH-R2 be amended as set out below and detailed in Appendix A.

NH-R2 Flood mitigation works within the inundation area, overland flowpaths or the stream corridor of the Flood Hazard Overlays

1. Activity Status: Permitted

Where:

The works must be undertaken by either ~~Crown entity, Regional or Territorial Authority~~ the Greater Wellington Regional Council, Wellington City Council, Waka Kotahi, KiwiRail, CentrePort Limited or Wellington International Airport Limited or their nominated contractor or an agent on their behalf for the express purpose of flood mitigation works.

[...]

Section 32AA evaluation

442. In my opinion, the amendment to NH-R2 is more appropriate in achieving the objectives of the PDP than the notified provisions for the following reasons:
- It is a more targeted approach that replaces uncertain terms such as ‘statutory agency’ with references to the specific entities that are anticipated to carry out

natural hazard mitigation works of a scale that protects multiple properties, people and significant infrastructure, and will result in improved plan administration. Consequently, NH-P17 is more efficient and effective than the notified provisions in achieving the objectives of the PDP; and

- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

3.8.3 NH-R3 Green infrastructure in all Natural Hazard Overlays

Matters raised by submitters

443. GWRC [351.141] notes that there appears to be a numbering error in respect of the discretionary activity rule for green infrastructure, and suggests amending the numbering to state '2', not '1' as notified.
444. I note the use of 'Crown entity, Regional or Territorial Authority'. Although outside the scope of submissions specific to NH-R3, to improve the interpretive and administrative clarity concerning this provision the Panel could, in line with Schedule 1, clause 99(2)(b) of the RMA, consider recommending an amendment to include the specific the entities as set out in paragraphs 73 to 74 of this report.

Assessment

445. I agree with GWRC [351.141] that there is an unintended numbering error in NH-R3.

Summary of recommendations

446. HS5-NH-R3-Rec64: That NH-R3 be amended as set out below and detailed in Appendix A.

NH-R3 Green infrastructure in all Natural Hazard Overlays

1. Activity Status: Permitted

Where:

The works must be undertaken by either Crown entity, Regional or Territorial Authority the Greater Wellington Regional Council, Wellington City Council, Waka Kotahi, KiwiRail, CentrePort Limited or Wellington International Airport Limited or their nominated contractor or an agent on their behalf.

- ~~1.~~ 2. Activity Status Discretionary

Where:

- a. Compliance with the requirements of NH-R3.1.a cannot be achieved.

447. HS5-NH-R3-Rec65: That submission points relating to NH-R3 are accepted/rejected as detailed in Appendix B.

3.8.4 NH-R4 Additions to all buildings in the inundation area, overland flow paths or the stream corridor

Matters raised by submitters

448. Precinct Properties New Zealand Limited [139.7], Argosy Property [383.28], Oyster Management Limited [404.2], Fabric Property Limited [425.14] and BP Oil New Zealand, Mobil Oil New Zealand Limited and Z Energy Limited (the Fuel Companies) [372.89] seeks that NH-R4 is retained as notified.
449. WCC [266.69], opposed by Kāinga Ora [FS89.104] considers an amendment is needed to NH-R4 as follows for clarity and consistency:

NH-R4 Additions to all buildings in the inundation area, overland flow paths or the stream corridor

Additions to all buildings ~~in the inundation area, overland flow paths or the stream corridor~~ within the Flood Hazard Overlay

...

450. FENZ [273.80 and 273.81], subject to their relief sought for NH-P4 (which forms a matter of discretion where permitted conditions are infringed), is supportive of this rule which seeks to provide for additions to buildings in the inundation area and overland flowpath as permitted, restricted discretionary or discretionary activities. It notes that additions within a stream corridor would amount to a non-complying activity. FENZ has an existing fire station within a stream corridor which may need to be extended in the future and therefore seeks a discretionary activity status under such circumstances seeks the following amendments to NH-R4:

NH-R4 Additions to all buildings in the inundation area, overland flow paths or the stream corridor

...

3. Activity status: Discretionary

Where:

a. Compliance with the requirements of NH-R4.1.a cannot be achieved.

b. Compliance with the requirements of NH-R4.1.c cannot be achieved but there is a functional and operational need for such an infringement.

...

451. Rimu Architects Ltd [318.20] considers that NH-R4 should be amended to clarify its wording as the wording conflicts with itself as the finished floor level cannot be at 'the bottom of the floor joists or the base of the concrete floor slab'. They also consider that there should be provision to allow small additions to be built at the existing floor level as it may be impractical and very likely serve no purpose to have the addition built at a higher level if the entire ground floor of the dwelling is subject to inundation as the result of extreme rain events. Rimu Architects Ltd

seeks amendments to NH-R4 as follows:

NH-R4 Additions to all buildings in the inundation area, overland flow paths or the stream corridor

1. Activity status: Permitted

Where:

a. When located within a inundation area, the finished floor levels of the addition for hazard sensitive and potentially hazard sensitive activities are demonstrated to be above the level of 1% Flood Annual Exceedance Probability level plus the height of including an allowance for freeboard, where the finished floor level is to the bottom of the floor joists or the base of the concrete floor slab and an allowance for freeboard; or

b. The additions are not located within an overland flowpaths; or

c. The additions are not located within a stream corridor

or where the floor area of the extension is no more than 30m².

...

452. Southern Cross Healthcare Limited [380.30] supports NH-R4.1a as notified but seeks that the provisions in NH-R4.2 are amended to restricted discretionary activity status as it considers that it is inappropriate for additions to existing buildings to trigger a discretionary process, where the existing building is already subject to an overland flowpath [380.31, 380.32 and 380.33]. The submitter considers it would be more appropriate for additions to buildings within an overland flowpath to be a restricted discretionary activity, which would still give the consent authority appropriate discretion to consider natural hazard risks. It also considers that the amendments sought would apply a consistent approach to inundation areas and overland flowpaths, noting that these features can intersect, and do in this case, and it would be practical to take the same approach (which still allows for appropriate risk assessment by the Council).

NH-R4 Additions to all buildings in the inundation area, overland flow paths or the stream corridor

...

2. Activity status: Restricted discretionary

Where:

a. Compliance with the requirements of NH-R4.1.a and NH-R4.1.b cannot be achieved.

...

~~3. Activity status: Discretionary~~

~~Where:~~

~~a. Compliance with the requirements of NH-R4.1.b cannot be achieved~~

...

Assessment

453. I agree in part with WCC [266.69] that an amendment is need for consistency with other hazard provisions, but am of the opinion it would be more consistent with the policy titles (NH-P4, NH-

P5, NH-P6, NH-P7, NH-P8) to add 'of the Flood Hazard Overlay', as set out in the relevant recommendation section below.

454. In response to FENZ [273.80 and 273.81] I acknowledge the investment relating to existing emergency service facilities and that additions may be required to ensure that these facilities can serve their intended function in the most efficient way. However, I do not consider it appropriate to amend rules on the basis that someone may want to undertake development in the future at one particular site, and a less restrictive activity status would make that easier as this does not reflect an appropriate hazard management approach. The policy direction as recommended in this report still strongly discourages buildings and structures in stream corridors, which are considered to be a high hazard area.
455. I agree with Rimu Architects Ltd [318.20] that the finished floor level cannot be at 'the bottom of the floor joists or the base of the concrete floor slab' and that NH-R4 should be amended to rectify this. However, I disagree that all building additions less than 30m² should be permitted in Flood Hazard Overlays as I consider this could allow for an increased risk to people and property, particularly with respect to the effects of impeding overland flowpaths, displacement of flood water and building in stream corridors where the inundation depth and velocity are more severe in flood events. I also consider that the intent was for building additions to be permitted subject to the finished floor level requirement only in inundation areas, not the overland flowpaths and stream corridors, and recommend the conjunction between NHR4.1a and NH-R41b and 1c be changed from 'or' to 'and'.
456. I disagree with Southern Cross Healthcare Limited [380.30, 380.31, 380.32 and 380.33] that NH-R4 should be amended to provide for additions to buildings in an overland flowpath as a restricted discretionary activity. In particular, I do not consider it appropriate for building additions in an inundation area be treated the same as building additions in an overland flowpath as these hazards have a different risk profile. If additions to buildings in an overland flowpath were to be treated as a restricted discretionary activity then relevant matters of discretion would be required to ensure the overland flowpath is not impeded or diverted onto an adjoining property. I consider given the range of contexts and activities that a building addition may apply to it is appropriate for council's discretion not to be limited when assessing a resource consent application for a building addition in an overland flowpath.

Summary of recommendations

457. HS5-NH-R4-Rec66: That NH-R4 is amended as set out below and as detailed in Appendix A.

NH-R4 Additions to all buildings in the inundation area, overland flow paths or the stream corridor of the Flood Hazard Overlay

1. Activity status: Permitted

Where:

a. When located within an n inundation area, the finished floor levels of the addition for hazard sensitive activities and or potentially hazard sensitive activities are demonstrated to be above the 1% Flood Annual Exceedance Probability level plus the height of including an allowance for freeboard, where the finished floor level is to the bottom of the floor joists or

the base of the concrete floor slab and an allowance for freeboard; or

b. The additions are not located within an overland flowpaths; ~~or~~ and

c. The additions are not located within a stream corridor.

[. . .]

458. HS5-NH-R4-Rec67: That submission points relating to NH-R4 are accepted/rejected as detailed in Appendix B.

3.8.5 NH-R5 Additions to a building for a hazard-sensitive activity within a Fault Overlay

Matters raised by submitters

459. WCC [266.70] considers it necessary to fix a drafting error where both matters of discretion in NH-R5 relating to additions to a building for a hazard-sensitive activity within a Fault Overlay refer to potentially hazard sensitive activities.

460. FENZ [273.82] supports NH-R5 as it seeks to provide for additions to buildings for hazard-sensitive activities within a Fault Overlay as permitted or restricted discretionary activity. They note that emergency service facilities are considered a hazard-sensitive activity and, as such, seeks the following permitted activity standard which allows additions to buildings within a Fault Overlay where there is a functional and operational need to do so.

Amend NH-R5 Additions to a building for a hazard-sensitive activity within a Fault Overlay as follows:

1. Activity status: Permitted

Where:

. . .

d. The additions do not increase the Gross Floor Area of a Potentially Hazard Sensitive Activity in Wellington Fault Overlay or the Ohariu Fault Overlay by more than 30m²; or

e. There is a functional and operational need for the activity in the Fault Overlay.

Assessment

461. I agree with WCC [266.70] that a drafting error is evident in NH-R5. Following the recommended

revised fault overlay policies outlined in paragraphs 166 to 168 of this report that introduce a more nuanced approach to policy direction in response to certainty of fault location, amendments to relevant fault overlay related rules is also recommended. NH-R5 is recommended to be amended to incorporate the uncertain poorly-constrained, uncertain constrained, well-defined and well-defined extended fault complexity categorisation outlined in Mr Beban’s supporting evidence, with these amendments rectifying the error identified by the submitter.

462. I disagree with FENZ [273.82] that a permitted standard for additions to an Emergency Service Facility ‘where there is a functional and operation need for the activity’ should be introduced to NH-R5. As noted above, NH-R5 is recommended to be amended to reflect the degree of certainty of the fault rupture location. I do not consider that permitting building additions that have a functional and operational need is appropriate as this would require the exercise of a level of interpretive discretion that is contestable and lacks the level of certainty that aligns with being treated as a permitted activity.
463. NH-R5 is also recommended to be amended in response to more general relief sought by Toka Tū Ake EQC [282.2 and 282.6] and Kimberly Vermaey [348.3] submissions on the approach to fault hazard as part of the revised more nuanced approach to fault hazards as outlined in paragraphs 166 to 168.

Summary of recommendations

464. HS5-NH-R5-Rec68: That NH-R5 is amended as set out below and as detailed in Appendix A.

NH-R5 Additions to a building ~~for a containing a potentially hazard sensitive activity or hazard sensitive activity~~ within a Fault Overlay the Shepherds Gully Fault Overlay Terawhiti Fault Overlay, Wellington Fault Overlay or the Ohariu Fault Overlay

1. Activity status: Permitted

Where:

- ~~a. The additions are to a residential unit, or~~
 - ~~b. The additions are to a building in the Sheppards Fault Overlay or the Terawhiti Fault Overlay; or~~
 - ~~c. The additions do not increase the Gross Floor Area of a Hazard Sensitive Activity (excluding a residential unit) in the Wellington Fault Overlay or the Ohariu Fault Overlay by more than 20m²; or~~
 - ~~d. The additions do not increase the Gross Floor Area of a Potentially Hazard Sensitive Activity in Wellington Fault Overlay or the Ohariu Fault Overlay by more than 30m².~~
-
- a. The additions are to a building in the uncertain poorly-constrained, uncertain constrained, distributed, well-defined or well-defined extended areas of the Shepherds Gully Fault Overlay or the Terawhiti Fault Overlay;
 - b. The additions do not increase the Gross Floor Area of a hazard sensitive activity in the uncertain poorly-constrained, uncertain constrained or distributed areas of the Wellington Fault Overlay or the Ohariu Fault Overlay by more than 20m²;
 - c. The additions do not increase the Gross Floor Area of a potentially hazard sensitive activity in the uncertain poorly-constrained, uncertain constrained or distributed areas of the Wellington Fault Overlay or the Ohariu Fault Overlay by more than 30m²; or
 - d. The additions are not to a hazard sensitive activity or potentially hazard sensitive activity in the well-defined and well-defined extended areas of the Wellington Fault Overlay or the Ohariu Fault Overlay.

2. Activity status: Restricted discretionary

Where:

- a. Compliance with the requirements of ~~NH-R5(1)(c) or NH-R5(1)(d)~~ NH-R5.1b - NH-R.5.1d cannot be achieved.

Matters of discretion are:

- ~~1. For additions to Potentially Hazard Sensitive Activities – the matters in NH-P11; and~~
 - ~~2. For additions to Potentially Hazard Sensitive Activities – the matters in NH-P10.~~
-
- 1. For additions to buildings containing potentially hazard sensitive activities or hazard sensitive activities in the uncertain poorly-constrained, uncertain constrained and distributed areas of the Wellington Fault Overlay or the Ohariu Fault Overlay, the matters contained in NH-P11.
 - 2. For additions to buildings containing potentially hazard sensitive activities or hazard sensitive activities in the well-defined and well-defined extended areas of the Wellington Fault Overlay or the Ohariu Fault Overlay the matters contained in NH-P12.

465. HS5-NH-R5-Rec69: That submission points relating to NH-R5 are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

466. In my opinion, based on the analysis above, the proposed amendments with respect to fault hazard policies, specifically amending the rules that implement the proposed policies that introduce fault complexity is the most appropriate way to achieve the objectives of the plan compared to the notified provisions. In particular, I consider that:

- a. The proposed amendments are a more effective approach to managing the consequences of fault rupture in the event of an earthquake which reflects more detailed information now available with respect to fault rupture, which in turn ensures appropriate and commensurate mitigation, whilst taking a more enabling approach to development in areas where the hazard risk is relatively low. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the PDP; and
- b. On balance, the recommended amendments will not have any greater environmental, social, or cultural effects than the notified provisions. Whilst there is an economic cost to the more onerous restrictions relating to development in the Wellington Fault Overlay in particular, I consider that this is outweighed by the benefits resulting from a more appropriate and efficient hazard management response that seeks to ensure the risk of property damage or loss of life is not increased in a high hazard area.

3.8.6 NH-R6 Construction of a residential unit or conversion of any non-residential building into a residential unit in the Wellington Fault and Ohariu Fault Overlays

Matters raised by submitters

467. Toka Tū Ake EQC [282.10] considers that the plan does not adequately manage the risks of fault rupture, with single residential dwellings able to be located within the Wellington and Ohariu Fault Overlays and seeks amendments to NH-R6 as follows:

Amend NH-R6-1 (Construction of a residential unit or conversion of any non-residential building into a residential unit in the Wellington Fault and Ohariu Fault Overlays) as follows:

1. Activity Status: Permitted

Where:

- a. The development involves the construction of no more than one additional residential unit on a site; ~~and~~
- b. The total number of residential units on a site is no more than two; ~~and~~
- c. It can be demonstrated that the unit is more than 20 m away from the Wellington or Ohariu Faults.

468. It notes that MfE guidelines for planning around an active fault advise that Buildings Importance Category (BIC) 2 (residential) structures are not developed within the fault avoidance zones (within 20 m of the fault race) of Recurrence Interval Class (RIC) I (≤ 2000 years) faults on brownfield sites and RIC I and II (2000 – 3500 years) on greenfield sites. As the Wellington Fault is RIC I and the Ohariu Fault is RIC II Toka Tū Ake EQC considers that any

residential development within the Fault Overlays should be avoided within 20 m of the Wellington Fault, even on an existing site.

469. Kimberley Vermaey [348.8] considers that due to the hazard and potential impacts presented by the Wellington fault, the maximum number of permitted dwellings should be limited to 1 instead of the proposed 2 dwellings. The submitter seeks that NH-R6 is amended to allow only 1 residential unit per site, with more than one dwelling per site to be assessed as a non-complying activity.

Assessment

470. I generally agree with Toka Tū Ake EQC [282.10] and Kimberley Vermaey [348.8] that it is inappropriate to allow for residential units in the fault deformation zone, particularly due to the high hazard risk of locating on the Wellington Fault as a mostly well-defined fault with the shortest reoccurrence interval for fault rupture.
471. I consider that removing the exception that provides for one additional residential dwelling in the Wellington Fault Overlay (to a maximum of two dwellings per site) as a permitted activity is appropriate due to the high risk to people and property in the Wellington Fault Overlay, particularly as it is not possible to locate a dwelling within the well-defined parts of the fault and also have the dwelling located 20 m from the fault. For example, the fault overlay for the well-defined section (the majority of the fault) of the Wellington Fault is approximately 70 m in width. The fault overlay includes a 20 m 'setback' each side of the fault, with the fault (which is more technically known as the 'fault deformation zone') being 30 m in width. Therefore, for a dwelling to achieve the necessary 20 m distance from the fault, a dwelling would be located outside of the fault overlay.
472. As outlined in paragraph 166 to 168 of this report, and in response to more general submissions [Toka Tū Ake EQC [282.2 and 282.6]] and Kimberly Vermaey [2348.3]] that seek a more nuanced approach to managing buildings and activities in relation to fault rupture hazard, the fault overlay rules are proposed to be replaced with a set of rules that reflect certainty and understanding of fault rupture location.
473. NH-R6 is proposed to be deleted in its entirety, with all hazard sensitive activities in the well-defined or well-defined extended areas of the Wellington and Ohariu fault overlays addressed by an amended NH-16 as discussed in paragraph 550 to 551 of this report. A new rule is proposed to address the construction of buildings or conversion of buildings that will contain a potentially hazard sensitive activity or a hazard sensitive activity in the uncertain poorly-constrained, uncertain constrained, or distributed areas of the Wellington Fault or Ohariu Fault overlays (recommended new NH-R10).
474. I note that the removal of the exception that allows for one additional dwelling per site also aligns better with the avoidance approach applied to other high hazard areas in the PDP, and with MfE guidance for landuse planning near active faults¹³ which suggests hazard sensitive activities should be a Non-Complying activity in well-defined faults with a fault recurrence of

¹³ Planning for Development of Land on or Close to Active Faults. Ministry for the Environment. 2003

less than or equal to 2000 years (in Table 11.1) such as the Wellington Fault, and faults with a fault recurrence of between 2000 and 3500 years, such as the Ohariu Fault.

Summary of recommendations

475. HS5-NH-R6-Rec70: That NH-R6 is deleted in its entirety as replaced with a recommended new NH-R10 and amended NH-R16 as set out below and as detailed in Appendix A.

~~NH-R6 (Construction of a residential unit or conversion of any non-residential building into a residential unit in the Wellington Fault and Ohariu Fault Overlays) as follows:~~

~~1. Activity Status: **Permitted**~~

~~Where:~~

- ~~a. The development involves the construction of no more than one additional residential unit on a site; and
b. The total number of residential units on a site is no more than two.~~

~~2. Activity status: **Non-Complying**~~

~~Where:~~

~~Compliance with the requirements of NH-R6(1) cannot be achieved~~

NH-R10 The construction of buildings or the conversion of existing buildings that will contain a potentially hazard sensitive activity or hazard sensitive activity in the uncertain poorly-constrained, uncertain constrained or distributed areas of the in the Wellington Fault and Ohariu Fault Overlays

1. Activity status: Restricted Discretionary Activity

Where:

- (a) Buildings for potentially hazard sensitive activities or hazard sensitive activities within the uncertain poorly-constrained, uncertain constrained or distributed areas of the Wellington Fault Overlay and Ohariu Fault Overlays.**

The matters of discretion are:

- 1. The matters contained in Policy NH-P11**

NH-R1615 The construction of buildings or the conversion of existing buildings that will contain a potentially hazard sensitive activity or hazard sensitivity activity Hazard Sensitive Activities (excluding a single residential unit) within the well-defined and well-defined extended areas of the Wellington Fault and Ohariu Fault Overlay

1. Activity status: **Restricted Discretionary**

Where:

a. It involves the construction of one residential unit on an existing vacant site).

Matters of discretion are:

1. Locating the building elsewhere on the site outside of the fault deformation zone is not a practicable option; and
2. Mitigation measures are incorporated into the building to minimise the risk to life of the occupants and the structural integrity of the building in the event of fault rupture.

~~1.~~ 2. Activity status: **Non-Complying**

476. HS5-NH-R6-Rec71: That submission points relating to NH-R6 are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

477. In my opinion, based on the analysis above, the proposed amendments with respect to fault hazard policies, specifically amending the rules that implement the proposed policies that introduce fault complexity is the most appropriate way to achieve the objectives of the plan compared to the notified provisions. In particular, I consider that:

- a. The proposed amendments are a more effective approach to managing the consequences of fault rupture in the event of an earthquake which reflects more detailed information now available with respect to fault rupture, which in turn ensures appropriate and commensurate mitigation, whilst taking a more enabling approach to development in areas where the hazard risk is relatively low. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the PDP; and
- b. On balance, the recommended amendments will not have any greater environmental, social, or cultural effects than the notified provisions. Whilst there is an economic cost to the more onerous restrictions relating to development in the Wellington Fault Overlay in particular, I consider that this is outweighed by the benefits resulting from a more appropriate and efficient hazard management response that seeks to ensure risk of property damage or loss of life is not increased in a high hazard area.

3.8.7 NH-R7 Hazard sensitive or potentially hazard sensitive activities in the Sheppard Fault and Terawhiti Fault Overlays

Matters raised by submitters

478. FENZ [273.84 and 273.85] considers they may have a functional or operational need to locate in the Shepherds Fault and Terawhiti Fault Overlays. As such, it seeks the following amendment to NH-R7 to remove the exclusion of emergency service facilities from the permitted activity rule in order to ensure efficient and effective emergency response times:

Amend NH-R7 (Hazard sensitive or potentially hazard sensitive activities in the Sheppard Fault and Terawhiti Fault Overlays) as follows:

3. Activity Status: Permitted

Where:

a. The development does not involve the establishment of either:

- i. Educational facilities;
- ii. Health care facilities; ~~or~~
- iii. ~~Emergency service facilities.~~

479. Toka Tū Ake EQC [282.11] considers that hazard sensitive or potentially hazard sensitive activities should be located 20m away from the Shepherd's or Terawhiti Faults and seeks amendments to NH-R7 as follows:

Amend NH-R7-1 (Hazard sensitive or potentially hazard sensitive activities in the Sheppard Fault and Terawhiti Fault Overlays) as follows:

1. Activity Status: Permitted

Where:

a. It can be demonstrated that the activity is more than 20 m away from the Shepherd's Gully or Terawhiti Fault; and

b. The development does not involve the establishment of either:

- i. Educational facilities;
- ii. Health care facilities; ~~or~~
- iii. ~~Emergency service facilities;~~ or
- iv. Hazardous facilities and major hazardous facilities.

480. The submitter also references the MfE guidelines for planning around active faults which indicate to avoid hazardous facilities and major hazardous facilities within 20 m of RIC III faults. Based on this it considers that no hazardous activities should be permitted within 20 m of either fault trace given Shepherd's Gully Fault is RIC III (3500 – 5000 years), and the Terawhiti fault has not yet had its recurrence interval calculated, no hazardous activities should be permitted within 20 m of either fault trace.

481. Ministry of Education [400.56 and 400.57] seeks changes to NH-R7 to more accurately reflect the policy direction outlined in NH-P12, as follows:

Amend NH-R7 Hazard sensitive or potentially hazard sensitive activities in the Sheppard Fault and Terawhiti Fault Overlays as follows:

1. Activity Status: Permitted

Where:

a. The development does not involve the establishment of either:

iv. Educational facilities;

v. Health care facilities; or

vi. Emergency service facilities; and

b. The activity is located more than 20 m away from either the Sheppard's Fault or Terawhiti Fault; and

c. The development incorporates mitigation measures that ensure the risk from fault rupture to people and property is reduced or not increased.

2. Activity status: Discretionary

Where:

a. Compliance with the requirements of NH-R7.1.a, b or c cannot be achieved.

Assessment

482. I disagree with FENZ [273.84 and 273.85] that emergency service facilities that have a functional need or operational need should be provided for as a permitted activity in the Shepherd's Fault and Terawhiti Fault Overlays. The PDP exceptions to the permitted activity rule reflect those activities considered to be highly sensitive to fault rupture due to their function and/or the sensitivity of those that occupy the facility. With respect to emergency service facilities, I consider it is appropriate for a proposal to establish new emergency service facilities in these areas prone to fault rupture to demonstrate that alternative less-hazard prone locations are not practicable and that appropriate mitigation measures to reduce hazard risk have been incorporated into the proposal. As these considerations will differ for each proposal it is not appropriate for these to be included as permitted standards, as they are not able to be easily measured, and it is my opinion that they are best considered as part of a resource consenting process.
483. I agree with Toka Tū Ake EQC [282.11] that consistent with the MfE guidelines for planning around active faults which indicate to avoid hazardous facilities and major hazardous facilities within 20 m of a fault, that it is appropriate to amend NH-R7 to exclude hazardous facilities and major hazard facilities from the permitted activity status. This approach aligns with the intent of HZ-P1. I also agree in part with Toka Tū Ake EQC that it is appropriate for the most hazard sensitive activities (those excluded from the permitted rule with the addition of major hazard facilities) to be required to demonstrate that they are located 20 m from a fault deformation area. This can be ensured through an assessment of a resource consent application as a Discretionary Activity.
484. However, due to the likelihood of a fault rupture event, I do not consider that it is an efficient planning response to require other hazard sensitive activities and potentially hazard sensitive activities to demonstrate that they can be located 20 m from the edge of a fault deformation zone to meet the permitted activity rule. As identified in the Fault Rupture Report prepared by

GNS Science¹⁴ the Shepherds Gully Fault has a Recurrence Interval Class III (>3500 to ≤ 5000 years) and the Terawhiti Fault has a Recurrence Interval Class IV (>5000 to ≤ 10,000 years). I have considered the MfE guidelines for planning around active faults¹⁵ and note that for the relevant recurrence intervals, the guidance directs that only BIC 3 and BIC 4 should not be allowed for these recurrence intervals. Given the extent of the Shepherds Gully Fault and Terawhiti Fault, the predominantly rural landuse, the lower risk associated with the recurrence intervals, and the costs involved to engage a geotechnical engineer to determine the fault deformation zone in relation to a proposed activity, I disagree that all potentially hazard sensitive activities and hazard sensitive activities should be required to demonstrate that they will be located at least 20 m from the edge of a fault deformation zone.

485. In response to Ministry of Education [400.56 and 400.57] I disagree with the amendments sought to NH-R7 in relation to a 20 m set back from a fault as I am of the opinion that it is not necessary to require buildings and activities, with the except of those activities listed in NH-R7, to be located 20 m from the edge of the fault deformation zone for similar reasons to those set out in paragraph 484. I also do not support a permitted standard relating to whether a proposal has incorporated mitigation measures to ensure hazard risk is reduced or not increased as it is not an easily measurable standard and would create administrative uncertainty, with such measures more appropriately considered through a consenting process.
486. I note that I recommend an amendment to NH-R7 to include the conversion of buildings in the rule in response to Kimberley Vermaey [348.5] as detailed in paragraph 151 of this report.

Summary of recommendations

487. HS5-NH-R7-Rec72: That NH-R7 is amended as set out below and as detailed in Appendix A.

¹⁴

¹⁵ Planning for development of land on or close to active faults: A guideline to assist resource management planners in New Zealand. July 2003. Ministry for the Environment.

~~NH-R7R6 Hazard sensitive or potentially hazard sensitive activities~~ The construction of buildings or the conversion of existing buildings that will contain a potentially hazard sensitive activity or hazard sensitive activity within the uncertain poorly-constrained, uncertain constrained areas, well-defined or well-defined extended areas of Sheppard Shepherds Gully Fault and Terawhiti Fault Overlays

1. Activity Status: Permitted

Where:

a. The development does not involve the establishment of either:

i. Educational facilities;

ii. Health care facilities; ~~or~~

iii. Emergency service facilities; or

iv. Hazard facilities and major hazard facilities.

2. Activity status: **Discretionary**

Where:

Compliance with the requirements of NH-~~R7R6.1.a~~ cannot be achieved.

488. HS5-NH-R7-Rec73: That submission points relating to NH-R7 are accepted/rejected as detailed in Appendix B.

3.8.8 NH-R8 Operational port activities, passenger port facilities and rail activities

Matters raised by submitters

489. KiwiRail Holdings Limited [408.96] seeks that NH-R8 is retained as notified.

490. CentrePort Limited [402.108] seeks the retention of NH-R8 as notified, subject to amendments sought by them relating to NH-P13 and NH-P14 being accepted.

Assessment

491. In response to CentrePort Limited [402.108] I note that I have not recommended amendments to NH-P13 or NH-P14 in response to the relief sought by the submitter.

492. I note that I recommend an amendment to NH-R8 to clarify the rule applies to the construction of buildings or the conversion of existing buildings that will contain Operational Port Activities, Passenger Port Facilities and Rail Activities in response to Kimberley Vermaey [348.5] as detailed in paragraph 151 of this report.

493. The rule numbering has been amended as a consequential amendment following the deletion

of NH-R6.

Summary of recommendations

494. HS5-NH-R8-Rec74: That NH-R8 is amended as set out below and as detailed in Appendix A.

NH-R8R7 The construction of buildings or the conversion of existing buildings that will contain Operational port activities, passenger port facilities and rail activities in the Wellington Fault Overlay

...

495. HS5-NH-R8-Rec75: That submission points relating to NH-R8 are accepted/rejected as detailed in Appendix B.

3.8.9 NH-R9 Activities in the liquefaction hazard overlay

Matters raised by submitters

496. Precinct Properties New Zealand Limited [139.8], Argosy Property [383.29], Ministry of Education [400.58] and Fabric Property Limited [425.15] seek that NH-R9 is retained as notified.

497. FENZ [273.86 and 273.87] considers they may have a functional or operational need to locate in the Liquefaction Hazard Overlay. As such, FENZ seeks the following amendments to NH-R9 to remove the exclusion of emergency service facilities from the permitted activity rule in order to ensure efficient and effective emergency response times.

Amend NH-R9 (Activities in the liquefaction hazard overlay) as follows:

1. Activity Status: Permitted

Where:

- a. It involves a less hazard sensitive or potentially hazard sensitive activity ~~or~~
- b. ~~It involves a hazard sensitive activity that is not an emergency service facility.~~

Assessment

498. I disagree with FENZ [273.86 and 273.87] that Emergency Service Facilities should be permitted in the liquefaction overlay on the basis that there may be a functional need or operational need for a new emergency service facility to locate in this overlay. Due to their purpose and role these facilities assume post-hazard event I consider that it is appropriate that these facilities demonstrate through a resource consenting process both their need to locate in a hazard area and that mitigation measures have been incorporated into the proposal to ensure resilience and functionality in a hazard event.

Summary of recommendations

499. HS5-NH-R9-Rec76: That NH-R9 is retained as notified.

500. HS5-NH-R9-Rec77: That submission points relating to NH-R9 are accepted/rejected as detailed in Appendix B.

3.8.10 NH-R10 Potentially hazard sensitive activities in the inundation area of the Flood Hazard Overlay

Matters raised by submitters

501. Precinct Properties New Zealand Limited [139.9 and 139.10], Argosy Property [383.30], Oyster Management Limited [404.23], Investore Property Limited [405.31], Fabric Property Limited [426.16 and 425.17], Reading Wellington Properties Limited [441.1], Stride Investment Management Limited [470.15 and 470.16] and BP Oil New Zealand, Mobil Oil New Zealand Limited and Z Energy Limited (the Fuel Companies) [372.90] seek that NH-R10 is retained as notified.
502. Rimu Architects Ltd [318.21] considers that NH-R10 should be amended for clarity as follows as the wording used conflicts with itself, noting that a finished floor level cannot be at ‘the bottom of the floor joists or the base of the concrete floor slab’:

Amend NH-R10 (Potentially hazard sensitive activities in the inundation area of the Flood Hazard Overlay) as follows:

1. Activity Status: Permitted

Where:

a. When located within a Inundation Area of the Flood Hazard Overlay, the finished floor levels of the building for the potentially hazard sensitive activity is located above the 1% Flood Annual Exceedance Probability level, plus the height of including an allowance for freeboard, where the finished floor level is to the bottom of the floor joists or the base of the concrete floor slab and an allowance for freeboard.

...

Assessment

503. I agree with the amendments to NH-R10 sought by Rimu Architects Ltd [318.21] for the reasons outlined in paragraph 455 of this report. I also note consistency between the amendments sought and my recommendations in relation to NH-R4.
504. I note that I recommend an amendment to NH-R10 to clarify the rule applies to the construction of buildings or the conversion of existing buildings that will contain a potentially hazard sensitive activity in response to Kimberley Vermaey [348.5] as detailed in paragraph 151 of this report. I consider that new potentially hazard sensitive activities establishing in existing buildings located in a flood hazard overlay, should be required to consider flood risk, particularly when the floor level of the existing building does not comply with the required finished floor level.
505. The rule numbering has been amended as a consequential amendment following the deletion of NH-R6.

Summary of recommendations

506. HS5-NH-R10-Rec78: That NH-R10 is amended as set out below and as detailed in Appendix A.

~~NH-R10~~^{R9} The construction of buildings or the conversion of existing buildings that will contain a potentially hazard sensitive activity~~ies~~ in the inundation area of the Flood Hazard Overlay

1. Activity Status: Permitted

Where:

a. When located within an Inundation Area of the Flood Hazard Overlay, the finished floor levels of the building for the potentially hazard sensitive activity is located above the 1% Flood Annual Exceedance Probability level, ~~plus the height of including an allowance for freeboard, where the finished floor level is to the bottom of the~~ floor joists or the base of the concrete floor slab and an allowance for freeboard.

...

507. HS5-NH-R10-Rec79: That submission points relating to NH-R10 are accepted/rejected as detailed in Appendix B.

3.8.11 NH-R11 Hazard sensitive activities in the inundation area of the Flood Hazard Overlay

Matters raised by submitters

508. The Fuel Companies [372.91] and Oyster Management Limited [404.24] seek that NH-R11 is retained as notified.

509. The following submitters:

- a. Investore Property Limited [405.32, 405.33, 405.34 and 405.35, opposed by Toka Tū Ake EQC [FS70.41 and FS70.42]];
- b. Fabric Property Limited [425.18 and 425.19]; and
- c. Stride Investment Management Limited [470.18, opposed by Toka Tū Ake EQC [FS70.43]]

consider that applying non-complying activity status where the restricted discretionary rule cannot be met is too onerous. Instead, they consider that a discretionary activity status is more appropriate and would be consistent with the approach taken to Hazard Sensitive Activities within the Overland Flowpaths (as provided for in rule NH-R13). The submitters collectively seek amendments to NH-R11 as follows:

Amend NH-R11.2 (Hazard sensitive activities in the inundation area of the Flood Hazard Overlay) as follows:

...

2. Activity Status: ~~Non-Complying-Discretionary~~

Where:

- a. Compliance with the requirements of NH-R11.1.a cannot be achieved.

...

510. FENZ [273.88 and 273.89] considers they may have a functional or operational need to locate in the Flood Hazard Overlay and seeks amendments to NH-R11 as follows:

Amend NH-R11 (Hazard sensitive activities in the inundation area of the Flood Hazard Overlay) as follows:

Matters of discretion are:

1. The impact from the 1% Annual Exceedance Probability flood is low due to either the:
 - a. Implementation mitigation measures;
 - b. The shallow depth of the flood waters within the building; or
 - c. Type of activity undertaken within the building; and
2. The risk to people and property is reduced or not increased; and
3. There is a functional and operational need for the activity in the inundation area of the Flood Hazard overlay

511. Rimu Architects Ltd [318.22] considers that NH-R11 should be amended for clarity as follows as the wording used conflicts with itself, noting that a finished floor level cannot be at 'the bottom of the floor joists or the base of the concrete floor slab':

Amend NH-R11 (Hazard sensitive activities in the inundation area of the Flood Hazard Overlay) as follows:

1. Activity Status: Permitted

Where:

- a. When located within a Inundation Area of the Flood Hazard Overlay, the finished floor levels of the building for the hazard sensitive activity is located above the 1% Flood Annual Exceedance Probability level, plus the height of including an allowance for freeboard, where the finished floor level is to the bottom of the floor joists or the base of the concrete floor slab and an allowance for freeboard.

512. Southern Cross Healthcare Limited [380.34, 380.35 and 380.36] supports hazard sensitive activities in inundation areas being restricted discretionary where the finished floor levels of the building are located above the 1% Flood Annual Exceedance Probability level (including an allowance for freeboard, where the finished floor level is to the bottom of the floor joists or the base of the concrete floor slab). However, it seeks discretionary activity status to be applied as follows for hazard sensitive activities in an inundation area that do not comply with Rule NH-R11.1 as it considers that an activity status of non-complying may overstate the risk of locating such activities in an inundation area:

Amend NH-R11 (Hazard sensitive activities in the inundation area of the Flood Hazard Overlay) as follows:

...

2. Activity Status: Discretionary ~~Non-Complying~~

Where:

a. Compliance with the requirements of NHR11.1.a cannot be achieved.

513. Further, it considers that it is appropriate for a consent authority to use its full discretion to undertake an assessment of such an activity with the benefit of a consent application, and that an assessment under s 104D of the Resource Management Act 1991 is not required.
514. Kāinga Ora [391.158, 391.159 and 391.160, opposed by Thorndon Residents' Association Inc [FS69.8, FS69.9 and FS69.10], Toka Tū Ake EQC [FS70.54 and FS70.55] and GWRC [FS84.78]] oppose NH-R11 as notified as they consider that the identified flooding inundation areas carry the lowest risk of natural hazard potential and are more than capable of being mitigated. It considers that a permitted activity pathway should be available for development that achieves the 1% Flood Annual Exceedance Probability level, including allowance for freeboard and seeks amendments to NH-R11 as follows:

Amend NH-R11.1 (Hazard sensitive activities in the inundation area of the Flood Hazard Overlay) and its title as follows:

Hazard sensitive activities in the inundation area of the Flood Hazard ~~Overlay~~ Area

1. Activity Status: ~~Restricted Discretionary~~ Permitted

Where:

a. When located within a Inundation Area of the Flood Hazard ~~Overlay~~ Area, the finished floor levels of the building for the hazard sensitive activity is located above the 1% Flood Annual Exceedance Probability level, including an allowance for freeboard, where the finished floor level is to the bottom of the floor joists or the base of the concrete floor slab.

Matters of discretion are:

- ~~1. The impact from the 1% Annual Exceedance Probability flood is low due to either the:~~
 - ~~a. Implementation mitigation measures;~~
 - ~~b. The shallow depth of the flood waters within the building; or~~
 - ~~c. Type of activity undertaken within the building; and~~
- ~~2. The risk to people and property is reduced or not increased.~~

2. Activity Status: ~~Non-Complying~~ Restricted Discretionary

Where:

a. Compliance with the requirements of NH-R11.1.a cannot be achieved.

Matters of discretion are:

1. The degree to which the impact from the 1% Annual Exceedance Probability flood is low due to either the:
 - a) Implementation of mitigation measures
 - b) The shallow depth of the flood waters within the building; or
 - c) Type of activity undertaken within the building
2. The extent to which the risk to people and property is reduced or not increased.

Assessment

515. In response to Investore Property Limited [405.32, 405.33, 405.34 and 405.35], Fabric Property Limited [425.18 and 425.19]; and Stride Investment Management Limited [470.18], I disagree that non-compliance with the floor level requirements for new buildings containing hazard sensitive activities should result in a discretionary activity status. The non-complying activity status only applies to proposed buildings that do not achieve floor levels above inundation levels with allowance for freeboard. Accordingly, non-complying activity status gives appropriate effect to the requirement in s6(h) RMA and sends a strong signal that this is not considered to be an appropriate outcome, particularly due to the risk of damage to buildings. Consequently, I consider that the tests under s104D of the Resource Management Act 1991 are appropriate to ensure that the objectives and policies of the plan are achieved, or that the resulting adverse effects from a proposed development in the flood inundation overlay is minor.

516. I disagree with Southern Cross Healthcare Limited [380.34, 380.35 and 380.36] for the reasons outlined above, in paragraph 515 of this report. I also disagree that a non-complying activity status overstates the risk of locating in an inundation area, noting that the activity status only elevates to non-complying when required finished floor levels are not achieved.
517. In response to Kāinga Ora [391.158, 391.159 and 391.160] I disagree that NH-R11 should be amended to be more permissive for buildings in the inundation overlay where required floor levels are achieved as I am of the view that this amendment would allow for potential displacement of flooding onto adjacent properties to occur without adequate consideration which could exacerbate the risk of property damage from flood events. As outlined in Mr Osborne's supporting evidence, there appears to be a strong likelihood that the cumulative effects from displacement that could result from permitted development in the flood inundation overlay could be significant, with this, in turn, requiring consideration through a resource consent process to ensure that displacement does not occur or is minimised to an acceptable level. I also understand that the Inundation mapping significantly varies in depths which suggests that displacement effects, if not considered, could be greater in areas predicted to experience greater inundation depths in high rainfall events.
518. I have reviewed the approach of other district plans in my consideration of this matter, and although not necessarily specific to the issue of displacement note there is a range of approaches taken to managing the effects of development in flood hazard areas. For example, where 1% Flood Annual Exceedance Probability level including an allowance for freeboard is not achieved, this is a Discretionary Activity in the Porirua Proposed District Plan, and a Restricted Discretionary Activity in the Auckland Unitary Plan. Christchurch City Council's District Plan has a 'flood management area' that reflects areas that are predicted to have inundation depths of less than 1 m in a high rainfall event. In a flood management area a minimum floor level is required which reflects a 1:200 event and is at least 12.3 m above CCC Datum. Where minimum floor levels are not achieved, the proposal defaults to a Restricted Discretionary Activity. What this review highlights is that although there are a range of approaches applied in these plans, none of them (Auckland being the debateable exception) take a totally permissive approach to flood hazard management, and while they take a comparatively more permissive approach than the PDP it is not clear that they appropriately manage the effects of displacement of flood waters, with the impacts of recent rainfall events in the North Island of New Zealand indicating how important it is to adequately plan for flood hazard.
519. I agree with FENZ [273.88 and 273.89] that the functional need or operational need of an activity to locate in the Inundation Area of the Flood Hazard Overlay is an appropriate matter of discretion as there are some activities that may need to locate in a certain location to serve the needs of the community where there is no practicable alternative to locate elsewhere. The inclusion of this matter of discretion is additional to the other matters of discretion currently included in this rule and does not preclude those matters being considered as part of the assessment of a resource consent application.
520. I agree with Rimu Architects Ltd [318.22] for their reasons outlined in paragraph 511. I also note consistency between the amendments sought and my recommendations in paragraph 455 of this report in relation to NH-R4 and NH-R10.

521. I note that I recommend an amendment to NH-R11 to clarify the rule applies to the construction of buildings or the conversion of existing buildings that will contain a hazard sensitive activity in response to Kimberley Vermaey [348.5] as detailed in paragraph 151 of this report. I consider that new hazard sensitive activities establishing in existing buildings located in a flood hazard overlay, should be required to consider flood risk, particularly when the floor level of the existing building does not comply with the required finished floor level.
522. The rule numbering has been amended as a consequential amendment following the deletion of NH-R6.

Summary of recommendations

523. HS5-NH-R11-Rec80: That NH-R11 is amended as set out below and as detailed in Appendix A.

NH-R11 The construction of buildings or the conversion of existing buildings that will contain a Hazard sensitive activities in the inundation area of the Flood Hazard Overlay

1. Activity Status: Restricted Discretionary

Where:

- a. When located within an Inundation Area of the Flood Hazard Overlay, the finished floor levels of the building for the hazard sensitive activity is located above the 1% Flood Annual Exceedance Probability level, plus the height of including an allowance for freeboard, where the finished floor level is to the bottom of the floor joists or the base of the concrete floor slab and an allowance for freeboard.

Matters of discretion are:

1. The impact from the 1% Annual Exceedance Probability flood is low due to either the:
 - a. Implementation mitigation measures;
 - b. The shallow depth of the flood waters within the building; or
 - c. Type of activity undertaken within the building; and
2. The risk to people and property is reduced or not increased from flooding, including displacement of flood waters.

2. Activity Status: Non-Complying

Where:

- a. Compliance with the requirements of NH-R11.1.a cannot be achieved.

524. HS5-NH-R11-Rec81: That submission points relating to NH-R11 are accepted/rejected as detailed in Appendix B.

3.8.12 NH-R12 Potentially hazard sensitive activities in the overland flowpath of the Flood Hazard Overlay

Matters raised by submitters

525. The following submitters:

- a. Precinct Properties New Zealand Limited [139.11 and 139.12]
- b. Kāinga Ora [391.161 and 391.162, opposed by Toka Tū Ake EQC [FS70.56] and GWRC [FS84.79]];
- c. Oyster Management Limited [404.25 and 404.27]
- d. Stride Investment Management Limited [470.19 and 470.20, opposed by Toka Tū Ake EQC [FS70.82]];
- e. Investore Property Limited [405.32, 405.33, 405.34 and 405.35, opposed by Toka Tū Ake EQC [FS70.41 and FS70.42]]; and
- f. Fabric Property Limited [425.18 and 425.19]

seek similar relief and consider that the non-complying status where the restricted discretionary rule cannot be met is too onerous. They consider that a discretionary activity status is more appropriate and seek the following amendments to NH-R12 as this would be consistent with the approach taken to Hazard Sensitive Activities within the Overland Flowpaths (as provided for in rule NH-R13).

Amend NH-R12 Potentially hazard sensitive activities in the overland flowpath of the Flood Hazard Overlay as follows:

...

2. Activity Status: ~~Non-Complying~~ Discretionary

Where:

- a. Compliance with the requirements of NH-R12.1.a cannot be achieved.

...

526. Rimu Architects Ltd [318.23] considers that NH-R12 should be amended as follows for clarity as the wording used conflicts with itself, noting that a finished floor level cannot be at “the bottom of the floor joists or the base of the concrete floor slab”:

Amend NH-R12 Potentially hazard sensitive activities in the overland flowpath of the Flood Hazard Overlay as follows:

1. Activity Status: Permitted

Where:

- a. When located within an overland flowpath of the Flood Hazard Overlay, the finished floor levels of the building for the potentially hazard sensitive activity is located above the 1% Flood Annual Exceedance Probability level, plus the height of including an allowance for freeboard, where the finished floor level is to the bottom of the floor joists or the base of the concrete floor slab and an allowance for freeboard.

Assessment

527. In response to Precinct Properties New Zealand Limited [139.11 and 139.12], Kāinga Ora [391.161 and 391.162], Oyster Management Limited [404.25 and 404.27], Stride Investment Management Limited [470.19 and 470.20], Investore Property Limited [405.32, 405.33, 405.34 and 405.35] and Fabric Property Limited [425.18 and 425.19] I agree that non-compliance with the floor level requirements for new buildings containing potentially hazard sensitive activities in an overland flowpath would more appropriately elevate to a discretionary activity status due to the comparatively lower hazard sensitivity of the potentially hazard sensitive activities contained in these buildings (with this category of hazard sensitivity including a wide range of activities, including retail, commercial, industrial and primary production), compared to hazard sensitive activities. I consider that a discretionary activity status still gives Council the ability to decline an application based on the merits of the proposal, and the more onerous s104 test required for a non-complying activity is unnecessary for potentially hazard sensitive activities.
528. I agree with Rimu Architects Ltd [318.23] for their reasons outlined in paragraph 474. I also note consistency between the amendments sought and my recommendations in relation to NH-R4, NH-R10, and NH-R11.
529. I note that I recommend an amendment to the title of NH-R12 to clarify the rule applies to the construction of buildings or the conversion of existing buildings that will contain a potentially hazard sensitive activity in the overland flowpath of the Flood Hazard Overlay in response to Kimberley Vermaey [348.5] as detailed in paragraph 151 of this report. I consider it appropriate to address new hazard sensitive activities establishing in existing buildings, where consideration of flood risk is necessary when the floor level of the existing building does not comply with the required finished floor level.

Summary of recommendations

530. HS5-NH-R12-Rec82: That NH-R12 is amended as set out below and as detailed in Appendix A.

NH-R12 The construction of buildings or the conversion of existing buildings that will contain a potentially hazard sensitive activityies in the overland flowpath of the Flood Hazard Overlay

1. Activity Status: Restricted Discretionary

Where:

a. When located within an overland flowpath of the Flood Hazard Overlay, the finished floor levels of the building for the potentially sensitive hazard sensitive activity is located above the 1% Flood Annual Exceedance Probability level, ~~plus the height of including an allowance for freeboard, where the finished floor level is to the bottom of~~ the floor joists or the base of the concrete floor slab and an allowance for freeboard.

Matters of discretion are:

1. The matter contained in NH-P7

2. Activity Status: ~~Non-Complying Discretionary~~

Where:

a. Compliance with the requirements of NH-R12.1.a cannot be achieved.

531. HS5-NH-R12-Rec83: That submission points relating to NH-R12 are accepted/rejected as detailed in Appendix B.

3.8.13 NH-R13 Hazard sensitive activities within the overland flowpaths of the Flood Hazard Overlay

Matters raised by submitters

532. Ministry of Education [400.59], Stride Investment Management Limited [470.21] and Investore Property Limited [405.36] seek that NH-R13 is retained as notified.

533. Southern Cross Healthcare Limited [380.37 and 380.38] seeks that hazard sensitive activities within an overland flowpath are a restricted discretionary activity as it considers that this would be more consistent with the risk-based approach to subdivision, use and development in Policy NH-P1, and would apply a more consistent approach to assessing hazard sensitive activities in overland flowpaths and inundation areas. Although the submitter appreciates that the Council has identified overland flowpaths and inundation areas as having different hazard rankings, it notes that the level of risk arising from the hazard will depend on the actual activity. Consequently, it considers that this rule relates to the risk to people involved in hazard sensitive activities, and the risks are similar to people involved in hazard sensitive activities in an inundation area to hazard sensitive activities in an overland flowpath. Southern Cross Healthcare Limited seeks amendments to NH-R13 as follows:

Amend NH-R13 Hazard sensitive activities within the overland flowpaths of the Flood Hazard Overlay as follows:

1. Activity Status: Restricted Discretionary

534. Oyster Management Limited [404.28 and 404.29, opposed by Toka Tū Ake EQC [FS70.69]] considers that this rule should provide a tiered approach to activity status, specifically where compliance with the floor level (as per NH-12.1.a) is a restricted discretionary activity.

Assessment

535. In response to the similar relief sought by Southern Cross Healthcare Limited [380.37 and 380.38] and Oyster Management Limited [404.28 and 404.29] I disagree that hazard sensitive activities in an overland flowpath should have a restricted discretionary activity status. I consider that due to the risk of damage to buildings and safety of people relating to buildings in an overland flowpath during high rainfall events and the various scenarios (due to the variety of activities included in the Hazard Sensitive Activities definition) applicable to this rule I consider that Council having full discretion, and the ability to consider a proposal on its merit is appropriate.

536. I note that I recommend an amendment to the title of NH-R13 to clarify the rule applies to the construction of buildings or the conversion of existing buildings that will contain a hazard sensitive activity in the overland flowpath of the Flood Hazard Overlay, in part in response to Kimberley Vermaey [348.5] as detailed in paragraph 151 of this report. However, the amendments to the rule to clarify that the rule applies to new buildings that will contain a hazard sensitivity activity, although necessary in my view, is not a matter raised in submissions nor clear in the notified version of the rule. Accordingly, I suggest that the Panel consider whether it is appropriate to make an out-of-scope recommendation under clause 99 with respect to the amendments to clarify that the rule applies to new buildings in an overland flowpath that will contain a hazard sensitive activity.

537. I consider that new hazard sensitive activities establishing in existing buildings located in a flood hazard overlay, should be required to consider flood risk, particularly when the floor level of the existing building does not comply with the required finished floor level.

Summary of recommendations

538. HS5-NH-R13-Rec84: That NH-R13 is amended as set out below and as detailed in Appendix A.

NH-R13 The construction of buildings or the conversion of existing buildings that will contain a Hazard sensitive activities within the overland flowpaths of the Flood Hazard Overlay

539. HS5-NH-R13-Rec85: That submission points relating to NH-R13 are accepted/rejected as detailed in Appendix B.

3.8.14 NH-R14 Potentially hazard sensitive activities within the Wellington Fault and

Ohariu Fault Overlay

Matters raised by submitters

540. No submissions were received specific to NH-R14. However, in response to more general submissions on the PDPs approach to fault hazard, as outlined in paragraphs 166 to 168 of this report, it is proposed that NH-R14 is deleted and replaced by an amended NH-R16.

Summary of recommendations

541. HS5-NH-R14-Rec86: That NH-R14 is deleted in its entirety and replaced by an amended NH-R16.

NH-R1615 The construction of buildings or the conversion of existing buildings that will contain a potentially hazard sensitive activity or hazard sensitivity activity Hazard Sensitive Activities (excluding a single residential unit) within the well-defined and well-defined extended areas of the Wellington Fault and Ohariu Fault Overlay

1. Activity status: Restricted Discretionary

Where:

a. It involves the construction of one residential unit on an existing vacant site where the residential unit is located within the well-defined and well-defined extended areas of the Wellington Fault and Ohariu Fault Overlay.

Matters of discretion are:

1. Locating the building elsewhere on the site outside of the fault hazard overlay is not a practicable option; and
2. Mitigation measures are incorporated into the building to minimise the risk to life of the occupants and the structural integrity of the building in the event of fault rupture.

~~1.~~ 2. Activity status: Non-Complying

Where:

Any construction of buildings or conversion of existing buildings within the well-defined and well-defined extended areas of the Wellington Fault and Ohariu Fault Overlay is not provided for by NH-R15.1a.

542. HS5-NH-R14-Rec87: That submission points relating to NH-R14 are accepted/rejected as detailed in Appendix B.

3.8.15 NH-R15 Potentially hazard sensitive activities and hazard sensitive activities within the stream corridors of the Flood Hazard Overlay

Matters raised by submitters

543. Ministry of Education [400.60] seeks that NH-R15 is retained as notified.

Assessment

I note that I recommend an amendment to NH-R15 to clarify the rule applies to the construction of buildings or the conversion of existing buildings that will contain potentially hazard sensitive activities or hazard sensitive activities in the stream corridor of the Flood Hazard Overlay in part in response to Kimberley Vermaey [348.5] as detailed in paragraph 151 of this report. I consider that new potentially hazard sensitive activities or hazard sensitive activities establishing in existing buildings located in a flood hazard overlay, should be required to consider flood risk, particularly when the floor level of the existing building does not comply with the required finished floor level. However, the amendments to the rule to clarify that the rule applies to new buildings that will contain a potentially hazard sensitive activity or hazard sensitivity activity, although necessary in my view, is not a matter raised in submissions nor clear in the notified version of the rule. Accordingly, I suggest that the Panel consider whether it is appropriate to make an out-of-scope recommendation under in line with Schedule 1, clause 99(2)(b) of the RMA with respect to the amendments to clarify that the rule applies to new buildings in an overland flowpath that will contain a hazard sensitive activity.

544. Consequential renumbering following the recommended deletion of NH-R14 is proposed.

Summary of recommendations

545. HS5-NH-R15-Rec88: That NH-R15 is confirmed as notified, and renumbered to NH-R14.

NH-R15R14 The construction of buildings or the conversion of existing buildings that will contain a potentially hazard sensitive activities and hazard sensitive activities within the stream corridors of the Flood Hazard Overlay

1. Activity status: Non-Complying

546. HS5-NH-R15-Rec89: That submission points relating to NH-R15 are accepted/rejected as detailed in Appendix B.

3.8.16 NH-R16 Hazard sensitive activities (excluding a single residential unit) within the Wellington Fault and Ohariu Fault Overlay

Matters raised by submitters

547. Ministry of Education [400.61] seeks that NH-R16 is retained as notified.

548. Toka Tū Ake EQC [282.12] considers that residential units should be included as hazard sensitive activities within the Wellington and Ohariu Fault Overlays and seeks amendments to NH-R15 as follows:

Amend NH-R16-1 Hazard sensitive activities (excluding a single residential unit) within the Wellington Fault and Ohariu Fault Overlay as follows:

Hazard sensitive activities (excluding a single residential unit) within the Wellington Fault and Ohariu Fault Overlay

1. Activity status: Non-Complying

549. It notes that the MfE guidelines for planning around an active fault advise that Buildings Importance Category (BIC) 2 (residential) structures are not developed within the fault avoidance zones (within 20 m of the fault trace) of Recurrence Interval Class (RIC) I (≤ 2000 years) faults on brownfield sites and RIC I and II (2000 – 3500 years) on greenfield sites. As the Wellington Fault is RIC I and the Ohariu Fault is RIC II the submitter considers that any residential development within the Fault Overlays should be avoided within 20 m of the Wellington Fault, even on an existing site.

Assessment

550. I agree in part with Toka Tū Ake EQC [282.12] that new buildings containing hazard sensitive activities should be avoided in the Wellington Fault and Ohariu Fault Overlays where buildings cannot be located at least 20 m from a fault. However, for the reasons outlined in paragraphs 470 to 474 of this report I consider that a single dwelling on an existing vacant site should be provided for. I also consider that the amended rules implement the proposed new policy framework outlined in the supporting evidence of Mr Beban, in response to submissions on fault hazard.

551. In response to Kimberley Vermaey [348.5] as detailed in paragraph 151 of this report, I recommend an amendment to NH-R16 to clarify that this rule applies to the construction of buildings or the conversion of existing buildings that will contain potentially hazard sensitive activities or hazard sensitive activities in the well-defined and well-defined extended areas of the Wellington Fault and Ohariu Fault Overlay. I consider that new potentially hazard sensitive activities or hazard sensitive activities establishing in existing buildings located in these high hazard fault hazard overlays, could result in increasing risk to life, particularly when the conversion involves the establishment of an activity that is more susceptible to the impacts of fault rupture than the previous use, for example conversion of a warehouse to residential units.

552. Following the proposed deletion of NH-R14 outlined in paragraph 540 consequential renumbering is also proposed.

Summary of recommendations

553. HS5-NH-R16-Rec90: That NH-R16 is amended as set out below and as detailed in Appendix A.

NH-R1615 The construction of buildings or the conversion of existing buildings that will contain a potentially hazard sensitive activity or hazard sensitivity activity Hazard Sensitive Activities (excluding a single residential unit) within the well-defined and well-defined extended areas of the Wellington Fault and Ohariu Fault Overlay

1. Activity status: **Restricted Discretionary**

Where:

a. It involves the construction of one residential unit on an existing vacant site where the residential unit is located within the well-defined and well-defined extended areas of the Wellington Fault and Ohariu Fault Overlay.

Matters of discretion are:

1. Locating the building elsewhere on the site outside of the fault hazard overlay is not a practicable option; and
2. Mitigation measures are incorporated into the building to minimise the risk to life of the occupants and the structural integrity of the building in the event of fault rupture.

~~1.~~ 2. Activity status: **Non-Complying**

Where:

Any construction of buildings or conversion of existing buildings within the well-defined and well-defined extended areas of the Wellington Fault and Ohariu Fault Overlay is not provided for by NH-R15.1a.

554. HS5-NH-R16-Rec91: That submission points relating to NH-R16 are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

555. In my opinion, based on the analysis above, the proposed amendments with respect to fault hazard policies, specifically amending the rules that implement the proposed policies that introduce fault complexity is the most appropriate way to achieve the objectives of the plan compared to the notified provisions. In particular, I consider that:

- a. The proposed amendments are a more effective approach to managing the consequences of fault rupture in the event of an earthquake which reflects more detailed information now available with respect to fault rupture, which in turn ensures appropriate and commensurate mitigation, whilst taking a more enabling approach to development in areas where the hazard risk is relatively low. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the PDP; and
- b. On balance, the recommended amendments will not have any greater environmental, social, or cultural effects than the notified provisions. Whilst there is an economic cost to the more onerous restrictions relating to development in the Wellington Fault Overlay in particular, I consider that this is outweighed by the benefits resulting from a more appropriate and efficient hazard management response that seeks to ensure risk of property damage or loss of life is not increased in a high hazard area.

COASTAL HAZARDS

3.0 Coastal Hazards Chapter - General Submissions

556. The following section of the report includes the consideration and recommendations relating to general submissions that are not specific to a particular Coastal Hazards provision in the Coastal Environment chapter of the PDP. In considering these general submissions, submissions have been ordered by themes. Submissions specific to a particular provision are addressed in subsequent sections of this report.

Matters raised by submitters

557. Kimberley Vermaey [348.6] seeks that classification of inundation depths is reassessed for the Coastal Inundation Overlay, and that the Coastal Inundation Overlay is adjusted to remove inundation depths below a certain low-hazard level [348.7].
558. Kimberley Vermaey [348.4] considers that rules relating to additions in the Coastal Hazards Overlay do not address alterations to existing buildings and specifically seeks that rules relating to additions in the Coastal Inundation Overlay address alterations to existing buildings. The submitter considers that there is the potential for alterations to increase the risk from the conversion of non-habitable buildings and there needs to be consideration as to whether conversions to existing buildings are appropriate to ensure the rule frameworks are consistent with the additions framework.
559. Grant Birkinshaw [52.4 and 52.5] opposes the Coastal Hazard overlay based on Tsunami occurrences and considers that the tsunami baseline is for Civil Defence evacuation procedures and as such is not appropriate in a legal document.
560. Melissa Harward [65.3] supports green infrastructure and planning coastal hazard mitigation works and seeks the Coastal Environment chapter is retained as notified.
561. Yvonne Weeber [340.22] is opposed to mining and quarrying activities within the coastal environment mentioned in CE-R10 and CE-R11.
562. Yvonne Weeber [340.1] considers that the PDP maps need to be clearly mapped using the language and classifications from CE-P14. The submitter's understanding is that there are no 'medium coastal hazard area and high coastal hazard areas' mapped, and that there is an arbitrary mix of hazard and risk overlays instead, which are difficult to discern from each other (Coastal inundation, Liquefaction, Tsunami Hazard Overlay, etc...). Yvonne Weeber seeks that the mapping of Coastal Hazards be more clearly categorized and mapped.
563. Kāinga Ora [406.13] seeks that the PDP maps are amended to display the high, medium, and low coastal hazards as separate layers that can be turned on and off individually in the GIS viewer.
564. CentrePort Limited [402.111 and 402.112] opposes the PDP structure of dealing with natural hazards. It considers that the structure of managing Natural Hazards is confusing, with natural hazards provisions in the Infrastructure chapter as well as Natural Hazards chapter, while coastal hazards are in the Coastal Environment chapter. It seeks that the plan is amended so all Natural Hazards requirements are included in one chapter.

565. Oyster Management Limited [404.30] seeks that the PDP recognises the benefits of existing investment in the CBD in relation to natural hazards and coastal hazards.
566. Oyster Management Limited [404.31] seeks that the PDP provides consistency in the approach to potentially hazard sensitive activities in the Natural Hazards and Coastal Hazards Overlays.
567. WIAL [406.291 and 406.292] considers that tsunami hazard response within existing urban areas requires a broader management response that is best managed collectively by emergency management groups such as Civil Defence. The PDP's approach to tsunami management is cumbersome, particularly for large lifeline utilities like WIAL who have extensive emergency management plans and procedures in place, as well as CDEM requirements to remain operational during a civil defence emergency. Therefore, the relevant coastal hazard policies and methods that apply to the site have limited utility and will generate unnecessary resource consent requirements for matters that are otherwise already considered by WIAL during the design and development phase of activities within the zone. It seeks that coastal hazard overlays are amended to focus only on coastal inundation hazards, and also seeks that the Coastal Environment chapter apply coastal tsunami hazard provisions to new Greenfield developments only.
568. WIAL [406.2, 406.13 and 406.14, supported by Board of Airline Representatives of New Zealand Inc [FS139.2], opposed by Toka Tū Ake EQC [FS70.93 and FS70.94]] are not opposed to the coastal inundation mapping in principle, but considers further nuancing of the provisions that relate to coastal hazards, and more specifically tsunami hazard, is required.
569. Dawid Wojasz [295.2] considers that the coastal hazard overlays put much of the CBD in a high or medium hazard area, limiting development within the central city, and seeks the removal of High, Medium and Low Coastal Hazard overlay within the City Centre. The submitter considers that density in the Central city should be encouraged, and the hazard can be dealt with as an engineering issue.
570. Poneke Architects [292.1 and 292.2] considers that the Coastal Inundation and Tsunami Hazard Overlays effectively stop development in Wellington and are too broad and seeks the deletion of these overlays in their entirety.
571. VicLabour [414.11 and 414.12] supports restrictions on development in areas at risk of coastal inundation and tsunami with amendments and seek the retention of the coastal inundation and tsunami overlays.
572. David Karl [309.4] considers that according to presentations from WCC staff and technical experts at a community climate adaptation meeting, modelling underpinning the current maps reflects some of the available, appropriate possible modelling, but does not account for wave dynamics. It is understood from these experts' comments wave dynamics may have a significant bearing on Tapu Te Ranga (the island in Island Bay). David Karl seeks that the tsunami inundation overlay be amended to account for wave dynamics that include consideration of Tapu Te Ranga.

Assessment

573. In response to Kimberley Vermaey [348.6 and 348.7], as detailed in paragraphs 30 to 33 of Mr Andrew’s Statement of Evidence the removal of less than 0.05m coastal inundation depths is considered appropriate as this depth of inundation is not considered a significant hazard needing to be managed by the District Plan. I note this is consistent with the approach taken to the mapping of Flood Hazard – Inundation Areas. To the submitter’s point regarding the PDPs singular, undifferentiated approach to development in coastal inundation areas (e.g. CE-R26 establishes all hazard sensitivities in medium coastal hazard areas as a discretionary activity), I consider this approach appropriate as the activities and depths vary and should be considered on case-by-case basis. Consequently, I do not agree with the submitter that a more nuanced rule framework for activities and buildings in coastal inundation areas is needed.
574. In response to Kimberley Vermaey [348.4], similar to my consideration of the same matter with respect to the natural hazard provisions in paragraph 151 of this report, I agree in part that amendments to the coastal hazard rules would clarify that these rules address alterations or the conversion of buildings. However, although I agree that improved clarity is beneficial, I consider that the purpose and scope of these rules is currently managing an activity and therefore already addresses a conversion that involves a new activity controlled by a specific rule. I also consider that the conversion of buildings is addressed in policies and that the general intent was for the rules to apply to new buildings and the conversion of buildings that will contain activities sensitive to hazard risk as managing buildings and activities is necessary to manage natural hazard related risk to property and people.
575. I disagree with Grant Birkinshaw [52.4 and 52.5] as the definition of natural hazards in section 2 of the RMA includes tsunami hazard. This is further supported by the NZCPS, which also identifies the need to plan for this hazard. As such, I am of the view that it is appropriate that the management of tsunami hazards are planned for within the context of the District Plan.
576. I agree with Yvonne Weeber [340.1] and Kāinga Ora [406.13] that mapping amendments can be made to improve the ease of interpreting low, medium, and high hazard areas as I consider that having to refer back to the hazard ranking table in the introduction of the Coastal Environment chapter to establish hazard ranking for the relevant coastal hazard overlays is unnecessarily burdensome and easily resolved. I propose that this is best achieved through re-organising the map legend to clarify the hazard ranking for each of the coastal hazard overlays as set out below, noting that I am of the opinion that including additional layers for each of the hazard risk rankings would add clutter that could result in further interpretative confusion. I consider that as a consequential change for consistency it is also appropriate to make similar amendments with respect to natural hazards, also set out below.

Coastal Hazard	Layer	Hazard Ranking	Proposed Map legend
Tsunami	Tsunami – 1:100 year scenario inundation extent	High	Tsunami – 1:100 year scenario inundation extent (High Hazard Area)

Coastal Hazard	Layer	Hazard Ranking	Proposed Map legend
Tsunami	Tsunami – 1:500 year scenario inundation extent	Medium	Tsunami – 1:500 year scenario inundation extent (Medium Hazard Area)
Tsunami	Tsunami 1:1000 year scenario inundation extent	Low	Tsunami 1:1000 year scenario inundation extent (Low Hazard Area)
Coastal Inundation	Existing coastal inundation extent with a 1:100 year storm	High	Existing coastal inundation extent with a 1:100 year storm (High Hazard Area)
Coastal Inundation	Coastal inundation extent – with 1.43m sea level rise scenario and 1:100 year storm	Medium	Coastal inundation extent – with 1.43m sea level rise scenario and 1:100 year storm (Medium Hazard Area)

577. Following the proposed amendment to the

Natural Hazard	Layer	Hazard Ranking	Proposed Map legend
Fault hazard overlay	Wellington Fault	High	Wellington Fault (High Hazard Area)
Fault hazard overlay	Ohariu Fault	High	Ohariu Fault (High Hazard Area)
Fault hazard overlay	Terawhiti Fault	Low	Terawhiti Fault (Low Hazard Area)
Fault hazard overlay	Shepherds Gully Fault	Low	Shepherds Gully Fault (Low Hazard Area)
Fault hazard overlay	Stream corridor	High	Stream corridor (High Hazard Area)
Fault hazard overlay	Overland flowpath	Medium	Overland flowpath (Medium Hazard Area)
Fault hazard overlay	Inundation	Low	Inundation (Low Hazard Area)
Liquefaction Hazard Overlay	Liquefaction Hazard Overlay	Low	Liquefaction Hazard Overlay (Low Hazard Area)

578. In response to WIAL [406.2, 406.13 and 406.14] I have assessed each of the provisions that relate to coastal hazards in response to submissions received, with recommendations set out in relation to each provision contained within this report. In a general sense, I disagree that there needs to be greater nuance to the approach to tsunami hazard as I consider that the approach to the low, medium and high tsunami hazard overlays is adequately nuanced, with policies and rules that reflect the likelihood and impact of tsunami events. I note that it is only the high tsunami hazard where there is a strong directive to avoid further development (with some exceptions such as in the City Centre Zone). I also consider the advice from Toka Tū Ake EQC [FS70.93 and FS70.94] particularly relevant. They advise that while the trigger of a tsunami cannot be mitigated, the consequences can be reduced through good design, evacuation planning and communication of the risk, and for that reason the tsunami hazard overlay should not be deleted from the policy. They also advise that the current probability of a rupture of the Hikurangi subduction zone is calculated as 25% in the next 50 years, and that a Hikurangi subduction earthquake is expected to result in a 2-4 m tsunami to impact parts of Wellington within 10 minutes.
579. I agree with WIAL [406.291 and 406.292] that a tsunami hazard event response is best managed by emergency management groups such as Civil Defence as per the CDEM Act. However, I also consider that land use planning is a critical component of reducing risk to people and property, most importantly by ensuring that new hazard sensitive activities do not establish in areas highly susceptible to natural hazards, and that activities that do appropriately mitigate the hazard risk where practicable. The CDEM Act anticipates that risk reduction will be predominantly achieved through the RMA¹⁶.
580. I understand that the submitter's main concern is that the coastal hazard provisions are cumbersome and will result in unnecessary resource consent requirements. The Airport has an existing designation which, if complied with, would enable development and operation of the Airport within the scope of the designation without the need for additional resource consents triggered by the Coastal Hazards provisions introduced by the PDP. In the event that proposed activities or buildings related to the Airport are not able to be exercised under the existing designations, the Airport as a Requiring Authority is able to alter or lodge a notice of requirement to enable such works, or alternatively obtain resource consent. In these scenarios I consider it entirely appropriate that relevant natural hazard risk, including tsunami, is required to be considered regardless of the Airport's responsibilities as a lifeline utility. I disagree that tsunami hazard provisions only apply to greenfield development as this would result in urban intensification occurring without mitigation incorporated in response to tsunami hazard.
581. In response to David Karl [309.4] I note that Mr Burbidge confirms in paragraph 24 of his evidence that the tsunami modelling underpinning the Tsunami Hazard overlay does account for wave dynamics and Tapu Te Ranga (the island in Island Bay).
582. In response to CentrePort Limited [402.111 and 402.112] I disagree for the reasons outlined in paragraph 152 of this report.
583. In response to Oyster Management Limited [404.31] I disagree for the reasons outlined in

¹⁶ <https://www.civildefence.govt.nz/cdem-sector/the-4rs/reduction/>

paragraph 148-150 of this report.

584. Oyster Management Limited [404.30] seeks that the PDP recognises the benefits of existing investment in the CBD in relation to natural hazards and coastal hazards. In considering the PDP approach to the management of risk from tsunami events, I highlight the RMA definition of Natural Hazard which includes tsunami, Section 6 of the RMA which, as well as the NZCPS (in particular Policy 24), outlines council's responsibilities under the RMA relating to the management of significant risks from natural hazards. I concur with the Natural and Coastal Hazards s32 Report that due to the probability and consequence of a tsunami event affecting parts of the City, that inclusion of the tsunami inundation mapping and associated provisions is appropriate.
585. In assessing the impact of the tsunami inundation overlays and associated plan provisions on the CCZ in the context of probability and practicalities of mitigating the effects of a tsunami event, I note that the tsunami inundation mapping across the three risk scenarios does not show a significant difference in extent between the high risk (1:100 year event), medium risk (1:500 year event) and low risk (1:1000 year event) tsunami coastal hazard overlays and the coastal inundation extent – with a 1.43m sea level rise scenario and 1:100 year storm (medium risk). In relation to the CCZ the tsunami - 1:100 year scenario inundation extent coastal hazard overlay is very similar in extent to the medium coastal inundation overlay. The most visible difference being that the tsunami 1:100 year coastal hazard overlay extends beyond Lambton Quay to encompass most of the block up to The Terrace.
586. In relation to the CCZ, the high coastal inundation overlay is limited to a relatively small extent of low-lying areas along the harbour such as the Clyde Quay Wharf. The extent of the medium coastal inundation overlay is comparatively much larger, extending inland in some areas to Wakefield Street and Courtenay Place.
587. The PDP as notified appropriately recognises the existing investment in the CCZ by providing a specific objective (CE-08) and policies (CE-P21 and CE-P22) for the City Centre Zone in the Coastal Environment chapter. These policies recognise the significant infrastructure present in the CCZ, the high likelihood of hazard mitigation structures to protect this area from coastal hazards, and the operational need and functional need for many hazard-sensitive and potentially hazard sensitive activities to locate in the City Centre Zone.
588. The CCZ focused provisions provide for subdivision, use and development in all coastal hazard overlays subject to mitigation that reduces the risk to people, property, and infrastructure. In particular, policies CE-P21 and CE-P22 provide for new hazard sensitive activities to establish in and development within all coastal hazard overlays (including high coastal hazard areas), with this policy direction more enabling than key policy CE-P12 that sets up the risk-based approach applied to coastal hazard. This differs to the more general policy direction that applies to areas outside of the CCZ (with the notable exception of the airport, operational port activities, passenger port facilities and rail activities which also have specific policies that recognise their significance) which seeks to avoid subdivision, use and development in the high hazard area unless there is a functional need or operational need, and incorporates mitigation measures that reduces the risk to people, property, and infrastructure.
589. Although the coastal hazard plan provisions provide a consenting pathway for activities in

those parts of the CCZ located within the High Coastal Hazard Area, the tsunami hazard overlays (which are informed by inundation depths and velocity) highlight the significant impact on the CCZ that would result from a tsunami. On that basis, I consider it is appropriate for new hazard sensitive activities and new buildings containing hazard sensitive activities to ensure hazard risk is minimised as far as reasonably practicable, noting that there may be instances where there is still a residual increased risk associated with activities that involve increasing the number of buildings and people in High Coastal Hazard Areas.

590. The relevant hazard overlays and above description illustrate that the CBD is at significant risk from coastal hazards. However, the policy and rule framework recognises the impracticality of relocating the CBD. In my opinion the PDP, in response to the context outlined above, already appropriately provides a consenting pathway to cater for both existing and future development in the CBD. This pathway recognises that the CBD is well-established and needs to continue to operate in this location, whilst still identifying and managing the natural hazard risk. This approach is also consistent with the policy direction in the NZCPS as outlined in the associated s32A report. In light of this I disagree with the submitter that further recognition of the benefits of existing investment in the CBD in the plan is required.
591. In response to Dawid Wojasz [295.2] I disagree that the Coastal Inundation Overlays and Tsunami Overlays should be removed from the Central City, as this would result in the District Plan not achieving the purpose and directive in section 6(h) of the Act and the direction of NZCPS (in particular Policy 24). In my opinion the policy direction specific to the CCZ recognises the importance of the Central City and provides an appropriate consenting pathway to enable continued development in the form of more hazard-resilient buildings and activities.
592. In response to Poneke Architects [292.1 and 292.2] I disagree that the Coastal Inundation Overlays and Tsunami Overlays should be deleted in their entirety, as this would result in the District Plan not achieving the purpose of the Act, specific requirements under the s 6(h) of the Act, and not giving effect to the NZCPS (particularly Policy 24).

Summary of recommendations

593. HS5-CE-General Submissions-Rec1: That coastal inundation depths of less than 0.05 m are removed from the Coastal Inundation Overlay mapping.
594. HS5-CE-General Submissions-Rec2: That amendments are made to the District Plan map legend to clearly identify which coastal hazards the low, medium, and high hazard areas are comprised of.
595. HS5-CE-General Submission-Rec3: That amendments are made to CE-R19, CE-R20, CE-R22, CE-R23, CE-R25 and CE-R26.
596. HS5-CE-General Submission-Rec4: That amendments are made to the District Plan map legend to clearly identify which natural hazards the low, medium, and high hazard areas are comprised of.
597. HS5-CE-General Submissions-Rec5: That submission points relating general submission points addressed in paragraphs 557 to 572 of this report are accepted/rejected as detailed in Appendix B.

3.1 Coastal Hazard – Introduction (P1 Sch1)

Matters raised by submitters

598. Yvonne Weeber [340.20] considers that it is not only sea level rise that is causing coastal inundation but storm surges and storm events that are increasing due to climate change. The submitter seeks amendments to the Coastal Environment Introduction as follows:

Amend the Introduction to the Coastal Environment chapter as follows:

Coastal Hazards

Wellington City's coastal environment is susceptible to a range of coastal hazards, which are mapped as Coastal Hazard Overlays. These include:

1. Tsunami;
2. Coastal inundation including sea level rise, storm surges and storm events.

599. Argosy Property [383.74, opposed by Toka Tū Ake EQC [FS70.3 and FS70.13]] and Fabric Property Limited [425.32, opposed by Toka Tū Ake EQC [FS70.3 and FS70.13]] both note there is significant existing investment in the Wellington CBD which is subject to the coastal hazards overlays and this is not recognised in the Introduction. Argosy Property supports the Introduction to the extent that it takes an adaptive approach to coastal hazards, noting that retreat from the Wellington CBD is unlikely to occur and it is therefore more appropriate for the PDP to anticipate a protective or adaptive approach to climate change hazards. However, it considers that amendment is required to help reconcile these provisions with the strategic direction and CCZ provisions. The Introduction also includes a proposed Coastal Hazard Overlay Hazard Ranking table which ranks tsunami with a 1:100 year scenario inundation extent as High. Argosy Property note that the high risk Coastal Hazard Tsunami Overlay covers a large part of the CBD, with the Medium and Low risk areas extending marginally further than the High risk area, and given the high impact, low probability nature of a tsunami consider that the greatest risk rating should be Medium. In light of this Argosy Property and Fabric Property seek amendments to the Introduction to the Coastal Environment as follows:

Introduction to the Coastal Environment

Amend the Introduction to recognise that there is significant existing investment in the Wellington CBD and an adaptation and protection approach is needed to manage coastal hazards in this area.

Argosy Property seeks for the Coastal Hazard Overlay Hazard Ranking table to be retained as notified subject to the following change:

Tsunami – 1:100 year scenario inundation extent = ~~High~~ Medium

600. Oyster Management Limited [404.33, 404.34, and 404.35, opposed by Toka Tū Ake EQC [FS70.70]] seeks the following amendments to the Coastal Environment - Introduction to recognise the significant existing investment in Wellington CBD and that an adaptation and protection approach is required to manage coastal hazards in the area:

Introduction to the Coastal Environment

...
Tsunami - 1:100 year scenario inundation extent: ~~High~~ Medium
...
Tsunami - 1:500 year scenario inundation extent: ~~Medium~~ Low
...
~~Tsunami - 1:1000 year scenario inundation extent: Low~~

601. Guardians of the Bays [452.18 and 425.19] considers an amendment to the Introduction is required to include reference to storm surges and storm events, noting that it is not only sea level rise that is causing coastal inundation but increased storm surges and storm events due to climate change. It seeks amendments to the Coastal Environment - Introduction as follows:

Amend Introduction to the Coastal Environment chapter as follows:

Coastal Hazards- Wellington City’s coastal environment is susceptible to a range of coastal hazards, which are mapped as Coastal Hazard Overlays. These include:

1. Tsunami;
2. Coastal inundation including sea level rise, storm surges and storm events.

Assessment

602. I agree with Yvonne Weeber [340.20] and Guardians of the Bays [452.18 and 425.19] that the Coastal Environment – Introduction should be amended to reflect that storm surges and storm events contribute to coastal inundation as outlined in the Coastal hazards and sea-level rise in Wellington City report prepared by NIWA¹⁷.
603. I agree with in part with Argosy Property [383.74] and Fabric Property Limited [425.32] in relation to the significant existing investment in the Wellington CBD, that retreat of the CBD from hazard prone areas is unlikely to occur, and that it is reasonable to anticipate future hazard mitigation interventions to protect the CBD, particularly from coastal inundation. However, I am of the opinion that these matters have appropriately been considered and are reflected in the specific policy direction and associated rules relating to coastal hazards and the CCZ. Consequently, I do not consider that there is a conflict between the approach to coastal hazards in the PDP and the relevant strategic direction and City Centre zone provisions.
604. I disagree with Argosy Property [383.74], Fabric Property Limited [425.32] and Oyster Management Limited [404.33, 404.34, and 404.35] who similarly seek amendments to the risk ranking of the tsunami hazard scenarios, specifically that the Tsunami - 1:100 year scenario inundation extent should be allocated a medium risk ranking. The high hazard ranking aligns with the NZCPS, and my opinion follows that given the return period and impact of this 1:100 year event a high-hazard ranking is appropriate. I note that Toka Tū Ake EQC [FS70.70] oppose the relief sought, stating that the risk of a 1:100 year tsunami risk is classed as high despite being low probability because tsunamis are a very high impact hazard, and for a locally sourced event (e.g. Hikurangi subduction zone or local fault) there will be limited time to evacuate.

¹⁷ Coastal hazards and sea-level rise in Wellington City. 2021. National Institute of Water & Atmospheric Research Ltd. Page 17.

605. I again note that the specific policy direction and associated rules relating to coastal hazards in the CCZ provide an achievable consenting pathway to enable development and activities in the CBD while ensuring hazard-resilient design features are incorporated into buildings where appropriate. Further, the specific policies and associated rules recognise the operational need and functional need in relation to the Airport, Port activities, and rail activities in all hazard areas.
606. It is also important to bear in mind that although the CBD is projected to be significantly impacted by Tsunami inundation events, the hazard risk ranking reflects the impact on other areas of the city affected, where an emphasis on strongly discouraging new hazard sensitive activities is in my opinion the most appropriate land use policy response.
607. I also consider that a medium hazard ranking for the Tsunami - 1:500 year scenario inundation extent is appropriate as although the probability is comparatively low, the impact of this event remains high. The policy direction and associated rules (with recommended changes) are also commensurate with the lower probability, but high impact. Again, the specific policy direction and associated rules relating to coastal hazards and the CCZ ensure an achievable consenting pathway for development and activities in the CBD.
608. Outside of the CCZ, I note that potentially hazard sensitive activities are broadly enabled in medium coastal hazard areas, with hazard-sensitive activities provided for as discretionary activities (CE-R26).
609. When comparing the hazard risk ranking of non-coastal flood inundation (low risk ranking) with the tsunami 1:500 year scenario inundation extent (medium risk ranking), non-coastal flood inundation has a much greater likelihood. However, given the relatively low depth and velocity over the majority of the non-coastal flood inundation area the hazard risk is on balance considered to be low. The tsunami 1:500 year scenario inundation extent has a comparatively lower probability of occurring, but the extent of tsunami inundation is much greater as evident when comparing the tsunami hazard overlays. Depending on the source, if it is a local or regionally related tsunami event evacuation warning times will provide much less time (local source in a matter of minutes, and as low as 1 hour for a locally sourced event¹⁸) to evacuate relative to a distant source.
610. With regards to the requested removal of the Tsunami - 1:1000 year scenario inundation extent, I acknowledge the comparatively long return period (similar to earthquakes/fault rupture). However, on balance I am of the opinion that retention of this tsunami inundation extent within the PDP provides visibility of the events and only assists in ensuring the hazard resilience of communities, buildings and infrastructure. I note that the extent of the 1:1000 covers a relatively small area in addition to the medium (1:500) and high (1:100) tsunami inundation extents and that the associated policies and rules related to the 1:1000 are enabling for most activities. Potentially Hazard Sensitive Activities are permitted, while Hazard Sensitive Activities are permitted with the exception of childcare services, retirement villages, educational facilities, hospitals, emergency service facilities or health care facilities; or where more than three residential units are proposed.

¹⁸ National Emergency Management Agency, <https://www.civildefence.govt.nz/get-ready/get-tsunami-ready/>

611. In considering submissions on tsunami hazard and the tsunami hazard overlays, and the general relief sought by these submissions, particularly WIAL [406.2] and Poneke Architects [292.2] seeking further nuancing or deletion of tsunami hazard mapping and provisions, and following the advice of Mr Burbidge on tsunami inundation depths, as outlined in his supplementary evidence, I consider that it is appropriate to amend the tsunami hazard overlays to remove inundation depths of less than 0.05 m on the basis that low level inundation depth represents nuisance flooding that does not involve a level of risk to people and property that justifies the need for a landuse planning response.
612. It has also been identified that the references to the Coastal Inundation layers in the introduction have a minor error relating to the sea level rise included in the modelling informing the coastal inundation overlays. It should be 1.43 m, not 1.49 m. I suggest that this error could be rectified through the Panel recommending decisions as a minor correction, as the PDP overlay mapping is based on 1.43 m.

Summary of recommendations

613. HS5-CE-Introduction-Rec6: That CE-Introduction is amended as set out below and as detailed in Appendix A.

<p>Introduction</p> <p>Coastal Hazards</p> <p>Wellington City’s coastal environment is susceptible to a range of coastal hazards, which are mapped as Coastal Hazard Overlays. These include:</p> <ol style="list-style-type: none"> 1. Tsunami; 2. Coastal inundation including sea level rise, <u>storm surges and storm events</u>.

614. HS5-CE-Introduction-Rec7: That coastal inundation depths of less than 0.05m are removed from the Coastal Inundation Overlay mapping.
615. HS5-CE-Introduction-Rec8: That submission points relating to CE-Introduction are accepted/rejected as detailed in Appendix B.

3.2 Coastal Hazards – Objectives

3.2.1 CE-O5 Risk from coastal hazards (ISPP)

Matters raised by submitters

616. WCC Environmental Reference Group [377.225], Argosy Property [383.75], Oyster Management Limited [404.36], and Investore Property Limited [405.41] seek that CE-O5 is retained as notified.
617. FENZ [273.132] supports reducing risk to people, property, and infrastructure and seeks that CE-O5 is retained as notified, noting that there are existing fire stations located within the

Coastal Hazard Areas and that any development of these would be subject to provisions within this chapter.

618. Te Rūnanga o Toa Rangatira [488.62] seek that CE-O5 is retained as notified, subject to amendments in subsequent submission points.
619. Forest and Bird [345.298, opposed by WIAL [FS36.90]] considers this objective should not only refer to increased risk to people, property and infrastructure but should be amended to also acknowledge the natural character, natural landscape and biodiversity values that must be protected. It seeks amendments to CE-O5 as set out below:

Amend CE-O5 (Risk from coastal hazards):

Subdivision, use and development in the Coastal Hazard Overlays reduces or does not increase the risk to people, property, ~~and infrastructure~~, natural character, natural landscape, and biodiversity values.

620. GWRC [351.201, supported by Toka Tū Ake EQC [FS70.34]] seeks the following amendments to CE-O5 amendments to align it with Objectives 19 and 20 and Policies 51 and 52 in Proposed RPS Change 1:

Amend CE-O5 (Risk from coastal hazards):

Subdivision, use and development in the Coastal Hazard Overlays minimises ~~reduces or does not increase~~ the risk to people, property, and infrastructure.

621. WIAL [406.300 and 406.301, supported by Airways Corporation of New Zealand Limited [FS105.2]] considers that the risks from natural hazards should be avoided where they are intolerable and that this concept should be brought into this policy, acknowledging that people, activities, property and infrastructure have varying levels of coastal hazard tolerance. It seeks amendments to CE-O5 as follows:

Amend CE-O5 (Risk from coastal hazards):

Subdivision, use and development in the Coastal Hazard Overlays do not create an intolerable level of ~~reduces or does not increase the risk to~~ people, property, and infrastructure.

Assessment

622. In response to Forest and Bird [345.298] I agree that objectives should ensure the protection of natural character, natural landscape and biodiversity values, however I consider that existing objectives in relation to the coastal environment (CE-O1, CE-O2, CE-O3) appropriately and specifically address these matters. I consider that the plan needs to be read as a whole and it works in an integrated manner, and that objectives specific to coastal hazards do not need to duplicate the outcomes sought in other objectives, particularly when those objectives are contained within the same chapter. In my view the proposed amendments to CE-O5 go well

beyond the intended scope of this objective and for that reason are inappropriate. I am open to further evidence being supplied by the submitter as to why they are of the opinion that the non-hazard objectives in the Coastal Environment chapter do not achieve the protection of natural character, natural landscape and biodiversity values and necessitate the requested amendments sought to objective CE-O5.

623. In response to GWRC [351.201] I agree in part. As outlined in paragraphs 221 to 232 (in relation to similar objectives in Natural Hazards chapter), I consider that a more nuanced approach to coastal hazard objectives is required that differentiates between the outcomes sought in high hazard areas and low and medium hazard areas.
624. I consider that amending CE-O5 to apply only to high hazard areas only ensures that the hazard risk in high hazard areas is reduced or not increased, with added clarification achieved by amending CE-O5 to clarify the any risk reduction relates to the baseline hazard risk present in the existing environment, as opposed to simply reducing risk arising from the development.
625. Following this, I consider that an additional objective that specifically addresses the outcomes sought with respect to coastal hazard risk in low and medium hazard areas is necessary, incorporating a policy direction to minimise hazard risk. This allows for new activities in less hazard prone areas, and is commensurate with the lower probability and lower consequences of the coastal hazard scenarios that make up the medium and low hazard risk areas, and in most cases, requires that development and activities incorporate hazard resilience that provides for the safety of current and future residents and protects property from damage.
626. I consider that this proposed tiered approach to coastal hazards objectives that reflects hazard ranking gives effect to the NZCPS as it provides greater clarity that in high hazard areas any increase in coastal hazard-related risk is avoided (while also encouraging a reduction) and provides for development in low and medium hazard areas subject to minimising the coastal hazard risk arising from a development locating in these areas.
627. I disagree with WIAL [406.300 and 406.301] that the risks from natural hazards should only be avoided where they are intolerable for the reasons outlined in paragraphs 218 to 219.

Summary of recommendations

628. HS5-CE-O5-Rec9: That CE-O5 is amended as set out below and as detailed in Appendix A.

CE-O5 Risk from coastal hazards in High Hazard Areas of the Coastal Hazard Overlays

Subdivision, use and development within the High Hazard Areas of the Coastal Hazard Overlays reduces or does not increase the existing risk from coastal hazards to people, property and infrastructure.

629. HS5-CE-O6-Rec10: That a new CE-O6 is introduced to provide an objective for low and medium coastal hazard areas, with the consequential renumbering of subsequent coastal hazard objectives, as set out below and as detailed in Appendix A.

CE-O6 Risk from coastal hazards in Low and Medium Hazard Areas of the Coastal Hazard Overlays

Subdivision, use and development within the Low and Medium Hazard Areas of the Coastal Hazard Overlays minimise the risk from natural hazards to people, property and infrastructure.

Section 32AA evaluation

630. I consider the s32AA evaluation set out in paragraphs 239 to 241 of this report is relevant to, and sufficiently addresses the necessary considerations of 32AA, in relation to the proposed amendments to CE-O5 and proposed CE-O6, and for these reasons rely on this evaluation and I do not repeat it.

631. HS5-CE-05-Rec11: That submission points relating to CE-O5 are accepted/rejected as detailed in Appendix B.

3.2.2 CE-O6 Natural systems and features (P1 Sch1)

Matters raised by submitters

632. GWRC [351.202] and WCCERG [377.226] seek that CE-O6 is retained as notified.

633. Te Rūnanga o Toa Rangatira [488.63] seek that CE-O6 is retained as notified, subject to amendments in subsequent submission points.

634. Forest and Bird [345.299] considers that objective CE-O6 should not only refer to increased risk to people, property and infrastructure and should be amended as follows to also acknowledge the natural character, natural landscape and biodiversity values that must be protected:

Amend CE-O6 (Natural systems and features):

Natural systems and features that reduce the susceptibility of people, property, ~~and~~ infrastructure, natural character, natural landscape, and biodiversity values from damage by coastal hazards are created, maintained or enhanced.

Assessment

635. In response to Te Rūnanga o Toa Rangatira [488.63] who seek that CE-O6 is retained as notified, subject to amendments in subsequent submission points, I am of the opinion that that the relief sought by the submitter in the form of a new standalone objective (as detailed in paragraph 671 to 672) is best achieved through an amendment to CE-O6. In particular, I consider that including specific reference to Sites and Areas of Significance to Māori provides for things that may not fall under the more general reference to of people, property, and infrastructure.

636. In response to Forest and Bird [345.299] I disagree that CE-O6 should be amended to also acknowledge the protection of natural character, natural landscape and biodiversity values as these amendments go well beyond the intended scope of this objective. These matters are already specifically and sufficiently addressed in other objectives relating to the coastal environment (CE-O1, CE-O2, CE-O3).

Summary of recommendations

637. HS5-CE-06-Rec12: That CE-O6 is amended as set out below and as detailed in Appendix A.

CE-O6 Natural systems and features

Natural systems and features that reduce the susceptibility of people, property, ~~and~~ infrastructure, and Sites and Areas of Significance to Māori from damage by coastal hazards are created, maintained or enhanced.

638. HS5-CE-06-Rec13: That submission points relating to CE-O6 are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

639. In my opinion, the amendment to CE-O6 better achieves the purpose of the Act and higher order direction than the notified provisions for the following reasons:

- a. Including Sites and Areas of Significance to Māori recognises the role of tangata whenua as kaitiaki and encourages tangata whenua involvement in management of natural hazards; and
- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions, however the explicit recognition of Sites and Areas of Significance to Māori is considered positive in relation to cultural wellbeing.

3.2.3 CE-O7 Airport, operational port activities, passenger port facilities and rail activities (P1 Sch1)

Matters raised by submitters

640. Yvonne Weeber [340.23], KiwiRail [408.99], Guardians of the Bays [452.20] and WCCERG [377.277] seek that CE-O7 is retained as notified.

641. Te Rūnanga o Toa Rangatira [488.64] seek that CE-O7 is retained as notified, subject to amendments in subsequent submission points.

642. Forest and Bird [345.300, opposed by WIAL [FS36.92]] considers objective CE-O7 should not only refer to increased risk to people, property and infrastructure and should be amended as

follows to also acknowledge the natural character, natural landscape and biodiversity values that must be protected:

Amend CE-07 Airport, operational port activities, passenger port facilities and rail activities:

Airport, operational port activities, passenger port facilities and rail activities are provided for, while also ensuring that subdivision, development and use of land occupied by Airport, operational port activities, passenger port facilities and rail activities do not increase the risk to people, property, and infrastructure, natural character, natural landscape, and biodiversity values.

643. CentrePort Limited [402.115] supports the objective, but opposes the structure of the plan managing Natural Hazards as it is confusing with Natural Hazards provisions in the infrastructure chapter, the Natural Hazards Chapter as well as this chapter dealing with coastal hazards in the Coastal Environment. It seeks that all Natural Hazards provisions are consolidated in the same place or stronger cross-referencing is provided.
644. WIAL [406.302 and 406.303] considers that the activities listed have operational and functional constraints which ultimately govern the location of these activities, including within areas exposed to natural hazard risk. It considers that this objective needs to appropriately recognise this, and consistent with the directive contained within SRCC-O2, avoid areas where the risks are intolerable, taking into consideration operational and functional constraints associated with identified activities. It seeks amendments to CE-07 as follows:

Amend CE-07 Airport, operational port activities, passenger port facilities and rail activities as follows:

Airport, operational port activities, passenger port facilities and rail activities are provided for, while also ensuring that subdivision, development and use of land occupied by Airport, operational port activities, passenger port facilities and rail activities do not create an intolerable level of ~~increase the~~ risk to people, property, and infrastructure.

Assessment

645. In response to Te Rūnanga o Toa Rangatira [488.64] who seek that CE-06 is retained as notified, subject to amendments in subsequent submission points, I note that proposed amendments to CE-06 provide partial relief to the submitter.
646. In response to Forest and Bird [345.300] I disagree that CE-05 should be amended to also acknowledge the protection of natural character, natural landscape and biodiversity values as these amendments go well beyond the intended scope of this objective and features to reduce coastal hazards, noting that these matters are already specifically and sufficiently addressed in other existing objectives relating to the coastal environment (CE-O1, CE-O2, CE-O3).
647. In disagree with CentrePort Limited [402.115] for the same reasons set out in paragraph 148 to 150.

I agree with WIAL [406.302 and 406.303] that the activities listed have operational and functional constraints which ultimately govern the location of these activities as these activities

either have a functional need to be located on land abutting the sea or involve significant existing infrastructure which is impractical to relocate. However, I disagree with introducing the concept of tolerability into CE-O7 as I am instead of the view that replacing 'do not increase' with the term 'minimise' would offer an appropriate alternative for the reasons outlined in paragraphs 221 to 232 of this report.

Summary of recommendations

648. HS5-CE-O7-Rec14: That CE-O7 is amended as set out below and as detailed in Appendix A.

CE-O7 Airport, operational port activities, passenger port facilities and rail activities

Airport, operational port activities, passenger port facilities and rail activities are provided for, while also ensuring that subdivision, development and use of land occupied by Airport, operational port activities, passenger port facilities and rail activities ~~do not increase~~ minimise the risk to people, property, and infrastructure.

Section 32AA evaluation

649. I consider the s32AA evaluation set out in paragraph 239 to 241 of this report is relevant to, and sufficiently addresses the necessary considerations of 32AA, in relation to the proposed amendments to CE-O5 and proposed CE-O6, in particular the proposed use of the term minimise, and for these reasons rely on this evaluation and I do not repeat it.
650. HS5-CE-O7-Rec14: That submission points relating to CE-O7 are accepted/rejected as detailed in Appendix B.

3.2.4 CE-O8 City Centre Zone (P1 Sch1)

Matters raised by submitters

651. Precinct Properties New Zealand Limited [139.19], Argosy Property [383.76], Oyster Management Limited [404.37], Fabric Property Limited [425.34] and WCCERG seek that CE-O8 is retained as notified.
652. Te Rūnanga o Toa Rangatira [488.65] seek that CE-O8 is retained as notified, subject to amendments in subsequent submission points.
653. Forest and Bird [345.301, opposed by WIAL [FS36.93]], considers that objective CE-O8 should not only refer to increased risk to people, property and infrastructure and should be amended as follows to also acknowledge the natural character, natural landscape and biodiversity values that must be protected:

Amend CE-08 City Centre Zone:

Provide for a range of activities that maintain the vibrancy and vitality of the City Centre Zone, while also ensuring that subdivision, development and use in these areas do not increase the risk to people, property, ~~and~~ infrastructure, natural character, natural landscape, and biodiversity values.

654. Kāinga Ora [391.249] considers that CE-08 should be amended to better identify the effects that new subdivision, use and development may have on the existing environment, and seeks the following amendment to recognise the additional impact that only new subdivision, use and development has on the existing environment:

Amend CE-08 (City Centre Zone):

Provide for a range of activities that maintain the vibrancy and vitality of the City Centre Zone, while also ensuring that new subdivision, development and use in these areas do not increase the risk to people, property, and infrastructure.

Assessment

655. In response to Te Rūnanga o Toa Rangatira [488.65] who seek that CE-08 is retained as notified, subject to amendments in subsequent submission points, I note that amendments to CE-06 are proposed that provide partial relief to the submitter.
656. In response to Forest and Bird [345.301] I disagree that CE-08 should be amended to also acknowledge the protection of natural character, natural landscape and biodiversity values in relation to the City Centre Zone as these amendments go well beyond the intended scope of this objective, noting that these matters are already specifically and sufficiently addressed in other existing objectives relating to the coastal environment (CE-01, CE-02, CE-03).
657. Although I agree with Kāinga Ora [391.249] that CE-08 is intended to apply to new activities, I am of the opinion that it is unnecessary to begin the objective title with 'new' as this is already inherent in the objective and reflects a drafting approach used throughout the PDP. Amending this provision in isolation could result in misinterpretation of other provisions that do not explicitly refer to 'new' activities, regardless of the intent that they are applicable to new activities only. If the Panel are of a mind to agree with the amendment to clearly specify 'new', I am of the view that similar wording may also need to be introduced across the balance of the PDP to ensure consistency across provisions.
658. In response to the intent of the various GWRC submissions seeking the use of minimise in relation to natural and coastal hazard risk (that I broadly agree with), the various submissions seeking that the plan recognise the significance of the CBD and the impracticalities of relocating the CBD, and to ensure a consistent approach across the plan I suggest, following the reasoning set out in paragraphs 221 to 232 of this report, that CE-08 be amended to replace 'do not increase the risk' to 'minimise the risk'. This proposed change of wording would, in my opinion, better reflect the enabling intent of the objective whilst also recognising that development

should incorporate hazard resilience to minimise risk as low as practicably possibly.

Summary of recommendations

659. HS5-CE-O8-Rec15: That CE-O8 is amended as set out below and as detailed in Appendix A.

CE-O8 City Centre Zone

Provide for a range of activities that maintain the vibrancy and vitality of the City Centre Zone, while also ensuring that subdivision, development and use in these areas ~~do not increase~~ minimise the risk to people, property, and infrastructure.

660. HS5-CE-O8-Rec16: That submission points relating to CE-O8 are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

661. I consider the s32AA evaluation set out in paragraphs 239 to 241 of this report is relevant to, and sufficiently addresses the necessary considerations of 32AA, in relation to the proposed amendments to CE-O5 and proposed CE-O6, in particular the proposed use of the term minimise, and for these reasons rely on this evaluation and I do not repeat it.

3.2.5 CE-O9 Measures to reduce damage from sea level rise and coastal erosion (P1 Sch1)

Matters raised by submitters

662. WCCERG [377.229] seeks that CE-O9 is retained as notified.

663. Yvonne Weeber [340.24] supports CE-O9 as it enables green infrastructure as the primary method being used to reduce damage from sea level rise and coastal erosion, and seeks that CE-O9 is retained as notified.

664. Te Rūnanga o Toa Rangatira [488.66] seek that CE-O9 is retained as notified, subject to amendments in subsequent submission points.

665. GWRC [351.203] considers that amendments are required for consistency with Policy 52 in Proposed RPS Change 1 and that the definition of green infrastructure in the WCC PDP has a strong focus on engineering systems that mimic natural systems. It notes however that there are other natural hazard mitigation measures that the change to the RPS directs consideration of, which are not captured by green infrastructure and seeks amendments to CE-O9 to include non-structural, soft engineering or mātauranga Māori approaches.

Assessment

666. In response to Te Rūnanga o Toa Rangatira [488.66], who seek that CE-O9 is retained as notified subject to amendments in subsequent submission points, I note that amendments to CE-O6 are proposed that provide partial relief to the submitter.

667. In response to GWRC [351.203] I agree that it is appropriate to recognise mātauranga Māori approaches in the coastal hazard provisions, but consider that this is best achieved through policies that implement the wider objectives of the plan. However, I am of the opinion that CE-09 does not need to be amended to include specific reference to non-structural or soft engineering mitigation works as I consider these are already provided for within the definition of Green Infrastructure which specifically refers to meaning a ‘natural or semi-natural area, feature or process, including engineered systems that mimic natural processes [...]’.

Summary of recommendations

668. HS5-CE-09-Rec17: That CE-09 is confirmed as notified.

669. HS5-CE-09-Rec18: That submission points relating to CE-09 are accepted/rejected as detailed in Appendix B.

3.2.6 CE – proposed new objective

Matters raised by submitters

670. Te Rūnanga o Toa Rangatira [488.57] considers that the Coastal Environment chapter could specifically recognise and protect significant cultural infrastructure, such as coastal marae, and the impacts that marae communities may face and seeks the addition of a new objective as follows:

CE-OX

Reduce the susceptibility of significant cultural property, infrastructure and associated communities from damage by coastal hazards.

Assessment

671. I have considered this request in the context of s6, s7 and s8 of the RMA, the NZCPS, the WRPS and the strategic objectives of the PDP. Although I understand and agree that there will be significant cultural infrastructure, such as coastal marae, and marae communities in coastal locations that will be impacted by natural hazards and climate change, I disagree with the relief sought by Te Rūnanga o Toa Rangatira [488.57] as I consider that the existing objectives already adequately recognise the need to protect people, property and infrastructure from the impacts of natural hazards. In my view the supporting rationale provided by the submitter to justify the introduction of this new objective in the PDP is lacking, including a thorough section 32AA evaluation. In the absence of supporting policies and rules to implement the proposed objective I am uncertain how its intent would be achieved in the context of the current suite of coastal hazard provisions. This, in turn, suggests to me that this additional standalone objective is unlikely to be necessary. However, if the Panel were of a mind to agree with this additional objective, I would welcome further direction from the submitter on whether the notified coastal hazards policies and rules achieve the proposed objective, and any non-statutory methods that

would equally achieve the proposed objective.

672. However, although I do not support a new objective, I consider that incorporating specific recognition to Sites and Areas of Significance to Māori (or similar subject to further consultation with the submitter should the Panel seek this) into existing CE-06 would provide partial relief to the submitter as it recognises these areas as distinct from the more general references to people, property and infrastructure. I also note that as both mārae and papakāinga are included in the definition of hazard sensitive activities, I am of the view that this would ensure that coastal hazard risks are considered in relation to these activities in future.

Summary of recommendations

673. HS5-CE-General-Rec19: That no new Coastal Hazards objectives as sought by submitters are included in the Coastal Hazards Chapter.
674. HS5-CE-General-Rec20: That submission points relating to proposed new objectives are accepted/rejected as detailed in Appendix B.

3.3 Coastal Hazard – Policies

3.3.1 CE-P11 Identification of coastal hazards (ISPP)

Matters raised by submitters

675. Yvonne Weeber [340.33], WCCERG [377.240], Kāinga Ora [391.250], Oyster Management Limited [404.38] and GWRC [351.210] seeks that CE-P11 is retained as notified.
676. Argosy Property [383.77] supports this policy in so far that the risk-based approach needs to consider the impact, likelihood and consequences of different coastal hazard events. Although it notes that the PDP clearly identifies the risk of various coastal hazard events (e.g. a high risk that a property will be affected if there is a tsunami) the submitter considers that the PDP does not identify the probability of such events (which are low) and that this makes the identification of hazards misleading and potentially alarming.
677. Forest and Bird [345.313, opposed by WIAL [FS36.99]], considers the policy should address the risks posed to people, property and infrastructure in respect of use and development and coastal hazards and seeks the following amendments to CE-P11 to also acknowledge the natural character, natural landscape and biodiversity values that must be protected:

Amend CE-P11 Identification of coastal hazards

Identify coastal hazards within the District Plan and take a risk-based approach to the management of subdivision, use and development based on the following:

1. The sensitivity of the activities to the impacts of coastal hazards;
2. The risk posed to people, property, ~~and~~ infrastructure, natural character, natural landscape, and biodiversity values by considering the likelihood and consequences of different coastal hazard events; and
3. The longer term impacts of climate change and sea level rise.

678. WIAL [406.316 and 406.317, opposed by Toka Tū Ake EQC [FS70.95]] opposes this policy as they consider the concept of tolerability needs to be brought into the policy, as per Objective SRCC-O2, to recognise that different activities, people, property and infrastructure will have a different tolerance to the effects of coastal hazards. It seeks that CE-P11 is either deleted in its entirety or amended to only apply to the coastal inundation hazard areas and to recognise the concept of tolerability.

Assessment

679. I disagree with Argosy Property [383.77] that the PDP approach to hazard risk does not identify the probability of an event as this has been considered as part of the hazard-risk ranking allocated to each hazard scenario. I consider that it is appropriate for the PDP to consider land use and development for areas susceptible to hazard events that have a low probability but high impact as the impacts of events such as tsunamis can be significant. In my view this ensures that development in hazard prone areas considers best available information in relation to natural hazards and incorporates appropriate measures into building design to mitigate the potential effects from natural hazards.

680. In response to Forest and Bird [345.313] I disagree that CE-P11 should be amended to also acknowledge the protection of natural character, natural landscape and biodiversity values in relation to the identification of coastal hazards as these amendments go beyond the intended scope of this policy, noting that these matters are already specifically addressed in other existing policies relating to the coastal environment (for example, CE-P1, CE-P2, CE-P3, CE-P5, CE-P7 and CE-P8).

681. I disagree with WIAL [406.316 and 406.317] regarding introduction of the concept of tolerability into CE-P11 and reducing its focus solely to coastal inundation for the reasons set out in paragraphs 218 to 219 of this report. I also disagree that CE-P11 should be deleted in its entirety as this policy is pivotal to the PDP approach to identifying coastal hazard risk and would create a fundamental policy void if deleted.

Summary of recommendations

682. HS5-CE-P11-Rec21: That CE-P11 is confirmed as notified.

683. HS5-CE-P11-Rec22: That submission points relating to CE-P11 are accepted/rejected as detailed in Appendix B.

3.3.2 CE-P12 Levels of risk (ISPP)

Matters raised by submitters

684. Yvonne Weeber [340.34], WCCERG [377.241], and MOE [400.63] seeks that CE-P12 is retained as notified.

685. Forest and Bird [345.314, opposed by WIAL [FS36.100] seek the following amendments to CE-P12 to also address risks posed to natural character, natural landscape, and biodiversity values:

Amend CE-P12 Levels of risk:

Subdivision, use and development reduces the risk to people, property, and infrastructure by:

1. Enable subdivision, use and development that have either low occupancy, risk, or replacement value within the low, medium and high hazard areas of the Coastal Hazard Overlays;
2. Requiring mitigation for subdivision, use and development that addresses the impacts from the relevant coastal hazards to people, property, and infrastructure, natural character, natural landscape, and biodiversity values in the low and medium hazard areas; and
3. Avoiding subdivision, use and development in the high hazard area unless there is a functional and operational need for the building or activity to be located in this area and incorporates mitigation measures are incorporated that reduces the risk to people, property, and infrastructure.

686. WCC [266.112] considers the policy isn't clear and seeks minor wording amendments to CE-P12 as follows:

Amend CE-P12 Levels of risk as follows:

Ensure subdivision, use and development reduces the risk to people, property, and infrastructure by:

1. ~~Enable~~ Enabling subdivision, use and development that have either low occupancy, risk, or replacement value within the low, medium and high hazard areas of the Coastal Hazard Overlays;

...

687. GWRC [351.211, supported by Toka Tū Ake EQC [FS70.35]], considers that the following amendments to CE-P12 are necessary to ensure regard is had to the RPS Objectives 19 and 20 and Policies 51 and 52:

Amend CE-P12 levels of risk as follows:

Subdivision, use and development minimises ~~reduces~~ the risk to people, property and infrastructure by:...

3. Avoiding subdivision, use and development in the high hazard area unless there is a functional and operational need for the building or activity to be located in this area and ~~incorporates~~ mitigation measures are incorporated that ~~reduces~~ minimise the risk to people, property and infrastructure.

688. It advises that minimise is defined as ‘as low as reasonably practicable (ALARP)’ and is in line with standard risk-based hazard management approaches, noting that this leaves room for reduction as far as practicable but is a clearer signal than ‘reduce’ or ‘do not increase’ to actively manage down the level of risk in the design and planning of a development.
689. Argosy Property [383.78, opposed by Toka Tū Ake EQC [F70.4]] opposes Policy CE-P12 as it considers that CE-P12.1 is very restrictive, only enabling low occupancy, risk or replacement value development within the Coastal Hazard Overlays. It notes that Policy CE-12.2 would also require mitigation for subdivision, use and development in the Low and Medium Hazard Areas, and seeks that CE-P12.2 only apply to the Coastal Hazard Inundation Overlay. In particular, Argosy Property consider that it is not appropriate to require mitigation for tsunami risk based on the likelihood of an event occurring and the inability to mitigate this type of event, and that it is also unrealistic to expect that mitigation can address the impacts from coastal hazards, rather than to reduce or not increase the risk.
690. Argosy Property considers CE-P12.3 is also similarly restrictive in that it fails to recognise the existing significant investment in the CBD and that a significant portion of this area is subject to High Hazard Areas under the Coastal Hazard Overlays, and that it inappropriately applies to tsunami risk.
691. Argosy Property seek amendments to CE-P12 as follows:

Amend CE-P12 Levels of risk as follows:

Subdivision, use and development reduces the risk to people, property, and infrastructure by:

1. ~~Enable subdivision, use and development that have either low occupancy, risk, or replacement value within the low, medium and high hazard areas of the Coastal Hazard Overlays;~~
2. Requiring mitigation for subdivision, use and development to reduce or not increase that addresses the impacts from the relevant coastal hazards to people, property, and infrastructure in the low, ~~and~~ medium ~~and~~ high hazard areas
3. Avoiding subdivision, use and development in the high hazard area of the Coastal Inundation Overlay unless there is an functional ~~and~~ or operational need for the building or activity to be located in this area and incorporates mitigation measures ~~are incorporated~~ that reduces the risk to people, property, and infrastructure.

692. Oyster Management Limited [404.39, opposed by Toka Tū Ake EQC [FS70.71], 404.40, 404.41,, opposed by Toka Tū Ake EQC [FS70.72] and 404.42 opposed by Toka Tū Ake EQC [FS70.73]] and Fabric Property Limited [425.36, and 425.37, opposed by Toka Tū Ake EQC [FS70.14]] for similar reasons as those outlined by Argosy Property outlined in paragraphs 689 to 690 also seek amendments to CE-P12.
693. Oyster Management Limited seek amendments to CE-P12 as follows:

Amend CE-P12 Levels of risk as follows:

Subdivision, use and development reduces the risk to people, property, and infrastructure by:

- ~~1. Enable subdivision, use and development that have either low occupancy, risk, or replacement value within the low, medium and high hazard areas of the Coastal Hazard Overlays;~~
2. Requiring mitigation for subdivision, use and development to reduce or not increase that addresses the impacts from the relevant coastal hazards to people, property, and infrastructure in the low, ~~and~~ medium ~~and~~ high hazard areas
3. Avoiding subdivision, use and development in the high hazard area of the Coastal Inundation Overlay unless there is a functional ~~and~~ or operational need for the building or activity to be located in this area and incorporates mitigation measures ~~are incorporated~~ that reduces or does not increase the risk to people, property, and infrastructure.

694. Fabric Property Limited seek amendments to CE-P12 as follows:

Amend CE-P12 Levels of risk as follows:

Subdivision, use and development reduces the risk to people, property, and infrastructure by:

- ~~1. Enable subdivision, use and development that have either low occupancy, risk, or replacement value within the low, medium and high hazard areas of the Coastal Hazard Overlays;~~
- ~~1.~~ 2. Requiring mitigation for subdivision, use and development to reduce or not increase that addresses the impacts from the relevant coastal hazards to people, property, and infrastructure in the low, ~~and~~ medium ~~and~~ high hazard areas;
- ~~2.~~ 3. Avoiding subdivision, use and development in the high hazard area of the Coastal Inundation Overlay unless there is a functional and or operational need for the building or activity to be located in this area and incorporates mitigation measures ~~are incorporated~~ that reduces the risk to people, property, and infrastructure.

695. Kāinga Ora [391.251 and 391.252, opposed by Toka Tū Ake EQC [FS70.63]] considers that CE-P12 should be amended as follows so that the policy enables mitigation of hazard risk in high hazard areas:

Amend CE-P12 Levels of risk as follows:

New ~~S~~ subdivision, use and development ~~reduces~~ does not increase the risk to people, ~~property,~~ and infrastructure by:

1. Enable subdivision, use and development that have either low occupancy, risk, or replacement value within the Coastal Hazard Overlays;
2. Requiring mitigation for subdivision, use and development that addresses the impacts from the relevant coastal hazards to people, property, and infrastructure in the ~~low and medium~~ hazard areas; ~~and~~
- ~~3. Avoiding subdivision, use and development in the high hazard area unless there is an functional and operational need for the building or activity to be located in this area and incorporates mitigation measures are incorporated that reduces the risk to people, property, and infrastructure.~~

696. WIAL [406.318 and 406.319, opposed by Toka Tū Ake EQC [FS70.96]] opposes this policy as the concept of tolerability also needs to be brought into the policy, as per Objective SRCC-O2, to recognise that different activities, people, property and infrastructure will have a different tolerance to the effects of coastal hazards. It seeks that CE-P12 is either deleted in its entirety or amended to only apply to the coastal inundation hazard areas and to recognise the concept of tolerability.

Assessment

697. I disagree with the relief sought by Forest and Bird [345.314] for the reasons outlined in paragraph 680.

698. I agree with WCC [266.112] as I consider the proposed minor amendments improve clarity and make it consistent with the approach to policy drafting throughout the plan (i.e. framing policies as an action e.g. enable, provide for, require, etc).

699. I agree in part with GWRC [351.211] as I consider that where mitigation is required it should minimise the risk to people, property and infrastructure to a level as low as reasonably practicable. In this regard I note that CE-P12 is proposed to be amended to be consistent with the proposed amendments to the objectives that differentiate the outcomes sought in high hazard areas and low and medium hazard areas.

700. In response to Argosy Property [383.78], Oyster Management Limited [404.39, 404.40, 404.41 and Fabric Property Limited [425.36 and 425.37], consistent with my assessment of submissions on NH-P2 in paragraphs 282 to 285 of this report, I disagree with the concerns that CE-P12.1 is too restrictive in only allowing low occupancy or low replacement value development within the Hazard Overlays. Like NH-P2, CE-P12 establishes the risk-based approach to the management of significant natural hazard risk in the PDP. The risk-based approach is more enabling of low occupancy buildings and low replacement value buildings in all Coastal Hazard Overlays due to the comparatively lower consequences as a result of a hazard event. The deletion of CE-P12.1, as sought, would result in a less-enabling policy direction for activities less impacted by coastal hazards and would remove a key policy that supports the permitted rule framework.

701. The Coastal Hazards chapter also provides a consenting pathway for higher occupancy activities and higher value buildings in the Coastal Hazard Overlays by taking a risk-based approach based on the sensitivity of activities and buildings to hazard events. It is only within the high hazard areas where activities and buildings sensitive to the effects of coastal hazards is strongly discouraged with few exceptions. One of these exceptions is the specific policy direction in relation to areas of the CCZ within the High Coastal Hazard Area. To better acknowledge the CCZ approach, I suggest that a specific exception for the CCZ is provided for in CE-P12 as I consider that this would improve clarity and provide partial relief to the relevant submitters where their interest is primarily seeking clarity in relation to impacts of the coastal hazards overlays and associated provisions on the CCZ.

702. In medium hazard areas (Tsunami – 1:500 year scenario inundation extent and Coastal Inundation w SLR and 1:100 year storm) there is a consenting pathway for all activities and buildings subject to minimising risk and not exacerbating the potential consequences of the

hazard on other properties. The policy framework also specifically recognises the operational need and functional need of activities and development in relation to the CCZ and Airport, Port and Rail activities within a coastal hazard overlay, which provides for a more-enabling approach to these activities in high hazard areas.

703. I do not agree that CE-P12.2 should only apply to the Coastal Hazard Inundation Overlay on the basis that it is not possible to mitigate the impact of the 1:500 year and 1:1000 year Tsunami events. In this regard I note that there are alternative ways to minimise or not increase the impact of tsunami on people and property such as through appropriate floor levels of buildings, locating bedrooms above ground floor, designing to enable ease of access for evacuation purposes or the provision for safe vertical evacuation.
704. I disagree with Kāinga Ora [391.251 and 391.252] that a broad requirement for ‘no increase’ across all hazard areas is appropriate, as following the discussion in relation to CE-O5 in paragraphs 623 to 626 of this report, I consider that a more nuanced approach that differentiates between high hazard areas and low and medium hazard areas is necessary to ensure appropriate land use and development outcomes that reflects the hazard risk in these areas. Following this, and consistent with proposed changes to NH-P2, I am in favour of replacing ‘reduces the risk’ with more general terminology of ‘manages the coastal hazard risk’, with greater detail provided within the following subset of the policy (i.e. P12.1, P12.2 and P12.3). I strongly disagree with Kāinga Ora’s request for CE-P12 to be amended to remove the policy limb directing the avoidance of activities in the high hazard areas as I consider avoidance the appropriate starting point in relation to high hazard areas, which is consistent with the NZCPS. Further, I consider that CE-P12 already appropriately provides for mitigation of hazard risk for the limited exceptions provided for in high hazard areas.
705. I disagree with WIAL [406.318 and 406.319] regarding introducing the concept of tolerability into CE-P11 and amending the policy to solely focus on coastal inundation for the same reasons set out in paragraphs 218 to 219 of this report. I also disagree that CE-P12 should be deleted in its entirety as this policy is pivotal in setting out the PDP approach to coastal hazard risk and would create a fundamental policy void if deleted.
706. Although not in response to a submission specifically on CE-P12, in response to more general submissions seeking amendments to improve plan usability and clarity I would also suggest that the Panel consider a minor amendment to add reference to ‘of the Coastal Hazard Overlays’ to ensure consistency across plan provisions. I consider this amendment can be made under clause 16 of Schedule 1 of the Act.

Summary of recommendations

707. HS5-CE-P12-Rec23: That CE-P12 is amended as set out below and as detailed in Appendix A.

CE-P12 Levels of risk

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

1. ~~Enable~~ Enabling subdivision, use and development that have either low occupancy, risk, or replacement value within the low, medium and high hazard areas of the Coastal Hazard Overlays;
2. Requiring mitigation for subdivision, use and development that addresses minimises the ~~impacts~~ risk resulting from the development from the relevant coastal hazards to people, property, and infrastructure as far as reasonably practicable in the low and medium hazard areas of the Coastal Hazard Overlays; and
3. Avoiding subdivision, use and development in the high hazard area of the Coastal Hazard Overlays (with the exception of the City Centre Zone) unless there is a functional and operational need for the building or activity to be located in this area and the building or activity incorporates mitigation measures ~~are incorporated~~ that ~~reduces~~minimise the risk to people, property, and infrastructure.

708. HS5-CE-P12-Rec24: That submission points relating to CE-P12 are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

709. In my opinion, the amendment to CE-P12 is more appropriate in achieving the objectives of the PDP than the notified provisions for the following reasons:

- a. The amendment reflects a more nuanced and clearer policy directive with respect to the low, medium and high hazard areas. Consequently, CE-P12 is more efficient and effective than the notified provisions in achieving the objectives of the PDP; and
- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

3.3.3 CE-P13 Less hazard sensitive activities (ISPP)

Matters raised by submitters

710. Yvonne Weeber [340.35], GWRC [351.212], and WCCERG [377.242] seeks that CE-P13 is retained as notified.

711. Forest and Bird [345.315, opposed by WIAL [FS36.101]], for similar reasons to those outlined in paragraph 423, seek amendments to CE-P13 to also address risks posed to natural character, natural landscape, and biodiversity values.

Assessment

712. I disagree with the relief sought by Forest and Bird [345.315] for the reasons outlined in

paragraph xxx of this report.

Summary of recommendations

- 713. HS5-CE-P13-Rec25: That CE-P13 is confirmed as notified.
- 714. HS5-CE-P13-Rec26: That submission points relating to CE-P13 are accepted/rejected as detailed in Appendix B.

3.3.4 CE-P14 Additions to buildings for potentially hazard sensitive activities and hazard sensitive activities within the medium coastal hazard area and high coastal hazard area (ISPP)

Matters raised by submitters

- 715. Precinct Properties New Zealand Limited [139.20], FENZ [273.137], Yvonne Weeber [340.36], Kāinga Ora [391.253], MOE [400.64] and Fabric Property [425.38] seeks that CE-P14 is retained as notified.
- 716. Forest and Bird [345.316, opposed by WIAL [FS36.102]], for similar reasons to those outlined in paragraph 423, seek amendments to CE-P14 to also address risks posed to natural character, natural landscape, and biodiversity values.
- 717. Argosy Property [383.79 and 383.80, opposed by Toka Tū Ake EQC [FS70.5]] and Oyster Management Limited [404.91 and 404.92, opposed by Toka Tū Ake EQC [FS70.74]] similarly support the direction that additions to buildings for potentially hazard sensitive activities and hazard sensitive activities are enabled within the medium coastal hazard area and high coastal hazard area where the risk can be mitigated. However, the submitters suggest that it is difficult to provide mitigation measures in relation to tsunami risk, because of the remoteness of tsunami risk and consider that it would also be reasonable for policy CE-P14 to enable uses of the same level of hazard sensitivity in additions to buildings, rather than enabling the continued existing use. The submitters also note that as the risk assessment framework in the PDP provides classifications of activities based on their risk level i.e. Potentially Hazard Sensitive Activities there is no reason for uses within the same level of hazard sensitivity to be differentiated.
- 718. Argosy Property and Oyster Management seek amendments to CE-P14 as follows:

Amend CE-P14 Additions to buildings for potentially hazard sensitive activities and hazard sensitive activities within the medium coastal hazard area and high coastal hazard area as follows:

Enable additions to buildings that accommodate existing potentially hazard sensitive activities and hazard sensitive activities within the medium coastal hazard area and high coastal hazard area in the Coastal Inundation Overlay, where:

1. They enable the ~~continued use~~ same level of hazard sensitivity of the existing use of the building;
2. The risk from the coastal hazard is low due to either:
 - a. Proposed mitigation measures; or
 - b. The size and the activity of the addition.

719. WIAL [406.320 and 406.321, opposed by Toka Tū Ake EQC [FS70.97]] opposes CE-P14 and seeks that the policy either be deleted in its entirety or only apply to the coastal inundation hazard areas and recognise the concept of tolerability.

Assessment

720. I disagree with the relief sought by Forest and Bird [345.316] for the reasons outlined in paragraph 680 of this report.

721. I agree with Argosy Property [383.79 and 383.80] and Oyster Management Limited [404.91 and 404.92] who consider that it would also be reasonable for policy CE-P14 to enable uses of the same level of hazard sensitivity in additions to buildings as I agree that this adequately manages hazard risk while also enabling continued use of existing buildings.

722. I disagree with the proposed amendment to CE-P14 that would result in the policy only applying to the coastal inundation overlay as I consider it appropriate to manage the effects of tsunami hazard for the reasons outlined in paragraphs 584 to 590 of this report.

723. I disagree with WIAL [406.320 and 406.321] regarding introduction of the concept of tolerability into CE-P14 reasons set out in paragraphs 218 to 219 of this report, and amending the policy to solely apply to coastal inundation for the reasons set out in paragraphs 584 to 590 of this report. I also disagree that CE-P14 should be deleted in its entirety as this policy provides a more-enabling policy direction for building additions in medium coastal hazard area and high coastal hazard areas compared to the consenting pathway for new buildings.

Summary of recommendations

724. HS5-CE-P14-Rec27: That CE-P14 is amended as set out below and as detailed in Appendix A.

CE-P14 Additions to buildings for potentially hazard sensitive activities and hazard sensitive activities within the medium coastal hazard area and high coastal hazard area

Enable additions to buildings that accommodate existing potentially hazard sensitive activities and hazard sensitive activities within the medium coastal hazard area and high coastal hazard area, where:

1. They enable the ~~continued use~~ same level of hazard sensitivity as ~~of~~ the existing use of the building; and
2. The risk from the coastal hazard is low due to either:
 - a. Proposed mitigation measures; or
 - b. The size and the activity of the addition.

725. HS5-CE-P14-Rec28: That submission points relating to CE-P14 are accepted/rejected as detailed in Appendix B.

3.3.5 CE-P15 Subdivision and hazard sensitive activities within the low coastal hazard

areas (ISPP)

Matters raised by submitters

726. FENZ [273.138], WCCERG [377.244], Kāinga Ora [391.254], MOE [400.65] and GWRC [351.213] seeks that CE-P15 is retained as notified.
727. Yvonne Weeber [340.37] generally supports CE-P15 but considers that it is unclear where the low, medium and high coastal hazard areas are on the map.
728. Forest and Bird [345.317, opposed by WIAL [FS36.103] seek amendments to CE-P15 to also address risks posed to natural character, natural landscape, and biodiversity values. WIAL [FS36.103] opposes these amendments.
729. WCC [266.113] considers the policy isn't clear and seeks the following minor amendment to CE-P15 to make the wording more consistent with CE-P16:

Amend CE-P15 Subdivision and hazard sensitive activities within the low coastal hazard areas as follows:

Provide for hazard sensitive activities within the low coastal hazard area, or any subdivision where the building platform for a hazard sensitive activity activities is within the low coastal hazard area, where it can be demonstrated that:

...

730. WIAL [406.322 and 406.323, opposed by Toka Tū Ake EQC [FS70.98]] opposes this policy as it considers the concept of tolerability also needs to be brought into the policy, as per Objective SRCC-O2, to recognise that different activities, people, property and infrastructure will have a different tolerance to the effects of coastal hazards. It seeks that CE-P15 is either deleted in its entirety or amended to only apply to the coastal inundation hazard areas and to recognise the concept of tolerability.

Assessment

731. In response to Yvonne Weeber [340.37] and similar submissions on the clarity of the mapped low, medium and high coastal hazard areas, I agree with points raised for the reasons outlined in paragraphs 576 of this report and have also highlighted in these paragraphs proposed changes to the mapping legend titles that I consider will make it easier to understand which hazard overlay makes up each of the low, medium and high coastal hazard areas.
732. I disagree with the relief sought by Forest and Bird [345.317] for the reasons outlined in paragraph 680.
733. I agree with WCC [266.113] and consider that the proposed minor change would improve the consistency of the wording in CE-P15 with CE-P16.
734. I disagree with WIAL [406.322 and 406.323] regarding introduction of the concept of tolerability into CE-P15 for the same reasons set out in paragraphs 218 and 219 of this report, and amending the policy to solely apply to coastal inundation for the same reasons set out in paragraphs 584 and 590 of this report. I also disagree that CE-P15 should be deleted in its

entirety as this policy provides the policy direction for enabling rules for hazard sensitive activities in low coastal hazard areas.

735. In response to the intent of the GWRC submissions [including 351.119, 351.120, 351.121, 351.124, 351.125, 351.129, 351.130, 351.131, 351.133 and 351.134] seeking the use of minimise in relation to natural and coastal hazard risk (that I broadly agree with), and to ensure a consistent approach across the plan, I suggest following the reasoning set out in paragraphs 623 to 626, that CE-P15 should be amended to replace 'do not increase the risk' with 'minimise the risk' as this better reflects the enabling intent of the objective whilst also recognising that development should incorporate hazard resilience to minimise risk as low as practicably possibly.

Summary of recommendations

736. HS5-CE-P15-Rec29: That CE-P15 is amended as set out below and as detailed in Appendix A.

CE-P15 Subdivision and hazard sensitive activities within the low coastal hazard areas

Provide for hazard sensitive activities within the low coastal hazard area, or any subdivision where the building platform for a hazard sensitive activity lies is within the low coastal hazard area, where it can be demonstrated that:

1. The activity, building, or subdivision incorporates measures that ~~reduce or do not increase~~ minimise the risk to people, and property from a tsunami;
2. There is the ability to access safe evacuation routes for occupants of the building in case of a tsunami.
3. If the activity has a post disaster function, mitigation measures are incorporated to allow for the continued operation following a tsunami; and
4. For health care facilities, retirement villages, educational facilities and childcare facilities, there is an evacuation plan that allows for the safe removal of all occupants prior to the arrival of the tsunami.

Section 32AA evaluation

737. In my opinion, the amendment to CE-P15 is more appropriate in achieving the objectives of the PDP than the notified provisions for the following reasons:

- a. The amendment reflects a more nuanced and clearer policy directive with respect to the low hazard areas. Consequently, CE-P15 is more efficient and effective than the notified provisions in achieving the objectives of the PDP; and
- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

738. HS5-CE-P15-Rec30: That submission points relating to CE-P15 are accepted/rejected as detailed in Appendix B.

3.3.6 CE-P16 Potentially hazard sensitive activities within the medium coastal hazard areas (ISPP)

Matters raised by submitters

739. Precinct Properties New Zealand Limited [139.21], Fabric Property Limited [425.39] and WCCERG [377.245] seeks that CE-P15 is retained as notified.
740. Yvonne Weeber [340.38] generally supports CE-P16 but considers that it is unclear where the low, medium and high coastal hazard areas are on the map.
741. Forest and Bird [345.318, opposed by WIAL [FS36.104]] for the same reasons outlined in paragraph 680 of this report, seek amendments to CE-P16 to also address risks posed to natural character, natural landscape, and biodiversity values.
742. GWRC [351.214, supported by Toka Tū Ake EQC [FS70.36]] considers that following amendment to CE-P16 is necessary to ensure regard is had to RPS Objectives 19 and 20 and Policies 51 and 52:

Amend CE-P16 Potentially hazard sensitive activities within the medium coastal hazard areas as follows:

Provide for potentially hazard-sensitive activities in the medium coastal hazard areas, or any subdivision where the building platform for a potentially hazard-sensitive activity will be within the medium coastal hazard areas where it can be demonstrated that:

1. The activity, building, or subdivision incorporates measures that minimise ~~reduce or do not increase~~ the risk to people and property from the coastal hazard; and

...

743. GWRC advises that minimise is defined as ‘as low as reasonably practicable (ALARP)’ and consider that this is in line with standard risk-based hazard management approaches, noting that this leaves room for reduction as far as practicable but is a clearer signal than ‘reduce’ or ‘do not increase’ to actively manage down the level of risk in the design and planning of a development.
744. Argosy Property [383.81 and 383.82, opposed by Toka Tū Ake EQC [FS70.6]] and Oyster Management Limited [404.93 and 404.94 opposed by Toka Tū Ake EQC [FS70.75]] supports the policy to the extent that it enables potentially hazard sensitive activities within medium hazard areas where appropriate. However, they note that as it is difficult to provide mitigation measures for tsunami risk because of the remoteness of the risk discretion should be available to alternatively only require safe evacuation routes to address tsunami risk and seek the following amendment to CE-P16:

Amend CE-P16 Potentially hazard sensitive activities within the medium coastal hazard areas as follows:

Provide for potentially hazard-sensitive activities in the medium coastal hazard areas, or any subdivision where the building platform for a potentially hazard sensitive activity will be within the medium coastal hazard areas where it can be demonstrated that:

1. The activity, building, or subdivision incorporates measures that reduce or do not increase the risk to people and property from the coastal hazard; ~~and~~ or
2. There is the ability to access safe evacuation routes for occupants of the building in case of a tsunami.

745. WIAL [406.325, opposed by Toka Tū Ake EQC [FS70.99]], for similar reasons to those outlined in paragraph 734 of this report, seek that CE-P16 is either deleted in its entirety or amended to only apply to the coastal inundation hazard areas and to recognise the concept of tolerability.

Assessment

746. I agree with Yvonne Weeber [340.38] regarding the lack of clarity of the hazard maps, with my associated reasons and proposed response set out in paragraph 576 of this report.

747. I disagree with the relief sought by Forest and Bird [345.318] for the reasons outlined in paragraph 680.

748. In response to GWRC [351.214], following assessment of use of the term 'minimise' in preceding sections of this report I agree with the relief sought and consider that 'minimise' is the appropriate term that should be used in relation to the outcome sought in this policy.

749. I disagree with WIAL [406.325] regarding introduction of the concept of tolerability into CE-P16 for the same reasons set out in paragraphs 218 and 219 of this report, and amending the policy to solely apply to coastal inundation for the same reasons set out in paragraphs 584 and 590 of this report. I also disagree that CE-P16 should be deleted in its entirety as this policy provides the policy direction for development in the medium coastal hazard area and high coastal hazard areas that informs the associated rules for development in these areas.

750. I disagree with the relief sought by Argosy Property [383.81 and 383.82] and Oyster Management Limited [404.93 and 404.94] to amend the policy direction so that a proposed activity or building would only be required to demonstrate either the incorporation of mitigation measures to manage hazard risk 'or' the ability to access safe evacuation routes. In particular I consider that it is necessary to consider more than just safe evacuation in relation to tsunami hazards given the high impact and potential consequences of a tsunami event. However, as I propose that the direction to 'reduce or do not increase risk' is replaced with 'minimise risk' I consider that this provides a degree of relief to the submitters as it provides a more achievable consenting pathway subject to demonstrating that reasonably practicable measures to minimise hazard risk have been incorporated into a proposal.

Summary of recommendations

751. HS5-CE-P16-Rec31: That CE-P16 is amended as set out below and as detailed in Appendix A.

CE-P16 Potentially hazard sensitive activities within the medium coastal hazard areas

Provide for potentially hazard-sensitive activities in the medium coastal hazard areas, or any subdivision where the building platform for a potentially hazard sensitive activity will be within the medium coastal hazard areas where it can be demonstrated that:

1. The activity, building, or subdivision incorporates measures that ~~reduce or do not increase~~ **minimise** the risk to people and property from the coastal hazard; and
2. There is the ability to access safe evacuation routes for occupants of the building in case of a tsunami.

Section 32AA evaluation

752. In my opinion, the amendment to CE-P16 is more appropriate in achieving the objectives of the PDP than the notified provisions for the following reasons:

- a. The amendment reflects a more nuanced and clearer policy directive with respect to medium hazard areas. Consequently, CE-P16 is more efficient and effective than the notified provisions in achieving the objectives of the PDP; and
- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

753. HS5-CE-P16-Rec32: That submission points relating to CE-P16 are accepted/rejected as detailed in Appendix B.

3.3.7 CE-P17 Hazard sensitive activities in the medium coastal hazard areas

Matters raised by submitters

754. FENZ [273.139], Kāinga Ora [391.256], MOE [400.66] and WCCERG [377.246] seek that CE-P15 is retained as notified.

755. Yvonne Weeber [340.39] generally supports CE-P17 but considers that it is unclear where the low, medium and high coastal hazard areas are on the map.

756. WCC [266.114] seeks amendments to improve clarity of CE-P17 as follows:

Amend CE-P17 Hazard sensitive activities in the medium coastal hazard areas as follows:

Only allow hazard-sensitive activities in the medium coastal hazard area ~~where~~, or any subdivision where the building platform for a hazard-sensitive activity will be within the medium coastal hazard area, where it can be demonstrated that:

...

757. Forest and Bird [345.319, opposed by WIAL [FS36.105]], for reasons similar to those outlined in paragraph xxx of this report, seek amendments to CE-P17 to also address risks posed to natural character, natural landscape, and biodiversity values.

758. GWRC [351.215] considers that following amendments to CE-P17 are necessary to ensure regard is had to RPS Objectives 19 and 20 and Policies 51 and 52:

Amend CE-P17 Hazard sensitive activities in the medium coastal hazard areas as follows:

Only allow hazard-sensitive activities in the medium coastal hazard area where, or any subdivision where the building platform for a hazard-sensitive activity will be within the medium coastal hazard area, where it can be demonstrated that:

1. The activity, building or subdivision incorporates measures ~~that demonstrate that~~ minimise reduce ~~or not increase~~ the risk to people and property from the coastal hazard, and;
- ...

759. GWRC advises that minimise is defined as ‘as low as reasonably practicable (ALARP)’ and considers that this is in line with standard risk-based hazard management approaches and leaves room for reduction as far as practicable, noting that this is a clearer signal than ‘reduce’ or ‘do not increase’ to actively manage down the risk in the design and planning of a development.
760. Argosy Property [383.83 and 383.84, opposed by Toka Tū Ake EQC [FS70.7]] supports CE-P17 to the extent that it enables activities in the medium coastal hazard areas. However, due to the extent of the high coastal hazard area and the extent of potentially hazard sensitive activities, it considers that this policy should also apply in those scenarios and seek that CE-P17 is amended to also apply to hazard sensitive activities and potentially hazard sensitive activities in the high coastal hazard areas.
761. WIAL [406.326 and 406.327, opposed by Toka Tū Ake EQC [FS70.100]], for similar to reasons to those outlined in paragraph 734 of this report, seeks that CE-P17 is either deleted in its entirety or amended to only apply to the coastal inundation hazard areas and to recognise the concept of tolerability.

Assessment

762. I agree with Yvonne Weeber [340.39] regarding the lack of clarity of the hazard maps, with my associated reasons and proposed response set out in paragraph 576 of this report.
763. I agree with the minor change proposed by WCC [266.114] as I consider that it improves the clarity of CE-P17.
764. I disagree with the relief sought by Forest and Bird [345.319] for the reasons outlined in paragraphs 680 of this report.
765. In response to GWRC [351.215], following assessment of use of the term ‘minimise’ in preceding sections of this report, I agree with the relief sought and consider that ‘minimise’ is the appropriate term that should be used in relation to the outcome sought in this policy.
766. I disagree with WIAL [406.326 and 406.327] regarding introduction of the concept of tolerability into CE-P17 for the same reasons set out in paragraphs 218 and 219 of this report, and

amending the policy to solely apply to coastal inundation for the same reasons set out in paragraphs 584 and 590 of this report. I also disagree that CE-P17 should be deleted in its entirety as this policy provides the policy direction that informs the rules associated with hazard sensitive activities development in medium coastal hazard areas and ensures that those activities more vulnerable to the impacts of hazard events are managed to avoid loss of life or damage to property.

767. I disagree with Argosy Property [383.83 and 383.84] that CE-P17 should also apply to potentially hazard sensitive activities within the high coastal hazard area. In particular I consider it is appropriate and necessary for the PDP to treat activities in high coastal hazard areas differently to activities in medium coastal hazard areas due to much greater probability of hazard events occurrence in the scenarios the comprise the high hazard areas (Tsunami – 1:100 year scenario inundation extent and coastal inundation extent with a 1:100 year storm), with it appropriate to avoid further development in these areas in alignment with the direction of the NZCPS (policy 25) and WRPS (Policy 29).

Summary of recommendations

768. HS5-CE-P17-Rec33: That CE-P17 is amended as set out below and as detailed in Appendix A.

CE-P17 Hazard sensitive activities in the medium coastal hazard areas as follows:

Only allow hazard-sensitive activities in the medium coastal hazard area ~~where~~, or any subdivision where the building platform for a hazard-sensitive activity will be within the medium coastal hazard area, where it can be demonstrated that:

1. The activity, building or subdivision incorporates measures ~~that demonstrate~~ that ~~minimise reduce or not increase~~ the risk to people and property from the coastal hazard, ~~and~~;
2. There is the ability to access safe evacuation routes for occupants of the building from the coastal hazard; ~~;~~
3. If the activity has a post disaster function, mitigation measures are incorporated to allow for the continued operation following a coastal hazard event; and
4. For health care facilities, retirement villages, educational facilities and childcare facilities, there is an evacuation plan that allows for the safe removal of all occupants prior to the arrival of the coastal hazard.

Section 32AA evaluation

769. In my opinion, the amendment to CE-P17 is more appropriate in achieving the objectives of the PDP than the notified provisions for the following reasons:

- a. The amendment reflects a more nuanced and clearer policy directive with respect to medium hazard areas. Consequently, CE-P17 is more efficient and effective than the notified provisions in achieving the objectives of the PDP; and
- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be

benefits from improved plan interpretation and more efficient plan administration.

770. HS5-CE-P17-Rec34: That submission points relating to CE-P17 are accepted/rejected as detailed in Appendix B.

3.3.8 CE-P18 Hazard sensitive activities and potentially hazard sensitive activities in the high coastal hazard area (ISPP)

Matters raised by submitters

771. WCCERG [377.247] and MOE [400.67] seek that CE-P18 is retained as notified.

772. Argosy Property [383.86, opposed by Toka Tū Ake EQC [F70.8]] opposes CE-P18 as it is not practical to avoid hazard sensitive and potentially hazard sensitive activities in the high coastal hazard area and seeks that it is deleted in its entirety.

773. Precinct Properties New Zealand Limited [139.22] and Fabric Property Limited [425.40] considers that the use of the term 'avoid' is unnecessarily onerous and suggests that the establishment of Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities within the High Coastal Hazard Areas should not occur at all and seek amendments to CE-P18 as follows:

Amend CE-P18 Hazard sensitive activities and potentially hazard sensitive activities in the high coastal hazard area as follows:

~~Avoid~~ Only allow Hazard sensitive activities and potentially hazard sensitive activities in the high coastal hazard area or any subdivision where the building platform for a potentially hazard sensitive activity or hazard sensitive activity will be within the high coastal hazard area where it can be demonstrated that:

1. The activity, building or subdivision has an operational or functional need to locate within the high coastal hazard area and locating outside of these high coastal hazard areas is not a practicable option;
2. The activity, building, or subdivision incorporates measures ~~that demonstrate~~ that reduce or do not increase the risk to people, and property from the coastal hazard;
3. There is the ability to access safe evacuation routes for occupants of the building from the coastal hazard; and
4. The activity does not involve the removal or modification of a natural system or feature that provides protection to other properties from the natural hazard.

774. They consider that the requested amendment would provide appropriate policy support to the Restricted Discretionary status in rule CE-R20. The Restricted Discretionary status is enabling of activities, potentially hazard sensitive activities or hazard sensitive activities in high coastal hazard areas within the CCZ, and this needs to be recognised with appropriate wording in the supporting policy.

775. WCC [266.115] seeks amendments to CE-P18 to improve clarity and fix a minor error, as follows:

Amend CE-P18 Hazard sensitive activities and potentially hazard sensitive activities in the high coastal hazard area as follows:

Avoid Hazard sensitive activities and potentially hazard sensitive activities in the high coastal hazard area, or any subdivision where the building platform for a potentially hazard sensitive activity or hazard sensitive activity will be within the high coastal hazard area, except where it can be demonstrated that:

...

776. FENZ [273.141] supports the policy as it allows hazard sensitive activities within the high coastal hazard area where the activity has an operational or functional need to locate within the high coastal hazard area and locating outside of these areas is not a practicable option. However, it considers the wording of CE-P18 is unclear and seeks the following amendments to address this:

Amend CE-P18 Hazard sensitive activities and potentially hazard sensitive activities in the high coastal hazard area as follows:

Avoid Hazard sensitive activities and potentially hazard sensitive activities in the high coastal hazard area or any subdivision where the building platform for a potentially hazard sensitive activity or hazard sensitive activity will be within the high coastal hazard area ~~where~~ unless it can be demonstrated that:

1. The activity, building or subdivision has an operational or functional need to locate within the high coastal hazard area and locating outside of these high coastal hazard areas is not a practicable option;

...

777. Dawid Wojasz [295.3, 295.5, 295.6 and 295.7] considers that the coastal hazard overlays place much of the CBD in a high or medium hazard area, limiting development within the central city. The submitter considers that density in the Central City should be encouraged, and that the hazard can be dealt with as an engineering issue. Further, if the City Centre is not exempt from the overlay then the submitter seeks either point one in CE-P18 be removed or amended as follows:

Option A:

CE-P18 Hazard sensitive activities and potentially hazard sensitive activities in the high coastal hazard area is amended as follows:

Avoid Hazard sensitive activities and potentially hazard sensitive activities in the high coastal hazard area or any subdivision where the building platform for a potentially hazard sensitive activity or hazard sensitive activity will be within the high coastal hazard area where it can be demonstrated that:

- ~~1. The activity, building or subdivision has an operational or functional need to locate within the high coastal hazard area and locating outside of these high coastal hazard areas is not a practicable option;~~
- ~~1.2.~~ The activity, building, or subdivision incorporates measures that demonstrate that reduce or not increase the risk to people, and property from the coastal hazard;
- ~~2.3.~~ There is the ability to access safe evacuation routes for occupants of the building from the coastal hazard; and
- ~~3.4.~~ The activity does not involve the removal or modification of a natural system or feature that provides protection to other properties from the natural hazard.

Or if the above relief is not granted, Option B:

That CE-P18 is amended to include high density as functional need to locate a building within the high hazard area.

778. Forest and Bird [345.320, opposed by WIAL [FS36.106]], for similar reasons to those outlined in paragraph 680 of this report, seeks amendments to CE-P18 to also address risks posed to natural character, natural landscape, and biodiversity values.
779. GWRC [351.216, supported by Toka Tū Ake EQC [FS70.37]], considers that following amendments to CE-P18 are necessary to ensure regard is had to RPS Objectives 19 and 20 and Policies 51 and 52:

Amend CE-P18 Hazard sensitive activities and potentially hazard sensitive activities in the high coastal hazard area as follows:

Avoid Hazard sensitive activities and potentially hazard sensitive activities in the high coastal hazard area or any subdivision where the building platform for a potentially hazard sensitive activity or hazard sensitive activity will be within the high coastal hazard area where it can be demonstrated that:

1. The activity, building or subdivision incorporates measures that ~~demonstrate~~ minimise ~~reduce or not increase~~ the risk to people and property from the coastal hazard, and
...

780. Kāinga Ora [391.257 and 391.258, opposed by Toka Tū Ake EQC [FS70.64]] considers that CE-P18 should be amended to enable the potential for Hazard Sensitive Activities and Potentially

Hazard Sensitive Activities in the High Coastal Hazard Area to be provided in some circumstances where the risks can be managed through mitigation measures and seeks the following amendments:

Amend CE-P18 Hazard sensitive activities and potentially hazard sensitive activities in the high coastal hazard area as follows:

~~Avoid~~ Only allow Hazard sensitive activities and potentially hazard sensitive activities in the high coastal hazard area or any subdivision where the building platform for a potentially hazard sensitive activity or hazard sensitive activity will be within the high coastal hazard area where it can be demonstrated that:

1. The activity, building or subdivision has an operational or functional need to locate within the high coastal hazard area and locating outside of these high coastal hazard areas is not a practicable option; or is within an existing urban area;
2. The activity, building, or subdivision incorporates measures that demonstrate that it reduces or does not increase the risk to people, and property from the coastal hazard;

...

781. Oyster Management Limited [404.95 and 404.96, opposed by Toka Tū Ake EQC [FS70.76]] opposes CE-P18 in part as the submitter considers it is not practical to avoid hazard sensitive and potentially hazard sensitive activities in the High Coastal Tsunami Hazard Area and seeks the following amendments:

Amend CE-P18 Hazard sensitive activities and potentially hazard sensitive activities in the high coastal hazard area as follows:

Avoid hazard sensitive activities and potentially hazard sensitive activities in the ~~H~~high ~~C~~oastal ~~H~~azard ~~area~~ Inundation Overlay or any subdivision where the building platform for a potentially hazard sensitive activity or hazard sensitive activity will be within the ~~H~~high ~~C~~oastal ~~H~~azard ~~area~~ Inundation Overlay where it can be demonstrated that:

1. The activity, building or subdivision has an operational or functional need to locate within the high ~~C~~oastal ~~H~~azard ~~area~~ Inundation Overlay and locating outside of these high ~~C~~oastal ~~H~~azard ~~area~~s Inundation Overlay is not a practicable option;
2. The activity, building, or subdivision incorporates measures that demonstrate that reduce or not increase the risk to people, and property from the coastal inundation hazard;
3. There is the ability to access safe evacuation routes for occupants of the building from the coastal inundation hazard; and
4. The activity does not involve the removal or modification of a natural system or feature that provides protection to other properties from the natural hazard.

Assessment

782. I disagree with the relief sought by Argosy Property [383.86] to delete CE-P18 in its entirety, as well as that of Precinct Properties New Zealand Limited [139.22] and Fabric Property Limited [425.40] who seek amendments to remove the use of the term 'avoid', for similar reasons. Following higher-order direction of the NZCPS (Policy 25) and WRPS (Policy 29), I am of the opinion that 'avoidance' is an appropriate policy starting point for hazard sensitive activities

within high hazard risk areas. I also consider that CE-P18 appropriately aligns with follows the outcomes sought by Objectives CE-O5, CE-O7 and CE-O8.

783. I note that CE-P18 provides for limited exceptions where complete avoidance of activities is not required, however I consider that retaining the 'avoidance' aspect of CE-P18 is appropriate as it provides an appropriately strong policy direction in relation to activities within high hazard areas. I consider that moving to an 'only allow' approach shifts the focus of the policy to enabling certain activities rather than on the general avoidance of activities, which I do not support as the policy should be directed towards 'avoidance unless' as this sets a stronger policy direction in relation to activities where an exception is not provided for in CE-P18. I do note however, as highlighted by other submissions, that the notified wording of CE-P18 should be amended to improve clarity regarding these exceptions.
784. I disagree with Precinct Properties New Zealand Limited [139.22] and Fabric Property Limited [425.40]. I am of the opinion that both CE-P18, specifically the exception for activities that have an operational need or functional need to locate in the high coastal hazard area (with required mitigation) aspect of this policy, and CE-P22 inform CE-R20. For that reason, I do not consider that CE-P18 needs to be amended to provide clearer policy direction for CE-R20. However, I agree with a minor amendment suggested by these submitters that CE-P18.2 should be amended to remove 'to demonstrate' to improve clarity. I also note the 'avoid unless' policy approach is applied in other policies throughout the plan and was a drafting approach adopted in developing the PDP.
785. I agree with WCC [266.115] and FENZ [273.141] who seek similar amendments to CE-P18 to improve clarity and fix a minor drafting error. In considering 'except where' over 'unless' I am of the opinion both would achieve the same intended outcome, but prefer 'unless' over 'except where' as this wording better aligns with other similar policies in the PDP (for example NH-P2, NH-P8, NH-P11, NFL-P6, HH-P10, HH-P16) and would therefore improve overall plan consistency.
786. I agree in part with Dawid Wojasz [295.3, 295.5, 295.6 and 295.7] to the extent that development in the CCZ should be enabled, subject to incorporating hazard-resilience into buildings to reduce damage and harm to people as a result of a natural hazard event. As there are CCZ specific policies (CE-P21 and CE-P22) to adequately and appropriately provide for continued development within parts of this zone that are within a High Coastal Hazard Area, I do not support deletion of CE-P18, but alternatively propose that an explicit CCZ exception in CE-P18 would clarify that policy direction for those parts of the CCZ where hazard overlays are present is provided by CE-P21 and CE-P22.
787. Following the exemption for the CCZ, I also propose that the Panel consider whether it is appropriate to make an out-of-scope recommendation under in line with Schedule 1, clause 99(2)(b) of the RMA to include a specific exclusion in CE-P18 for airport, port and rail activities given the specific policy direction (CE-19 and CE-P20) for these activities. I consider that improving clarity by including a specific exemption for the CCZ, without an explicit exemption in the policy with respect to the airport, port and rail activities, could result in unintended issues relating to interpretation.
788. I disagree with the relief sought by Forest and Bird [345.320] for the reasons outlined in

paragraphs 680 of this report.

789. In response to GWRC [351.216], following assessment of use of the term ‘minimise’ in preceding paragraphs 623 to 626 of this report, I disagree with the relief sought and consider that ‘reduce or not increase’ is the appropriate term that should be used in relation to the outcome sought in this policy. I consider that ‘reduce or not increase’ is a more onerous test than ‘minimise’ and to improve clarity I propose that the word ‘existing’ is included before ‘risk’ in CE-P18.2 to reduce the possibility of differences of interpretation with respect to demonstrating a reduction in risk. I agree that the word ‘demonstrate’ can be removed to simplify the policy without impacting the policy directive.
790. I disagree with Kāinga Ora [391.257 and 391.258] that CE-P18 should be amended to enable Hazard Sensitive Activities and Potentially Hazard Sensitive Activities in the High Coastal Hazard Area in some circumstances where the risks can be managed through mitigation measures. Aside from the limited exceptions provided for, I consider that avoidance of development within high hazard areas is the most appropriate approach and most effective in achieving the purpose of the Act, particularly with respect to s6(h) as high hazard areas represent areas that are most likely to experience the effects of coastal hazard events, as the two coastal hazard overlays that comprise the high hazard overlay are reflect a 1:100 year event. With the PDP high hazard areas including hazard occurrence for the next 100 years, this approach to avoiding an increase in risk is consistent with the direction of NZCPS, specifically Policy 26. I also note that with the exception of the parts of the CCZ that are within a High Coastal Hazard Area, the High Coastal Hazard Area is relatively limited in extent in the context of the entire urban area of the City. I also disagree with the submitters proposed amendments to CE-P18 which would result in a more enabling policy direction for hazard sensitive activities and potentially hazard sensitive activities to occur within the High Coastal Hazard Area as I consider this to be inconsistent with the directives of the NZCPS, particularly with respect to hazard sensitive activities such as residential units in a high hazard area.
791. I disagree with Oyster Management Limited [404.95 and 404.96] that CE-P18 should only apply to coastal inundation and not to tsunami inundation for the reasons set out in paragraphs 584 to 590 of this report.
792. Although not directly in response to a submission on CE-P18, I suggest the Panel consider a minor amendment to add ‘need’ after operational to align the term with the operational need term used and defined in the PDP. I consider this amendment can be made under clause 16 of Schedule 1 of the Act.

Summary of recommendations

793. HS5-CE-P18-Rec35: That CE-P18 is amended as set out below and as detailed in Appendix A.

CE-P18 Hazard sensitive activities and potentially hazard sensitive activities in the high coastal hazard area

Avoid ~~H~~hazard sensitive activities and potentially hazard sensitive activities in the high coastal hazard area or any subdivision where the building platform for a potentially hazard sensitive activity or hazard sensitive activity will be within the high coastal hazard area where (with the exception of the City Centre Zone and the Airport, operational port activities, passenger port facilities and rail activities) unless it can be demonstrated that:

1. The activity, building or subdivision has an operational need or functional need to locate within the high coastal hazard area and locating outside of these high coastal hazard areas is not a practicable option;
2. The activity, building, or subdivision incorporates measures ~~that demonstrate~~ that reduce or do not increase the existing risk to people, and property from the coastal hazard;
3. There is the ability to access safe evacuation routes for occupants of the building from the coastal hazard; and
4. The activity does not involve the removal or modification of a natural system or feature that provides protection to other properties from the natural hazard.

794. HS5-CE-P16-Rec36: That submission points relating to CE-P16 are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

795. In my opinion, the amendments to CE-P18 is more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that the proposed amendments to CE-P18:

- a. Clarify that policy direction for the City Centre Zone and the airport, operational port activities, passenger port facilities and rail activities is primarily provided for in alternate existing policies for these areas and activities. Clarifying these exemptions in CE-P18 provides benefits from improved plan interpretation and more efficient plan administration.
- b. the recommended amendments will not have any greater environmental, social, or cultural effects than the notified provisions.

3.3.9 CE-P19 Subdivision, use and development which will not be occupied by members of the public, or employees associated with the Airport, operation port Activities, passenger port facilities and rail activities in the Coastal Hazards Overlays (P1 Sch1)

Matters raised by submitters

796. GWRC [351.217] KiwiRail [408.100] and WCCERG [377.217] seek that CE-P19 is retained as notified.

797. Yvonne Weeber [340.41] generally supports CE-P19 but, considers that it is unclear where the

low, medium and high coastal hazard areas are on the map.

798. WCC [266.116] considers CE-P19 needs minor amendments for consistency with the rest of the chapter/plan, as follows:

Amend CE-P19 Subdivision, use and development which will not be occupied by members of the public, or employees associated with the Airport, operation port Activities, passenger port facilities and rail activities in the Coastal Hazard Overlays as follows:

Subdivision, use and development which will not be occupied by members of the public, or employees associated with the Airport, operational port Activities, passenger port facilities and rail activities in the Coastal Hazards Overlays

Enable subdivision, development and use associated with the Airport, operational port activities, passenger port facilities and rail activities within the Coastal Hazard Overlays, where they do not involve the construction of new buildings which will be occupied by members of the public, or more than 10 employees associated with either of these activities or the creation of vacant allotments.

799. Forest and Bird [345.321, opposed by WIAL [FS36.107]], for reasons to those outlined in paragraph 680 of this report, seeks amendments to CE-P19 to also address risks posed to natural character, natural landscape, and biodiversity values.
800. CentrePort Limited [402.116] supports CE-P19, but opposes the structure of the plan managing natural hazards as it is confusing. CentrePort considers that there are natural hazards provisions in the infrastructure chapter, the Natural Hazards Chapter as well as this chapter dealing with coastal hazards in the Coastal Environment. They consider this inefficient and could lead to duplication. CentrePort seeks that all Natural Hazards provisions are consolidated in the same place or stronger cross-referencing is provided.
801. WIAL [406.328 and 406.329, opposed by Toka Tū Ake EQC [FS70.101]], for similar reasons to those outlined in paragraph 734 of this report, seeks that CE-P19 is either deleted in its entirety or amended to only apply to the coastal inundation hazard areas and to recognise the concept of tolerability.

Assessment

802. I agree with Yvonne Weeber [340.41] regarding the lack of clarity of the hazard maps, with my associated reasons and proposed response set out in paragraph 576 of this report.
803. I agree with the minor change proposed by WCC [266.116] as I consider that it would improve the clarity of CE-P19.
804. I disagree with the relief sought by Forest and Bird [345.321] for the reasons set out in paragraph 680.
805. In response to CentrePort Limited [402.116] I disagree with the proposed consolidation of natural hazards plan provisions within a single chapter of the plan for the reasons set out in paragraph 152 of this report.

806. I disagree with WIAL [406.328 and 406.329] regarding introduction of the concept of tolerability into CE-P19 for the same reasons set out in paragraphs 218 and 219 of this report, and amending the policy to solely apply to coastal inundation for the same reasons set out in paragraphs 584 and 590 of this report. I also disagree that CE-P19 should be deleted in its entirety as this policy provides a more-enabling policy direction for low occupancy buildings associated with the Airport, operational port Activities, passenger port facilities and rail activities in coastal hazard areas and informs the associated permitted rule (CE-R19) for low occupancy buildings associated with the Airport, operational port Activities, passenger port facilities and rail activities in the Coastal Hazard Overlays.

Summary of recommendations

807. HS5-CE-P19-Rec37: That CE-P19 is amended as set out below and as detail in Appendix A.

CE-P19 Subdivision, use and development which will not be occupied by members of the public, or employees associated with the Airport, operational port Activities, passenger port facilities and rail activities in the Coastal Hazard Overlays

Enable subdivision, development and use associated with the Airport, operational port activities, passenger port facilities and rail activities within the Coastal Hazard Overlays, where they do not involve the construction of new buildings which will be occupied by members of the public, or more than 10 employees associated with either of these activities or the creation of vacant allotments.

808. HS5-CE-P19-Rec38: That submission points relating to CE-P19 are accepted/rejected as detailed in Appendix B.

3.3.10 CE-P20 Subdivision, use and development which will be occupied by members of the public, or employees associated with the Airport, operation port activities, passenger port facilities and rail activities in the Coastal Hazards Overlays (P1 Sch1)

Matters raised by submitters

809. WCCERG [377.218] and KiwiRail [408.101] seek that CE-P20 is retained as notified.

810. Yvonne Weeber [340.42] generally supports CE-P20 but considers that it is unclear where the low, medium and high coastal hazard areas are on the map.

811. Forest and Bird [345.322, opposed by WIAL [FS36.108]] seeks amendments to CE-P20 to also address risks posed to natural character, natural landscape, and biodiversity values.

812. GWRC [351.218, supported by Toka Tū Ake EQC [FS70.38]], considers that the following amendments to CE-P20 are necessary to ensure regard is had to RPS Objectives 19 and 20 and Policies 51 and 52:

Amend CE-P20 Subdivision, use and development which will be occupied by members of the public, or employees associated with the Airport, operation port activities, passenger port facilities and rail activities in the Coastal Hazards Overlays as follows:

Manage subdivision, development and use associated with the Airport, operation port activities, passenger port facilities and rail activities within the Coastal Hazard Overlays where they involve the construction of new buildings which will be occupied by members of the public, or over 10 employees associated with either of these activities by ensuring that:

1. The activity, building or subdivision incorporates measures that minimise ~~do not increase~~ the risk to people, property, and infrastructure; and

...

813. It advises that minimise is defined as ‘as low as reasonably practicable (ALARP)’ and consider that this is in line with standard risk-based hazard management approaches, noting that this leaves room for reduction as far as practicable but is a clearer signal than ‘reduce’ or ‘do not increase’ to actively manage down the risk in the design and planning of a development.
814. CentrePort Limited [402.117] supports CE-P20 but opposes the structure of the plan managing Natural Hazards as it is confusing. CentrePort considers that there are Natural Hazards provisions in the infrastructure chapter, the Natural Hazards Chapter as well as this chapter dealing with coastal hazards in the Coastal Environment. They consider this inefficient and could lead to duplication. CentrePort seeks that all Natural Hazards provisions are consolidated in the same place or stronger cross-referencing is provided.
815. WIAL [406.330 and 406.331, opposed by Toka Tū Ake EQC [FS70.102]], for similar to reasons to those outlined in paragraph 734, seeks that CE-P20 is either deleted in its entirety or amended to only apply to the coastal inundation hazard areas and to recognise the concept of tolerability.

Assessment

816. I agree with Yvonne Weeber [340.42] regarding the lack of clarity of the hazard maps, with my associated reasons and proposed response set out in paragraph 576 of this report.
817. I disagree with the relief sought by Forest and Bird [345.322] for the reasons set out in paragraph 680.
818. In response to GWRC [351.218] I agree with the relief sought as I consider that ‘minimise’ is the appropriate term and approach to use in relation to the outcome sought in this policy, particularly as the intent of related objective CE-O7 is to ensure that the listed activities can continue to operate whilst ensuring that hazard risk is appropriately managed.
819. In response to CentrePort Limited [402.117] I disagree with the proposed consolidation of natural hazards plan provisions within a single chapter of the plan for the reasons set out in paragraph 152 of this report.
820. I disagree with WIAL [406.330 and 406.331] regarding introduction of the concept of tolerability into CE-P20 for the same reasons set out in paragraphs 218 and 219 of this report, and

amending the policy to solely apply to coastal inundation for the same reasons set out in paragraphs 584 and 590 of this report. I also disagree that CE-P20 should be deleted in its entirety as this policy provides policy direction to ensure that buildings associated with the Airport, operational port Activities, passenger port facilities and rail activities in coastal hazard areas that will be occupied by a over 10 employees or the public are required to incorporate measures to minimise risk to life and damage to property.

821. I note a minor error with regards to 'operation' port activities and suggest that this is rectified in a manner consistent with the amendments sought to CE-P19.

Summary of recommendations

822. HS5-CE-P20-Rec39: That CE-P20 is amended as set out below and as detailed in Appendix A.

CE-P20 Subdivision, use and development which will be occupied by members of the public, or employees associated with the Airport, operational port activities, passenger port facilities and rail activities in the Coastal Hazards Overlays

Manage subdivision, development and use associated with the Airport, operational port activities, passenger port facilities and rail activities within the Coastal Hazard Overlays where they involve the construction of new buildings which will be occupied by members of the public, or over 10 employees associated with either of these activities by ensuring that:

1. The activity, building or subdivision incorporates measures that ~~minimise do not increase~~ the risk to people, property, and infrastructure; and

...

Section 32AA evaluation

823. In my opinion, the amendment to CE-P20 is more appropriate in achieving the objectives of the PDP than the notified provisions for the following reasons:

- a. The amendment reflects a more nuanced and clearer policy directive with respect to low, medium, and hazard areas with respect to the airport, operational port activities, passenger port facilities and rail activities in the Coastal Hazards Overlays. Consequently, CE-P20 is more efficient and effective than the notified provisions in achieving the objectives of the PDP; and
- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

824. HS5-CE-P20-Rec40: That submission points relating to CE-P20 are accepted/rejected as detailed in Appendix B.

3.3.11 CE-P21 Subdivision, use and development in the City Centre Zone which will not be occupied by members of the public and within the Coastal Hazards Overlays (P1

Sch1)

Matters raised by submitters

825. WCCERG [377.250] and GWRC [351.219] seeks that CE-P21 is retained as notified.
826. Forest and Bird [345.323, opposed by WIAL [FS36.109 seeks amendments to CE-P21 to also address risks posed to natural character, natural landscape, and biodiversity values.
827. Argosy Property [383.86], Oyster Management Limited [404.97, 404.99] and Fabric Property Limited [425.42 and 425.43] support CE-P21 to the extent that it enables development in the coastal hazard overlays in the CCZ in some instances. However, they consider that it is impractical to only enable activities in buildings which will not be occupied by employees, and this would be inconsistent with the purpose and objectives and policies in the CCZ, particularly as the city centre is a major employment hub and contains entertainment, educational, government and commercial activities which involve employees. Argosy Property seeks amendments to CE-P21 as follows:

Amend CE-P21 Subdivision, use and development in the City Centre Zone which will not be occupied by members of the public and within the Coastal Hazards Overlays:

Enable subdivision, development and use associated within the City Centre Zone and within all of the Coastal Hazard Overlays, where they do not involve the construction of new buildings which will be occupied by members of the public, or employees or the creation of vacant allotments

...

828. Kāinga Ora [391.259, opposed by GWRC [FS84.84]] considers that CE-P21 places inappropriate restrictions on the CCZ and seeks that this policy is deleted as it considers that more appropriate outcomes are achieved by CE-P22.

Assessment

829. I disagree with the relief sought by Forest and Bird [345.323] for the reasons set out in paragraphs 680.
830. In response to Argosy Property [383.86] Oyster Management Limited [404.97, 404.99] and Fabric Property Limited [425.42 and 425.43] I disagree with the proposed amendment to CE-P21 which would enable associated subdivision, development and use in the CCZ to accommodate any number of employees in the High Hazard Coastal Area. I note that CE-P21 provides the policy foundation for CE-R20, which provides for Potentially Hazard Sensitive Activities or Hazard Sensitive Activities within the CCZ and are also within the Medium and High Coastal Hazard Overlays where they do not involve new buildings or a conversion of a building that will be occupied by more than 10 employees or any member of the public. The policy and rule framework for activities involving a lower number of employees is directly related to the lower level of risk when a very small number of people are concerned, and where effective processes can be put in place e.g. evacuation procedures. I consider it appropriate to consider the risk to life of employees, and require that building or conversions that result in larger number of employees minimise coastal hazard-related risk to life.

831. I disagree with Kāinga Ora [391.259] for the reasons outlined in paragraph 790 of this report.

Summary of recommendations

832. HS5-CE-P21-Rec41: That CE-P21 is confirmed as notified.

833. HS5-CE-P21-Rec42: That submission points relating to CE-P21 are accepted/rejected as detailed in Appendix B.

3.3.12 CE-P22 Subdivision, use and development in the City Centre Zone which will be occupied by members of the public and within the Coastal Hazards Overlays (P1 Sch1)

Matters raised by submitters

834. WCCERG [377.251] MOE [400.68], Reading Wellington Properties Limited [441.2] and Kāinga Ora [391.260] seeks that CE-P22 is retained as notified.

835. WCC [266.117] seeks a minor amendment to CE-P22 as follows:

Amend CE-P22 Subdivision, use and development in the City Centre Zone which will be occupied by members of the public and within the Coastal Hazards Overlays as follows:

Manage subdivision, development and use within the City Centre Zone and within all of the Coastal Hazard Overlays, where they involve the construction of new buildings which will be occupied by members of the public, employees or result in the creation of a vacant allotment by ensuring that:
...

836. Forest and Bird [345.324, opposed by WIAL [FS36.110] seeks amendments to CE-P22 to also address risks posed to natural character, natural landscape, and biodiversity values.

837. GWRC [351.220, supported by Toka Tū Ake EQC [FS70.39]], considers that amendments to CE-P22 are necessary to ensure regard is had to RPS Objectives 19 and 20 and Policies 51 and 52 and seeks amendments as follows:

Amend CE-P22 Subdivision, use and development in the City Centre Zone which will be occupied by members of the public and within the Coastal Hazards Overlays as follows:

Manage subdivision, development and use within the City Centre Zone and within all of the Coastal Hazard Overlays, where they involve the construction of new buildings which will be occupied by members of the public, employees or result in the creation of a vacant allotment by ensuring that

1. The activity, building or subdivision incorporates measures that minimise ~~reduce or not increase~~ the risk to people, and property; and

...

838. GWRC advises that 'minimise' is defined as 'as low as reasonably practicable (ALARP)- and consider that this is in line with standard risk-based hazard management approaches, noting

that this leaves room for reduction as far as practicable but is a clearer signal than ‘reduce’ or ‘do not increase’ to actively manage down the risk in the design and planning of a development.

839. Argosy Property [383.87] and Oyster Management Limited [404.100 and 404.101, opposed by Toka Tū Ake EQC [FS70.77]] support CE-P22 to the extent that it enables development in the coastal hazard overlays in the CCZ in some instances. However, they consider that it is difficult to provide mitigation measures in relation to tsunami risk because of the remoteness of tsunami risk, and that provision should be made to exercise discretion to solely rely on safe evacuation routes to address tsunami risk.

840. Argosy Property seeks amendments to CE-P22 as follows:

Amend CE-P22 Subdivision, use and development in the City Centre Zone which will be occupied by members of the public and within the Coastal Hazards Overlays as follows:

Manage subdivision, development and use within the City Centre Zone and within all of the Coastal Hazard Overlays, where they involve the construction of new buildings which will be occupied by members of the public, ~~employees~~ or result in the creation of a vacant allotment by ensuring that

1. The activity, building or subdivision incorporates measures that reduce or not increase the risk to people, and property; ~~and or~~
2. There is the ability to access safe evacuation routes for occupants of the building from the coastal hazard.

...

841. Oyster Management seeks amendments to CE-P22 as follows:

Amend CE-P22 Subdivision, use and development in the City Centre Zone which will be occupied by members of the public and within the Coastal Hazards Overlays as follows:

Manage subdivision, development and use within the City Centre Zone and within all of the Coastal Hazard Overlays, where they involve the construction of new buildings which will be occupied by members of the public, ~~employees~~ or result in the creation of a vacant allotment by ensuring that

1. The activity, building or subdivision incorporates measures that reduce or not increase the risk to people, and property; ~~and or~~
2. There is the ability to access safe evacuation routes for occupants of the building from the coastal hazard.

...

Assessment

842. I agree with the minor amendment sought by WCC [266.117] as it corrects a minor punctuation error.

843. I disagree with the relief sought by Forest and Bird [345.324] for the same reasons set out in paragraph 680.

844. In response to GWRC [351.220], I agree with the relief sought as I consider that ‘minimise’ is the appropriate term and approach to use in relation to the outcome sought in this policy, noting that the intent of CE-O8 is to recognise the significance of the CCZ by providing for further development in those areas impacted by the Coastal Hazard Overlays whilst ensuring that

hazard risk is appropriately managed through incorporating hazard-resilience into buildings.

845. In response to Argosy Property [383.87] and Oyster Management Limited [404.100 and 404.101] I disagree for the reasons outlined in paragraph 830 of this report. I consider that CE-P22 provides appropriate policy direction for activities and buildings involving a greater number of employees or occupation by public to ensure that risk to life is minimised.

Summary of recommendations

846. HS5-CE-P22-Rec43: That CE-P22 is amended as set out below and as detailed in Appendix A.

CE-P22 Subdivision, use and development in the City Centre Zone which will be occupied by members of the public and within the Coastal Hazards Overlays

Manage subdivision, development and use within the City Centre Zone and within all of the Coastal Hazard Overlays, where they involve the construction of new buildings which will be occupied by members of the public, employees or result in the creation of a vacant allotment by ensuring that:

1. The activity, building or subdivision incorporates measures that ~~reduce or not increase~~ minimise the risk to people, and property; and
2. There is the ability to access safe evacuation routes for occupants of the building from the coastal hazard.

847. HS5-CE-P22-Rec44: That submission points relating to CE-P22 are accepted/rejected as detailed in Appendix B.

3.3.13 CE-P23 Natural systems and features (P1 Sch1)

Matters raised by submitters

848. Yvonne Weeber [340.43], GWRC [351.221], WCCERG [377.252] and Guardians of the Bays [452.27] seek that CE-P23 is retained as notified.

849. Forest and Bird [345.325, opposed by WIAL [FS36.111] seeks the following amendments to CE-P23 to also address risks posed to natural character, natural landscape, and biodiversity values:

Amend CE-P23 Natural systems and features:

Protect, restore, and enhance natural systems and features where they will reduce the existing risk posed by coastal hazards to people, property, and infrastructure, natural character, natural landscape, and biodiversity values.

...

Assessment

850. I disagree with the relief sought by Forest and Bird [345.325] for the reasons set out in paragraph 680.

Summary of recommendations

- 851. HS5-CE-P23-Rec45: That CE-P23 is confirmed as notified.
- 852. HS5-CE-P23-Rec46: That submission points relating to CE-P23 are accepted/rejected as detailed in Appendix B.

3.3.14 CE-P24 Coastal hazard mitigation works involving green infrastructure (P1 Sch1)

Matters raised by submitters

- 853. Yvonne Weeber [340.44], WCCERG [377.253] and Guardians of the Bays [452.28] seek that CE-P23 is retained as notified.
- 854. Forest and Bird [345.326, opposed by WIAL [FS36.112 seeks amendments to CE-P24 to also address risks posed to natural character, natural landscape, and biodiversity values.
- 855. WCC [266.118] seek a minor amendment to CE-P24 as follows:

Amend CE-P24 Coastal hazard mitigation works involving green infrastructure as follows:

Enable green infrastructure undertaken by a Crown entity or their nominated contractors or agents within the identified Coastal Hazard Overlay where ~~this they~~ will reduce the risk from coastal hazards to people, property and infrastructure.

...

- 856. GWRC [351.222] considers that amendments to CE-P24 are required to ensure regard is had to Policy 52 in Proposed RPS Change 1. It notes that although green infrastructure has been defined in the WCC PDP with a strong focus on engineering systems that mimic natural systems other natural hazard mitigation measures that the change to the RPS directs consideration of are not captured by this definition. GWRC therefore seek that CE-P24 is broadened to include reference to non-structural, soft engineering or mātauranga Māori approaches.

Assessment

- 857. I disagree with the relief sought by Forest and Bird [345.326] for the reasons set out in paragraphs 680.
- 858. I agree with the minor amendment sought by WCC [266.118] as it corrects a minor grammatical error.
- 859. I support in part the amendments sought by GWRC [351.222] to the extent that CE-P24 should be amended to encourage Mātauranga Māori approaches, but suggest that it would be appropriate to receive direction from Taranaki Whānui and Ngāti Toa Rangatira on whether they support this recommendation. This inclusion recognises the value of traditional māori knowledge systems in addition to western-science-based knowledge in relation to the natural environment. However, I am of the opinion that CE-P24 does not need to be amended to include specific reference to non-structural or soft engineering mitigation works as I consider

these are already provided for within the definition of Green Infrastructure which specifically refers to meaning a ‘natural or semi-natural area, feature or process, including engineered systems that mimic natural processes [...]’.

860. I note that for the reasons outlined in paragraphs 73 and 74 of this report, I consider that the reference to ‘Crown entity’ is too broad. However, as CE-P24 is following the Part 1 Schedule 1 RMA process, and there have been no submissions on this specific matter, I have not recommend a similar amendment to this policy.

Summary of recommendations

861. HS5-CE-P24-Rec47: That CE-P24 is amended as set out below and as detailed in Appendix A.

Amend CE-P24 Coastal hazard mitigation works involving green infrastructure as follows:

Enable green infrastructure and encourage Mātauranga Māori approaches undertaken by a Crown entity or their nominated contractors or agents within the identified Coastal Hazard Overlay where this they will reduce the risk from coastal hazards to people, property and infrastructure.

...

862. HS5-CE-P24-Rec48: That submission points relating to CE-P24 are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

863. In my opinion, the amendment to CE-P24 is more appropriate in achieving the objectives of the PDP than the notified provisions for the following reasons:

- a. Including encouragement of Mātauranga Māori approaches recognises the role of tangata whenua as kaitiaki and encourages tangata whenua involvement in management of natural hazards;
- b. It is a more targeted approach that replaces an unnecessarily broad term ‘Crown entity’ with references to the specific entities that are anticipated to carry out natural hazard mitigation works of a scale that protects multiple properties, people and significant infrastructure will result in improved plan administration;
- c. Consequently, CE-P24 is more efficient and effective than the notified provisions in achieving the objectives of the PDP; and
- d. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

3.3.15 CE-P25 Green infrastructure and planning coastal hazard mitigation works (P1 Sch1)

Matters raised by submitters

864. WCCERG [377.254] seeks that CE-P23 is retained as notified.
865. GWRC [351.223], for similar reasons to those outlined in paragraph 856 of this report, seek that CE-P25 is broadened to include non-structural, soft engineering or mātauranga Māori approaches.
866. Forest and Bird [345.327, opposed by WIAL [FS36.113] seeks the following amendments to CE-P24 to also address risks posed to natural character, natural landscape, and biodiversity values:

Amend CE-P25 Green infrastructure and planning coastal hazard mitigation works as follows:

Encourage green infrastructure measures when undertaking planned coastal hazard mitigation works within the identified Coastal Hazard Overlays where they will reduce the risk from coastal hazards risk to people, property and infrastructure, natural character, natural landscape, and biodiversity values.

...

Assessment

867. I disagree with the relief sought by Forest and Bird [345.327] for the reasons set out in paragraph 680.
868. I support in part the amendments sought by GWRC [351.223] to the extent that CE-P25 should be amended to encourage Mātauranga Māori approaches, but suggest that it would be appropriate to receive direction from Taranaki Whānui and Ngāti Toa Rangatira on whether they support this recommendation. This inclusion recognises the value of traditional māori knowledge systems in addition to western-science-based knowledge in relation to the natural environment. However, I am of the opinion that CE-P25 does not need to be amended to include specific reference to non-structural or soft engineering mitigation works as I consider these are already provided for within the definition of Green Infrastructure which specifically refers to meaning a ‘natural or semi-natural area, feature or process, including engineered systems that mimic natural processes [...]’.
869. Although not in response to submissions on CE-P25, and whilst noting the scope relating to recommendations on provisions that are following the RMA Part 1 Schedule 2 process as part of this plan review, I highlight to the Panel the apparent error in the title of CE-P25 and suggest that the word ‘planning’ could be replaced with ‘planned’ or deleted as a minor amendment. I also suggest that a minor amendment could be made to ensure consistency with CE-P24 to amend ‘they’ to ‘this’, and deletion of ‘risk’ following ‘coastal hazards’. I consider that these amendments can be made in accordance with clause 16 of the First Schedule of the RMA.

Summary of recommendations

870. HS5-CE-P25-Rec49: That CE-P25 is confirmed as notified.

CE-P25 Green infrastructure and planned coastal hazard mitigation works

Encourage green infrastructure measures and Mātauranga Māori approaches when undertaking planned coastal hazard mitigation works within the identified Coastal Hazard Overlays where they this will reduce the risk from coastal hazards risk to people, property and infrastructure.

871. HS5-CE-P25-Rec50: That submission points relating to CE-P25 are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

872. In my opinion, the amendment to CE-P25 is more appropriate in achieving the objectives of the PDP than the notified provisions for the following reasons:

- a. Including encouragement of Mātauranga Māori approaches recognises the role of tangata whenua as kaitiaki and encourages tangata whenua involvement in management of natural hazards. Consequently, CE-P25 is more efficient and effective than the notified provisions in achieving the objectives of the PDP; and
- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

3.3.16 CE-P26 Hard engineering measures (P1 Sch1)

Matters raised by submitters

873. Yvonne Weeber [340.45], WCCERG [377.254] and KiwiRail [408.102] seeks that CE-P26 is retained as notified.

874. GWRC [351.224] for the reasons outlined above in paragraph 856 seek for CE-P26 to be broadened to include non-structural, soft engineering or mātauranga Māori approaches.

875. Forest and Bird [345.328, opposed by WIAL [FS36.114] seeks amendments to CE-P26 to also address risks posed to natural character, natural landscape, and biodiversity values.

876. WIAL [406.332 and 406.333] consider that the directive nature of CE-P26, coupled with the conjunction 'and' sets an unduly onerous threshold for hard engineering measures which protect regionally significant infrastructure. It also considers that the policy discourages proactive maintenance and repair of hard engineering structures, as the policy pathway only triggers (due to the conjunction) when there is an 'immediate risk to life or property', and that leaving such structures until the risk reaches this threshold may also result in a larger scale repair/replacement programme and larger associated environmental effects and costs. WIAL seeks deletion of CE-P26 or amendments as follows:

CE-P26 Hard engineering measures

Only allow for new hard engineering measures for the reduction of the risk from coastal hazards where:

1. The engineering measures are needed to protect existing nationally and regionally significant infrastructure and it can be demonstrated that there is no practicable alternative; or
2. There is an immediate risk to life or private property from the coastal hazard; or
3. The construction of the hard engineering measures will not create an intolerable increase the risk from Coastal Hazards on adjacent properties that are not protected by the hard engineering measures; or
4. It avoids the modification or alteration of natural features and systems in a way that would compromise their function as natural defences; or
5. Hard engineering structures are designed to minimise adverse effects on the coastal environment; and/or
6. Significant natural features and systems and any adverse effects are avoided; remedied or mitigated; or
- ~~7.6.~~ It can be demonstrated that green infrastructure measures would not provide an appropriate level of protection in relation to the significance of the risk.

Assessment

877. I disagree with the relief sought by Forest and Bird [345.328] for the reasons set out in paragraph 860.
878. I disagree with the amendments sought by GWRC [351.224] as I consider that recognition of Mātauranga Māori approaches is better addressed in CE-P24 and CE-P25 and that CE-P26 does not need to be amended to include specific reference to non-structural or soft engineering mitigation works as this policy relates only to hard engineering measures.
879. In response to WIAL [406.332 and 406.333], although I concur that CE-P26 sets an unduly onerous threshold for hard engineering hazard mitigation measures in relation to nationally and regionally significant infrastructure, I only agree in part with the specific relief sought. I note that Policy 27 of the NZCPS explicitly provides for protection of significant existing development from coastal hazard risk, including consideration of hard protection structures where they may be the only practical means to protect infrastructure of national or regional importance. As this policy intent is currently not explicitly captured in CE-P26 I consider that a further amendment to clarify that hard engineering for the purpose of protecting nationally and significant infrastructure is within the scope of this policy would provide partial relief to the submitter whilst also improving alignment with the policy direction of the NZCPS.
880. Further, I am of the view that as drafted this policy only applies to new hard engineering measures as the policy does not reference existing mitigation structures, with it being a plan drafting approach to not explicitly specify 'new' when the provision clearly applies only to new buildings or structures. Although I agree that the policy as drafted should not apply to the repair or maintenance of existing hard engineered hazard mitigation structures, I am of the opinion it is appropriate that it is applied to significant upgrades of existing hazard mitigation measures where the height or footprint could be increased, as this could result in effects on the

environment that require consideration in the context of this policy. I consider that these matters are best considered through consideration of the associated rules that implement this policy.

881. Additionally, I agree that that the ‘immediate risk to life or private property’ test does not provide for planned works to manage a future event risk, and I consider it would be appropriate to provide policy direction that enables hazard mitigation works respond to an imminent, but not necessarily immediate risk as this would better provide for the protection of infrastructure and property. In response I am of the opinion it would be appropriate for the policy to simply direct a proposal to clearly demonstrate the risk of coastal hazards on the nationally and regionally significant infrastructure.
882. I disagree that the conjunctive should be ‘or’ between all limbs of CE-P26 as this would inappropriately reduce the policy direction and consideration of CE-P26 as a matter of discretion. For example, would a proposal for hard engineering be deemed consistent with the policy direction of CE-P26 if it simply satisfied CE-P26.5 or CE-P26.6. I consider ensuring that hard engineered measures consider all of the matters provided for in CE-P26 gives effect to the direction of the NZCPS, noting that Policy 27.1.c states (my emphasis added) *recognising that hard protection structures **may be** the only practical means to protect existing infrastructure of national or regional importance . . .*
883. I also disagree with the need to incorporate an effects hierarchy in relation to significant natural features and systems as I consider CE-P26.5 appropriately addresses the matter of adverse effects on the coastal environment. For the reasons outlined in paragraph 218 to 219 of this report I also disagree with introducing the concept of tolerability into this policy.

Summary of recommendations

884. HS5-CE-P26-Rec51: That CE-P26 is amended as set out below and as detailed in Appendix A.

CE-P26 ~~Hard engineering measures~~ Hard engineering natural hazards mitigation works

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

1. The engineering measures are needed to protect existing nationally and regionally significant infrastructure and it can be demonstrated that there is no practicable alternative;
2. There is an immediate demonstrable risk to existing nationally and regionally significant infrastructure, life or private property from the coastal hazard;
3. 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;
4. It avoids the modification or alteration of natural features and systems in a way that would compromise their function as natural defences;
5. Hard engineering structures are designed to minimise adverse effects on the coastal environment; and
6. It can be demonstrated that green infrastructure measures would not provide an appropriate level of protection in relation to the significance of the risk.

885. HS5-CE-P26-Rec52: That submission points relating to CE-P26 are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

886. In my opinion, the amendment to CE-P26 is more appropriate in achieving the objectives of the PDP than the notified provisions for the following reasons:

- a. Providing explicit provision and recognition of the importance of protecting nationally and regionally significant infrastructure improves alignment with the NZCPS (policy 27) with the proposed change to the wording to replace 'immediate' with 'demonstrable' an acknowledgement that restricting hard engineering measures to only where there is an immediate risk is an unnecessarily difficult test and it is appropriate to enable planned works to address future coastal hazard events. Consequently, CE-P26 is more efficient and effective than the notified provisions in achieving the objectives of the PDP; and
- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

3.3.17 Coastal Hazards - Proposed new policy

887. As part of my consideration of submissions, I have identified that there is a gap in policy direction with respect to potentially hazard sensitive activities in low coastal hazard areas. I suggest that the Panel consider whether it is appropriate to make an out-of-scope recommendation under in line with Schedule 1, clause 99(2)(b) of the RMA to include the following new policy which would provide the policy direction for rule CE-R21. I suggest that if this policy was to be included in the PDP it would be best inserted as a new CE-P14, resulting in consequential renumbering of the subsequent policies.

CE-PX Potentially hazard sensitive activities in low coastal hazard areas

Allow potentially hazard sensitive activities in low coastal hazard areas.

Section 32AA evaluation

888. In my opinion, the proposed new policy is necessary to achieve the objectives of the PDP for the following reasons:

- a. The introduction of this policy ensures that associated rules implement clear policy direction, result in improved plan structure and administration. Consequently, the new policy ensures the suite of policies is efficient and effective in achieving the objectives of the PDP; and
- b. The recommended amendments will not have any greater environmental, economic,

social, and cultural effects than the notified provisions.

3.4 Coastal Hazard – Rules

3.4.1 CE-R16 Less hazard sensitive activities within all the Coastal Hazard Overlays (ISPP)

Matters raised by submitters

889. Yvonne Weeber [340.60], WCCERG [377.271], and Investore Property Limited seeks that CE-R16 is retained as notified.
890. Forest and Bird [345.348, opposed by WIAL [FS36.128]] considers that the coastal hazard provisions of this chapter should also acknowledge the natural character, natural landscape and biodiversity values that must be protected. It seeks that rules should either cross reference appropriate provisions from other chapters, or include provisions to address adverse effects on these matters. It seeks that CE-R16 is amended to acknowledge natural character, natural landscape, and biodiversity values are protected via reference to appropriate provisions from other chapters or by including provisions in the rule.
891. WIAL [406.340] considers that to avoid unnecessary duplication in the PDP rule CE-R16 should be deleted in its entirety, with the focus in this chapter on those additional consent requirements necessary to manage effects within the coastal hazard overlays that cannot be adequately dealt with by the underlying zone rules.

Assessment

892. I disagree with Forest and Bird [345.348] that the coastal hazard specific rules should incorporate the need to protect natural character, natural landscape and biodiversity values as I consider that this would result in unnecessary duplication with specific provisions relating to the protection of natural character, natural landscape and biodiversity values in relation to the coastal environment in the Coastal Environment chapter. The coastal hazards rules do not prevail over the other Coastal Environment or zone rules in relation to specific activities and are in addition to. I also note that the submitter has not provided specific amendments to the rule and it is therefore unclear how the submitter suggests that the rule could be amended to incorporate these aspects whilst also ensuring a measurable and implementable rule. The submitter has also not provided compelling reasons to support an amendment, or a supporting s32AA evaluation.
893. In response to WIAL [406.340] I disagree with the deletion of CE-R16 as this rule provides necessary certainty in relation to less hazard sensitivity activities in all of the Coastal Hazard Overlays and in my view does not result in duplication with underlying zone rules that could cause interpretational issues.

Summary of recommendations

894. HS5-CE-R16-Rec53: That CE-R16 is confirmed as notified.
895. HS5-CE-R16-Rec54: That submission points relating to CE-R16 are accepted/rejected as detailed in Appendix B.

3.4.2 CE-R17 Green infrastructure for the purposes of coastal hazard mitigation works undertaken by a Crown entity or their nominated contractor or agent within the Coastal Hazard Overlays (P1 Sch1)

Matters raised by submitters

896. WCCERG [377.272] seeks that CE-R17 is retained as notified.
897. Yvonne Weeber [340.61] seeks that CE-R17 is retained as notified but, considers that it is unclear where the Low Coastal Hazard Area, Medium Coastal Hazard Area and the High Coastal Hazard Area are in the coastal environment as these terms do not appear on the Wellington City Proposed District Plan maps.
898. Forest and Bird [345.349, opposed by WIAL [FS36.126] seeks that CE-R17 is amended to acknowledge natural character, natural landscape, and biodiversity values are protected via reference to appropriate provisions from other chapters or by including provisions in the rule.

Assessment

899. I agree with Yvonne Weeber [340.61] regarding the lack of clarity of the hazard maps, with my associated reasons and proposed response set out in paragraph 576 of this report.
900. I disagree with the relief sought by Forest and Bird [345.349] for the reasons outlined in paragraph 860 of this report.
901. I note that for the reasons outlined in paragraphs 73 and 74 of this report, I consider that the reference to 'Crown entity' is too broad. However, as CE-R17 is following the Part 1 Schedule 1 RMA process, and there have been no submissions on this specific matter, I have not recommend a similar amendment to this policy.

Summary of recommendations

902. HS5-CE-R17-Rec55: That CE-R17 is confirmed as notified.
903. HS5-CE-R17-Rec56: That submission points relating to CE-R17 are accepted/rejected as detailed in Appendix B.

3.4.3 CE-R18 Additions to buildings within the Coastal Hazard Overlays (ISPP)

Matters raised by submitters

904. Precinct Properties New Zealand Limited [139.23], WCCERG [377.273], Yvonne Weeber [340.62]

and FENZ [273.148] seeks that CE-R18 is retained as notified.

905. Forest and Bird [345.350, opposed by WIAL [FS36.127], seeks that CE-R18 is amended to acknowledge natural character, natural landscape, and biodiversity values are protected via reference to appropriate provisions from other chapters or by including provisions in the rule.

906. Argosy Property [383.88, opposed by Toka Tū Ake EQC [FS70.9]], Investore Property Limited [405.44 and 405.45, opposed by Toka Tū Ake EQC [FS70.43]], Fabric Property Limited [425.45 and 425.46, opposed by Toka Tū Ake EQC FS70.15] and Oyster Management Limited [404.102 and 404.103, opposed by Toka Tū Ake EQC [FS70.78]] supports this rule to the extent that it enables additions to buildings within the coastal hazards overlays. However, they consider it is not appropriate to place controls on buildings in the Tsunami Hazard Overlay and due to the nature of tsunamis, it is not realistic to construct additions to buildings to avoid tsunami risk. These submitters seek amendments to CE-R18 as follows:

Amend CE-R18.1 Additions to buildings within the Coastal Hazard Overlays as follows:

...

e. The additions are in the Tsunami Hazard Overlay

907. Oyster Management Limited [404.104, opposed by Toka Tū Ake EQC [FS70.79]] also seek amendments to CE-R18.2.b as set out below:

Amend CE-R18.2.b Additions to buildings within the Coastal Hazard Overlays as follows:

...

b. The addition is to a potentially hazard sensitive activity or a hazard sensitive activity within a high coastal hazard area other than the high tsunami hazard area.

...

908. WIAL [406.341, 406.342 and 406.343, opposed by Toka Tū Ake EQC [FS70.103 and FS70.104]] considers that CE-R18 should be deleted or reworked to apply to coastal hazard inundation areas only.

Assessment

909. I disagree with the relief sought by Forest and Bird [345.350] for the reasons outlined in paragraph 860 of this report.

910. I disagree with Argosy Property [383.88], Investore Property Limited [405.44 and 405.45], Fabric Property Limited [425.45 and 425.46] and Oyster Management Limited [404.102, 404.103 and 404.104] that it is not appropriate to place controls on buildings in the Tsunami Hazard Overlay as building additions, particularly in high hazard areas, can expose a greater number of people and or value of property to natural hazards.

911. Currently CE-R18 provides for permitted building additions in low and medium coastal hazard areas, a position I concur with as I consider enabling these activities in these areas does not materially increase risk. By contrast, I do not consider it appropriate to provide for all building additions in high coastal hazard areas as a permitted activity given the level of risk that could be introduced, particularly if the building additions were located at ground-level.

912. In light of this I consider that it would be appropriate to provide for additions above ground floor level on the basis that any above ground floor addition will be above inundation levels and appropriately mitigates coastal hazard risk, with the Gross Floor Area controls applied for additions at ground floor level in the CCZ to enable small-scale additions that will not result in an unacceptable increase in risk to people.
913. I disagree with WIAL [406.341, 406.342 and 406.343] that CE-R18 should be deleted or reworked to apply to coastal hazard inundation areas only for the reasons outlined in paragraph 584 to 590.
914. Additionally, I would draw to the Panel's attention that a minor correction to CE-R18.1a is required to clarify that the permitted addition is to a building containing the specified activity, not the activity itself. I consider that this amendment does not materially change the rule, and I consider this is a minor amendment within clause 16 of Schedule 1 of the RMA.

Summary of recommendations

915. HS5-CE-R18-Rec57: That CE-R18 is amended as set out below and as detailed in Appendix A.

CE-R18 Additions to buildings within the Coastal Hazard Overlays

1. Activity status: **Permitted**

Where:

a. The additions are above the ground floor of a building containing a hazard sensitive activity or potentially hazard sensitive activity within the City Centre Zone

~~b.a.~~ The additions are to a building containing a hazard sensitive activity or potentially hazard sensitive activity in the low coastal hazard area;

~~c.b.~~ The additions are to a buildings ~~for~~ containing a less hazard sensitive activity in either the low coastal hazard area, medium coastal hazard area or high coastal hazard area;

~~d.e.~~ The additions are to a building containing a potentially hazard sensitive activity in the medium coastal hazard area or to the ground floor of a building containing a hazard sensitive activity or potentially hazard sensitive activity within the City Centre Zone and they do not increase the building footprint by more than 100m²; or

~~e.d.~~ The additions are to a building containing a hazard sensitive activity in the medium coastal hazard area and they do not increase the building footprint by more than 50m².

2. Activity status: **Restricted discretionary**

Where:

a. Compliance with the requirements of CE-R18.1.~~ed~~ or CE-R18.1.~~de~~ cannot be achieved; or

b. The addition is to a potentially hazard sensitive activity or a hazard sensitive activity within a high coastal hazard area and is located outside of the City Centre Zone.

Matters of discretion are restricted to:

1. The matters in CE-P14.

916. HS5-CE-R18-Rec58: That submission points relating to CE-R18 are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

917. In my opinion, the amendment to CE-R18 is more appropriate in achieving the objectives of the PDP than the notified provisions for the following reasons:

a. Including specific rules for additions in the CCZ enables building additions to achieve CE-O8, whilst still managing coastal hazard risk by limiting building additions at ground floor where activities are most at risk from the effects of tsunami and coastal inundation.

b. Consequently, CE-R18 is more efficient and effective than the notified provisions in

achieving the objectives of the PDP.

- c. The recommended amendments will not have any greater environmental, social, and cultural effects than the notified provisions. The provision for building additions in the CCZ contributes to ensuring the continued use of existing buildings and growth in the CCZ resulting in positive economic outcomes.

3.4.4 CE-R19 Airport, operation port activities, passenger port facilities and rail activities within the Coastal Hazard Overlay (P1 Sch1)

Matters raised by submitters

- 918. WCCERG [377.274] seeks that CE-R19 is retained as notified.
- 919. Yvonne Weeber [340.63] seeks that CE-R19 is retained as notified but, considers that it is unclear where the Low Coastal Hazard Area, Medium Coastal Hazard Area and the High Coastal Hazard Area are in the coastal environment as these terms do not appear on the Wellington City Proposed District Plan maps.
- 920. Forest and Bird [345.351, opposed by WIAL [FS36.128] seeks that CE-R19 is amended to acknowledge natural character, natural landscape, and biodiversity values are protected via reference to appropriate provisions from other chapters or by including provisions in the rule.
- 921. CentrePort Limited [402.118, 402.119 and 402.120] notes that large parts of its Port Operations, including the Kaiwharawhara ferry terminal location, are included within the Coastal Hazard Overlay and consider that a permitted activity limitation to 10 passengers or 10 employees for port activities that, by definition, need to adjoin the coastal marine area is impractical. It further considers that if there is no practical alternative and this can be demonstrated, that Port activities with greater than 10 passengers or employees should be able to be a permitted activity. A need to correct a typographical error in the rule title is also highlighted, with consequential amendments to CE-R19 sought as follows:

Amend CE-R19 Airport, operation port activities, passenger port facilities and rail activities within the Coastal Hazard Overlay as follows:

Airport, operational port activities, passenger port facilities and rail activities within the Coastal Hazard Overlay

1. Activity status: Permitted

Where:

- a. It does not involve the construction of a building that would be occupied by more than 10 employees of the activity, or any members of the public; or
- b. It does not involve the conversion of an existing building into a building that would be occupied by more than 10 employees of the activity, or any members of the public; or
- c. It can be demonstrated that there is no other practical alternative for the location of the activity.

- 922. WIAL [406.344, 406.345 and 406.346, opposed by Toka Tū Ake EQC [FS70.105 and FS70.106]]

considers that CE-R19 should be deleted or reworked to apply to coastal hazard inundation areas only.

Assessment

923. I agree with Yvonne Weeber [340.63] regarding the lack of clarity of the hazard maps, with my associated reasons and proposed response set out in paragraph 576 of this report.
924. I disagree with the relief sought by Forest and Bird [345.351] for the reasons outlined in paragraph 680 of this report.
925. I disagree with the relief sought by CentrePort Limited [402.118, 402.119 and 402.120] seeking that port activities involving more than 10 employees or passengers be treated as a permitted activity if there is no practical alternative to locate outside of a Coastal Hazards Overlay. Although the 10 employee limit is a somewhat arbitrary number of people I am of the opinion that it strikes a balance between enabling activities within the Coastal Hazards Overlay and the level of risk presented (i.e. low number of people corresponds with a low level of risk). Overall, I do not consider it appropriate for new activities or buildings to be located in coastal hazard areas, particularly high coastal hazard areas, without necessary mitigation measures, including evacuation access, being incorporated into the proposal to minimise risk to people and property, as guided by CE-P20. I also consider that the additional permitted standard sought by the submitter, the new 'c', is inappropriate as a standard as it is not easily measurable and in my opinion a matter for consideration as part of a resource consent process. I agree with the minor amendments to correct a typographical error identified by the submitter.
926. I disagree with WIAL [406.344, 406.345 and 406.346] that CE-R19 should be deleted or reworked to apply to coastal hazard inundation areas only for the reasons outlined in paragraph 584 to 590 of this report.
927. I note that I recommend an amendment to the title of CE-R19 to clarify the rule applies to the construction of buildings or the conversion of existing buildings that will contain Airport activities, operational port activities, passenger port facilities and rail activities, in response to Kimberley Vermaey [348.4] as detailed in paragraph 151 of this report.

Summary of recommendations

928. HS5-CE-R19-Rec59: That CE-R19 is amended as set out below and as detailed in Appendix A.

CE-R19 The construction of buildings or the conversion of existing buildings that will contain Airport activities, operational port activities, passenger port facilities and rail activities within the Coastal Hazard Overlay

1. Activity status: Permitted

Where:

- a. It does not involve the construction of a building that would be occupied by more than 10 employees of the activity, or any members of the public; or
- b. It does not involve the conversion of an existing building into a building that would be occupied by more than 10 employees of the activity, or any members of the public.

929. HS5-CE-R19-Rec60: That submission points relating to CE-R19 are accepted/rejected as detailed in Appendix B.

3.4.5 CE-R20 Potentially hazard sensitive activities or hazard sensitive activities within the City Centre Zone and are also within the medium and high coastal hazard areas (ISPP)

Matters raised by submitters

930. Precinct Properties New Zealand Limited [139.24], MOE [400.71] and WCCERG [377.275] seek that CE-R20 is retained as notified.

931. Yvonne Weeber [340.64] seeks that CE-R20 is retained as notified but considers that it is unclear where the Low Coastal Hazard Area, Medium Coastal Hazard Area and the High Coastal Hazard Area are in the coastal environment as these terms do not appear on the Wellington City Proposed District Plan maps.

932. FENZ [273.149 and 273.150] seeks the following amendments to CE-R20 to exclude restrictions on establishing emergency service facilities in these areas as it considers fire stations may have a functional need to be located in certain areas, including coastal hazard areas, and that the ability to construct and operate fire stations in locations which will enable reasonable response times to fire and other emergencies is paramount to the health, safety and wellbeing of people and the community:

Amend CE-R20 Potentially hazard sensitive activities within the City Centre Zone and are also within the medium and high coastal hazard areas as follows:

1. Activity status: Permitted

Where:

- a. It does not involve the construction of a building that would be occupied by more than 10 employees of the activity, or any members of the public; or
- b. It does not involve the conversion of an existing building into a building that would be occupied by more than 10 employees of the activity, or any members of the public.

Note: The above restrictions do not apply to emergency service facilities.

933. Forest and Bird [345.352, opposed by WIAL [FS36.129] of this report, seeks that CE-R20 is amended to acknowledge natural character, natural landscape, and biodiversity values are protected via reference to appropriate provisions from other chapters or by including provisions in the rule.
934. Argosy Property [383.89] Fabric Property Limited [425.48, opposed by Toka Tū Ake EQC [FS70.16]] and Oyster Management Limited [404.105, 404.106 opposed by Toka Tū Ake EQC [FS70.80], and 404.107] support CE-R20 to the extent that it enables potentially hazard sensitive activities or hazard sensitive activities within the CCZ where those activities are also within the medium and high coastal hazard areas and that activities which cannot comply with CE-R20.1 are restricted discretionary. However, they consider that it is unclear why potentially hazard sensitive activities should be permitted where a building will be occupied by 10 or less employees of an activity and that this number appears to be arbitrary and impractical, noting that five offices that are occupied by 10 or less employees are unlikely to have a different risk profile to one office occupied by 50 employees. The submitters consider that this rule also does not achieve the objectives and policies of the coastal hazard overlays, specifically Objective CE-O8 and Policy CE-P21 and seek that the rule is clarified to reflect that it would be very difficult for buildings to entirely avoid being occupied by members of the public occasionally e.g. a courier driver dropping off a parcel or a tradesperson undertaking a repair. They seek amendments to CE-R20 as follows:

Amend CE-R20 Potentially hazard sensitive activities or hazard sensitive activities within the City Centre Zone and are also within the medium and high coastal hazard areas as follows:

Activity status: Permitted

Where:

1. It does not involve the construction of a building that would be occupied predominantly by ~~more than 10 employees of the activity, or any~~ members of the public; or
2. It does not involve the conversion of an existing building into a building that would be occupied predominantly by ~~more than 10 employees of the activity, or any~~ members of the public

Assessment

935. I agree with Yvonne Weeber [340.64] regarding the lack of clarity of the hazard maps, with my associated reasons and proposed response set out in paragraph 576 of this report.
936. I disagree with the relief sought by FENZ [273.149 and 273.150] that CE-R20 apply to emergency service facilities. Given the critical post-disaster function of emergency service facilities, I consider it appropriate for this rule to exclude emergency service facilities from the rule to ensure that new emergency service facilities incorporate hazard-resilience into the design of any facilities proposed to be located in a coastal hazard area.
937. I disagree with the relief sought by Forest and Bird [345.352] for the reasons outlined in paragraph 680 of this report.
938. Although I agree with Argosy Property [383.89] Fabric Property Limited [425.48] and Oyster Management Limited [404.105, 404.106 and 404.107] to the extent that the 10 employee limit

appears arbitrary, I do not agree with the proposed approach to allow any building or conversion to occur as a permitted activity where the activity is not occupied predominantly by members of the public as this would allow for new buildings to be constructed and new activities established that could house and/or employ a large number of staff, with no consideration of hazard-risk incorporated as part of the proposal. I also do not agree with the addition of 'predominantly' to CE-R20.2 as it is not easily measurable as a permitted standard. Turning to the Dictionary definition, to be 'occupied' is to be 'used by someone, or reside'. I consider that the example of a courier or tradesperson would not be considered as occupying a building, and would apply only where members of the public used the premises to access goods and services.

939. I also disagree with these submitters that CE-R20 does not achieve CE-O8 and CE-P21. Where the permitted standards are unable to be met, the activity only elevates to Restricted Discretionary Activity, which I consider strikes an appropriate balance between hazard-risk management and enabling activities within the CCZ, in medium and high coastal hazard areas. I also note that the Restricted Discretionary Activity status is treated as 'plan enabled' in the context of the NPS-UD which includes reference to the fact that land is only considered to be appropriately zoned for housing or business use where these activities are treated as either a permitted, controlled or restricted discretionary activity (cl.3.4(2)).
940. I note that I recommend an amendment to the title of CE-R20 to clarify the rule applies to the construction of buildings or the conversion of existing buildings that will contain potentially hazard sensitive activities or hazard sensitive activities within the City Centre Zone and are also within the medium and high coastal hazard areas, in response to Kimberley Vermaey [348.4] as detailed in paragraph 151 of this report. I consider these amendments are minor amendments within clause 16 of Schedule 1 of the RMA.

Summary of recommendations

941. HS5-CE-R20-Rec61: That CE-R20 is amended as set out below and as detailed in Appendix A.

CE-R20 The construction of buildings or the conversion of existing buildings that will contain potentially hazard sensitive activities or hazard sensitive activities within the City Centre Zone and are also within the medium and high coastal hazard areas

1. Activity status: Permitted

Where:

- a. It does not involve the construction of a building that would be occupied by more than 10 employees of the activity, or any members of the public; or
- b. It does not involve the conversion of an existing building into a building that would be occupied by more than 10 employees of the activity, or any members of the public.

942. HS5-CE-R20-Rec62: That submission points relating to CE-R20 are accepted/rejected as detailed in Appendix B.

3.4.6 CE-R21 Potentially hazard sensitive activities in the low coastal hazard area (ISPP)

Matters raised by submitters

943. Precinct Properties New Zealand Limited [139.25], Oyster Management Limited [404.108] and WCCERG [377.276] seek that CE-R21 is retained as notified.
944. Yvonne Weeber [340.65] seeks that CE-R21 is retained as notified but, considers that it is unclear where the Low Coastal Hazard Area, Medium Coastal Hazard Area and the High Coastal Hazard Area are in the coastal environment as these terms do not appear on the Wellington City Proposed District Plan maps.
945. Forest and Bird [345.353, opposed by WIAL [FS36.130] seeks that CE-R21 is amended to acknowledge natural character, natural landscape, and biodiversity values are protected via reference to appropriate provisions from other chapters or by including provisions in the rule.
946. WIAL [406.347] considers that to avoid unnecessary duplication with the PDP and for other reasons, this chapter should focus on those additional consent requirements necessary to manage effects within the coastal hazard overlays that cannot be adequately dealt with by the underlying zone rules and seeks that CE-R21 is deleted in its entirety.

Assessment

947. I agree with Yvonne Weeber [340.65] regarding the lack of clarity of the hazard maps, with my associated reasons and proposed response set out in paragraph 576 of this report.
948. I disagree with the relief sought by Forest and Bird [345.353] for the reasons outlined in paragraph 680 of this report.
949. In response to WIAL [406.347] I disagree with the deletion of CE-R21 as this rule provides necessary certainty in relation to less hazard sensitivity activities and does not result in unnecessary duplication with underlying zone rules as these rules do not consider risk in relation to coastal hazards. I also note that the National Planning Standards direct that Coastal Environment related provisions are contained in the Coastal Environment chapter.

Summary of recommendations

950. HS5-CE-R21-Rec63: That CE-R21 is confirmed as notified.
951. HS5-CE-R21-Rec64: That submission points relating to CE-R21 are accepted/rejected as detailed in Appendix B.

3.4.7 CE-R22 Hazard sensitive activities in the low coastal hazard area (ISPP)

Matters raised by submitters

952. Argosy Property [383.90], MOE [400.72] and WCCERG [377.277] seek that CE-R22 is retained as notified.
953. Yvonne Weeber [340.66] seeks that CE-R22 is retained as notified, however considers that it is

unclear where the Low Coastal Hazard Area, Medium Coastal Hazard Area and the High Coastal Hazard Area are in the coastal environment as these terms do not appear on the Wellington City Proposed District Plan maps.

954. Forest and Bird [345.354, opposed by WIAL [FS36.131] seeks that CE-R22 is amended to acknowledge natural character, natural landscape, and biodiversity values are protected via reference to appropriate provisions from other chapters or by including provisions in the rule.
955. FENZ [273.151 and 273.152] seeks amendments to CE-22 to exclude restrictions on establishing emergency service facilities in these areas as it considers fire stations may have a functional need to be located in certain areas, including coastal hazard areas, and the ability to construct and operate fire stations in locations which will enable reasonable response times to fire and other emergencies is paramount the health, safety and wellbeing of people and the community:

Amend CE-R22 Hazard sensitive activities in the low coastal hazard area as follows:

1. Activity Status: Permitted

Where:

- a. The development does not involve the construction of a childcare service, retirement village educational facility, hospital, ~~emergency service facility~~ or health care facility; or
- b. If the development involves the construction of residential units, the total number of residential units on a site is no more than three.

956. WIAL [406.348, 406.349, and 406.350, opposed by Toka Tū Ake EQC [FS70.107 and FS70.108]] considers that CE-R22 should be deleted in its entirety or reworked to apply to coastal hazard inundation areas only.

Assessment

957. I agree with Yvonne Weeber [340.66] regarding the lack of clarity of the hazard maps, with my associated reasons and proposed response set out in paragraph 576 of this report.
958. I disagree with the relief sought by FENZ [273.151 and 273.152] that CE-R22 not apply to emergency service facilities. Given the critical post-disaster function of emergency service facilities, I consider it inappropriate to exclude emergency service facilities from the rule to ensure that new emergency service facilities incorporate hazard-resilience into the design of facilities that are proposed to be located in a coastal hazard area.
959. I disagree with Forest and Bird [345.354] for the reasons outlined in paragraph 680 of this report.
960. I disagree with WIAL [406.348, 406.349, and 406.350] that CE-R22 should be deleted or reworked to apply to coastal hazard inundation areas only for the reasons outlined in paragraph 584 to 590 of this report.
961. Although not in response to a submission point, given the scope provided in cl.99, Schedule 1 of the Act I suggest the Panel consider an amendment to address an apparent oversight with respect to non-compliance with CE-R22.1b, where activity status is not explicitly addressed. I suggest that CE-R22.2 is amended to also include non-compliance with CE-R22.1b. I note that

CE-P15 provides for the appropriate matters of discretion.

962. I also note that I also recommend an amendment to CE-R22 to clarify the rule applies to the construction of buildings or the conversion of existing buildings that will contain a hazard sensitive activity in the low coastal hazard area, in part in response to Kimberley Vermaey [348.5] as detailed in paragraph 151 of this report. I consider that it is clear that the rule applies to the construction of buildings and consider this aspect of the recommendation a minor amendment within clause 16 of Schedule 1 of the RMA.

Summary of recommendations

963. HS5-CE-R22-Rec65: That CE-R22 is amended as set out below and detailed in Appendix A.

CE-R22 The construction of buildings or the conversion of existing buildings that will contain ~~H~~azard sensitive activities in the low coastal hazard area

1. Activity Status: Permitted

Where:

a. The development does not involve the construction of a building or conversion of a building for childcare service, retirement village educational facility, hospital, emergency service facility or health care facility; or

b. If the development involves the construction of a building or conversion of a building for residential units, the total number of residential units on a site is no more than three.

2. Activity Status: Restricted Discretionary

Where:

Compliance with the requirements of CE-R22.1.a or CE-R22.1b cannot be achieved.

Matters of discretion are:

1. The matter in CE-P15

964. HS5-CE-R22-Rec66: That submission points relating to CE-R22 are accepted/rejected as detailed in Appendix B.

3.4.8 CE-R23 Potentially hazard sensitive activities in the medium coastal hazard area, excluding the City Centre Zone or Airport, operation port activities, passenger port facilities and rail activities (ISPP)

Matters raised by submitters

965. Argosy Property [383.91], Oyster Management Limited [404.109] and WCCERG [377.278] seek that CE-R23 is retained as notified.

966. Yvonne Weeber [340.67] seeks that CE-R23 is retained as notified but considers that it is unclear where the Low Coastal Hazard Area, Medium Coastal Hazard Area and the High Coastal Hazard Area are in the coastal environment as these terms do not appear on the Wellington City

Proposed District Plan maps.

967. Forest and Bird [345.355, opposed by WIAL [FS36.132] seeks that CE-R23 is amended to acknowledge natural character, natural landscape, and biodiversity values are protected via reference to appropriate provisions from other chapters or by including provisions in the rule.
968. WIAL [406.351 and 406.352, opposed by Toka Tū Ake EQC [FS70.109 and FS70.110]] considers that CE-R23 should be deleted in its entirety or reworked to apply to coastal hazard inundation areas only.
969. VicLabour [414.24, opposed by WIAL [FS36.139]] considers that the provision may be insufficient given recent evidence that sea level rise and weather impacts related to climate change may become worse, quicker than thought not long ago. It also considers that Council needs to consider a complete prohibition on all development of potentially or actually hazard sensitive activities within areas at risk of coastal inundation or tsunami as a result of sea level rise and seeks that a prohibited activity status is applied to Rule CE-R23 [Inferred decision requested].

Assessment

970. I agree with Yvonne Weeber [340.67] regarding the lack of clarity of the hazard maps, with my associated reasons and proposed response set out in paragraph 576 of this report.
971. I disagree with the relief sought by Forest and Bird [345.355] for the reasons outlined in paragraph 680 of this report.
972. I disagree with WIAL [406.348, 406.349, and 406.350] that CE-R22 should be deleted or reworked to apply to coastal hazard inundation areas only for the reasons outlined in paragraph 584 to 590 of this report.
973. In response to VicLabour [414.24] I disagree with the relief sought. As climate change has been accounted for in the coastal hazard scenarios I consider that a complete prohibition on all development of potentially or actually hazard sensitive activities within areas at risk of coastal inundation or tsunami as a result of sea level rise is unnecessary given the mitigation able to be incorporated into building design and the probability of some tsunami events compared to life of buildings. Further, I am of the view that the submitter does not provide sufficient supporting justification and s32AA evaluation to justify complete prohibition of all development in areas at risk of coastal inundation or tsunami, and note that the result of this relief would render large parts of the city incapable of accommodating residential intensification which would significantly impact housing supply.
974. I also note an apparent error with the specified matter of discretion, CE-P14, which relates to building additions. I suggest this matter of discretion be corrected to reference CE-P16, which relates to potentially hazard sensitive activities within the medium coastal hazard areas. Accordingly, I suggest that the Panel consider whether it is appropriate to make an out-of-scope recommendation under in line with Schedule 1, clause 99(2)(b) of the RMA with respect to an amendment to clarify that the matter of discretion for CE-R23 is CE-P16.
975. I also note that I also recommend an amendment to CE-R23 to clarify the rule applies to the

construction of buildings or the conversion of existing buildings that will contain a potentially hazard sensitive activity in the medium coastal hazard area, in part in response to Kimberley Vermaey [348.5] as detailed in paragraph 151 of this report. However, the amendments to the rule to clarify that the rule applies to new buildings that will contain a potentially hazard sensitive activity, although necessary in my view, is not a matter raised in submissions nor clear in the notified version of the rule. I consider that it is necessary to explicitly control the construction of buildings as it is appropriate to manage the risk of damage to property as well as the risk to life of those in the building. Accordingly, I suggest that the Panel consider whether it is appropriate to make an out-of-scope recommendation under in line with Schedule 1, clause 99(2)(b) of the RMA with respect to the amendments to clarify that the rule applies to new buildings that will contain a potentially hazard sensitive activity in the medium coastal hazard area.

Summary of recommendations

976. HS5-CE-R23-Rec67: That CE-R23 is amended as set out below and as detailed in Appendix A.

CE-R23 The construction of buildings or the conversion of existing buildings that will contain Ppotentially hazard sensitive activities in the medium coastal hazard area, excluding the City Centre Zone or Airport, operation port activities, passenger port facilities and rail activities

1. Activity Status: Restricted Discretionary

Matters of discretion are:

1. The matter in CE-P~~1416~~

977. HS5-CE-R23-Rec68: That submission points relating to CE-R23 are accepted/rejected as detailed in Appendix B.

3.4.9 CE-R24 All hard engineering measures in the high coastal hazard area (ISPP)

Matters raised by submitters

978. WCCERG [377.279] and KiwiRail [408.103] seek that CE-R24 is retained as notified.

979. Yvonne Weeber [340.68] seeks that CE-R24 is retained as notified but considers that it is unclear where the Low Coastal Hazard Area, Medium Coastal Hazard Area and the High Coastal Hazard Area are in the coastal environment as these terms do not appear on the Wellington City Proposed District Plan maps.

980. Forest and Bird [345.356, opposed by WIAL [FS36.133] seeks that CE-R24 is amended to acknowledge natural character, natural landscape, and biodiversity values are protected via reference to appropriate provisions from other chapters or by including provisions in the rule.

981. CentrePort Limited [402.121 and 404.122] considers that hard engineering options are often the

only options for protection and enhancement of Port Infrastructure which, by necessity, needs to be in the Coastal Environment. It seeks that CE-R23 is amended to provide an exclusion for the Special Purpose Port Zone.

982. WIAL [406.293, 406.354 and 404.355, supported KiwiRail [72.64], opposed by Guardians of the Bays Inc [FS44.67, FS44.74 and FS44.75]] opposes this rule insofar as it relates to the existing seawall located between Lyall Bay and Moa Point and considers that the rule should only be applicable to new hard engineering structures. It also considers that ongoing upgrade, maintenance and repair of existing hard engineering structures that protect existing regionally significant infrastructure should be permitted, as WIAL has provided for in the underlying Natural Open Space Zone. WIAL seeks the following amendments to CE-R24, with deletion of CE-R24 sought if this preferred option is not supported:

Amend CE-R24 All hard engineering measures in the high coastal hazard area as follows:

CE-R24 New All hard engineering measures in the high coastal hazard area except measures associated with regionally significant infrastructure

1. Activity Status: Discretionary

983. WIAL [406.293] also seeks the addition of a new rule as follows:

CE – R24A Hard engineering measures in the high coastal hazard area for regionally significant infrastructure

1. Activity Status: Permitted

Assessment

984. I agree with Yvonne Weeber [340.68] regarding the lack of clarity of the hazard maps, with my associated reasons and proposed response set out in paragraph 576 of this report.

985. I disagree with the relief sought by Forest and Bird [345.356] for the reasons outlined in paragraph 860 of this report.

986. Although I accept the proposition of CentrePort Limited [402.121 and 404.122] that hard engineering options may well be the only option for protection and enhancement of Port infrastructure which by necessity needs to be in the Coastal Environment, I disagree with the relief sought as I do not consider that this is reason enough for, nor has a supporting s32AA evaluation been provided to justify, excluding hard engineering in the Special Purpose Port Zone from this rule. I am instead of the opinion that this is more appropriately a matter that needs to be demonstrated on a case-by-case through the consenting process. I also note that the proposed amendments to CE-P26 discussed in paragraph 879 to 881 of this report may provide some relief to the submitter in the form of ensuring an achievable consenting pathway for hard engineering hazard mitigation measures.

987. I agree with WIAL [406.293, 406.354 and 404.355] that CE-R24 and the discretionary activity

status should be applicable to new hard engineering structures, but not ongoing maintenance and repair of existing hard engineering structures that protect existing regionally significant infrastructure.

988. Instead, I consider that enabling maintenance and repair of existing structures to ensure existing structures are effective in mitigating the impacts of hazard events is appropriate and suggest that this would be best achieved through amending CE-R24 to explicitly permit these activities. Maintenance and repairs is defined in the PDP which ensures clarity regarding the works that would be enabled by the suggested permitted activity rule. I agree in part with the provisions for upgrades but only to the extent that footprint or height of the existing structure in not increased.

989. I note that the submitter has provided no compelling reasons to support the amendments sought nor a supporting s32AA evaluation, and for that reason I am unconvinced that the upgrade of hard engineering measures that protect regionally significant infrastructure in the high coastal hazard area should be provided for as a permitted activity, as the nature and scale of upgrades that would be permitted under this scenario are uncertain and therefore could give rise to unintended or unforeseen consequences. I also consider that it would be appropriate for proposed large scale upgrades to existing hard engineering to demonstrate by way of resource consent that complementary soft-engineering options are not practicable. As an alternative I have also considered whether a certain percentage of the existing GFA could form a permitted standard for minor upgrades but have not managed to identify an appropriate scale of permitted upgrade, in part due to the considerable size of existing structures and the difficulty in permitting for example a 10% increase in existing footprint.

990. I also note that the proposed amendments contained in paragraph 991 of this report results in a gap in policy direction with respect to the repair and maintenance, as CE-P26 does not provide policy direction (enabling or otherwise) for the repair and maintenance of hard engineering structures. I consider that the following policy would adequately address this gap in policy direction.

CE-PX1 Repair and maintenance of existing hard engineering hazard mitigation structures in the high coastal hazard area

Enable the repair and maintenance of existing hard engineering hazard mitigation structures in the high coastal hazard area where they will reduce the risk from coastal hazards to people, property and infrastructure.

Summary of recommendations

991. HS5-CE-R24-Rec69: That CE-R24 is amended as set out below and as detailed in Appendix A.

CE-R24 All hard engineering measures natural hazards mitigation works in the high coastal hazard area

1. Activity Status: Permitted

Where:

- a. The works involve maintenance and repair of existing hard engineering natural hazard mitigation works; or
- b. Upgrades of existing hard engineering natural hazard mitigation works that protect existing regionally or nationally significant infrastructure that do not increase the footprint or height of the structure.

~~2.~~ 2. Activity Status: Discretionary

Where:

- a. The works involve new hard engineering natural hazard mitigation works; or
- b. Upgrades to existing hard engineering natural hazard mitigation works cannot comply with CE-R24.1b.

CE-PX Repair and maintenance of existing hard engineering natural hazard mitigation works in the high coastal hazard area

Allow the repair and maintenance of existing hard engineering natural hazard mitigation works in the high coastal hazard area where they will reduce the risk from coastal hazards to people, property and infrastructure.

992. HS5-CE-R24-Rec70: That submission points relating to CE-R24 are accepted/rejected as detailed in Appendix B.

Section 32AA evaluation

993. In my opinion, the amendment to CE-R24 and introduction of a new policy for the maintenance and repair of existing hard engineering natural hazard mitigation structures is more appropriate in achieving the objectives of the PDP than the notified provisions for the following reasons:

- a. The amendments clarify that the maintenance and repair of existing hard engineering natural hazard mitigation works is permitted, and the upgrades to existing hard engineering natural hazard mitigation structures is a discretionary activity. The amendments to reflect the proposed new definition for hard engineering natural hazard mitigation works. These amendments will result in improved plan administration. Consequently, CE-R24 and introduction of a new policy for the maintenance and repair of existing hard engineering natural hazard mitigation structures is more efficient and effective than the notified provisions in achieving the objectives of the PDP; and
- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

3.4.10 CE-R25 Potentially hazard sensitive activities within the high coastal hazard area, excluding the City Centre Zone or Airport, operation port activities, passenger port facilities and rail activities (ISPP)

Matters raised by submitters

994. WCCERG [377.280] and KiwiRail [408.103] seek that CE-R25 is retained as notified.
995. WCCERG [377.280] and KiwiRail [408.103] seek that CE-R25 is retained as notified.
996. Yvonne Weeber [340.69] seeks that CE-R25 is retained as notified but considers that it is unclear where the Low Coastal Hazard Area, Medium Coastal Hazard Area and the High Coastal Hazard Area are in the coastal environment as these terms do not appear on the Wellington City Proposed District Plan maps.
997. Forest and Bird [345.357, opposed by WIAL [FS36.134] seeks that CE-R25 is amended to acknowledge natural character, natural landscape, and biodiversity values are protected via reference to appropriate provisions from other chapters or by including provisions in the rule. oppose this proposed amendment.
998. VicLabour [414.25] considers that the provision may be insufficient given recent evidence that sea level rise and weather impacts related to climate change may become worse, quicker than thought not long ago. It also considers that Council needs to consider a complete prohibition on all development of potentially or actually hazard sensitive activities within areas at risk of coastal inundation or tsunami as a result of sea level rise and seeks that prohibited activity status is applied to Rule CE-R25 [Inferred decision requested].
999. I note that I also recommend an amendment to the title of CE-R25 to clarify the rule applies to the construction of buildings or the conversion of existing buildings that will contain a potentially hazard sensitive activity in the high coastal hazard area, in part in response to Kimberley Vermaey [348.5] as detailed in paragraph 151 of this report. However, the amendments to the rule to clarify that the rule applies to new buildings that will contain a potentially hazard sensitive activity, although necessary in my view, is not a matter raised in submissions nor clear in the notified version of the rule. I consider that it is necessary to explicitly control the construction of buildings as it is appropriate to manage the risk of damage to property as well as the risk to life of those in the building. Accordingly, I suggest that the Panel consider whether it is appropriate to make an out-of-scope recommendation under in line with Schedule 1, clause 99(2)(b) of the RMA with respect to the amendments to clarify that the rule applies to new buildings that will contain a potentially hazard sensitive activity in the high coastal hazard area.

Assessment

1000. I agree with Yvonne Weeber [340.69] regarding the lack of clarity of the hazard maps, with my associated reasons and proposed response set out in paragraph 576 of this report.
1001. I disagree with the relief sought by Forest and Bird [345.357] for the reasons outlined in paragraph 860 of this report.

1002. I disagree with the relief sought by VicLabour [414.25] for the reasons outlined in paragraph 973 of this report.

Summary of recommendations

1003. HS5-CE-R25-Rec71: That CE-R25 is amended as set out below and as detailed in Appendix A.

CE-R25 The construction of buildings or the conversion of existing buildings that will contain potentially hazard sensitive activities in the high coastal hazard area, excluding the City Centre Zone or Airport, operation port activities, passenger port facilities and rail activities

1. Activity Status: Discretionary

1004. HS5-CE-R25-Rec72: That submission points relating to CE-R25 are accepted/rejected as detailed in Appendix B.

3.4.11 CE-R26 Hazard sensitive activities within the medium coastal hazard area, excluding the City Centre Zone or Airport, operation port activities, passenger port facilities and rail activities (ISPP)

Matters raised by submitters

1005. WCCERG [377.281] and MOE [400.73] seek that CE-R26 is retained as notified.

1006. WCCERG [377.281] and MOE [400.73] seek that CE-R26 is retained as notified.

1007. Yvonne Weeber [340.70] seeks that CE-R26 is retained as notified but considers that it is unclear where the Low Coastal Hazard Area, Medium Coastal Hazard Area and the High Coastal Hazard Area are in the coastal environment as these terms do not appear on the Wellington City Proposed District Plan maps.

1008. Forest and Bird [345.358, opposed by WIAL [FS36.135] seeks that CE-R26 is amended to acknowledge natural character, natural landscape, and biodiversity values are protected via reference to appropriate provisions from other chapters or by including provisions in the rule.

1009. WIAL [406.357 and 404.358, opposed by Toka Tū Ake EQC [FS70.111 and FS70.112]] considers that CE-R26 should be deleted in its entirety or reworked to apply to coastal hazard inundation areas only.

1010. VicLabour [414.26, opposed by WIAL [FS36.3140]] considers that the provision may be insufficient given recent evidence that sea level rise and weather impacts related to climate change may become worse, quicker than thought not long ago. It also considers that Council needs to consider a complete prohibition on all development of potentially or actually hazard sensitive activities within areas at risk of coastal inundation or tsunami as a result of sea level rise and seeks that prohibited activity status is applied to Rule CE-R26 [Inferred decision requested].

Assessment

1011. I agree with Yvonne Weeber [340.70] regarding the lack of clarity of the hazard maps, with my associated reasons and proposed response set out in paragraph 576 of this report.
1012. I disagree with the relief sought by Forest and Bird [345.358] for the reasons outlined in paragraph 860 of this report.
1013. I disagree with WIAL [406.357 and 406.358] that CE-R26 should be deleted or reworked to apply to coastal hazard inundation areas only for the reasons outlined in paragraph 584 to 590 of this report.
1014. I disagree with the relief sought by VicLabour [414.26] for the reasons outlined in paragraph 973 of this report.
1015. I note that I also recommend an amendment to the title of CE-R26 to clarify the rule applies to the construction of buildings or the conversion of existing buildings that will contain a hazard sensitive activity in the medium coastal hazard area, in part in response to Kimberley Vermaey [348.5] as detailed in paragraph 151 of this report. However, the amendments to the rule to clarify that the rule applies to new buildings that will contain a hazard sensitive activity, although necessary in my view, is not a matter raised in submissions nor clear in the notified version of the rule. I consider that it is necessary to explicitly control the construction of buildings as it is appropriate to manage the risk of damage to property as well as the risk to life of those in the building. Accordingly, I suggest that the Panel consider whether it is appropriate to make an out-of-scope recommendation under in line with Schedule 1, clause 99(2)(b) of the RMA with respect to the amendments to clarify that the rule applies to new buildings that will contain a hazard sensitive activity in the medium coastal hazard area.

Summary of recommendations

1016. HS5-CE-R26-Rec73: That CE-R26 is amended as set out below and as detailed in Appendix A.

CE-R26 The construction of buildings or the conversion of existing buildings that will contain hazard sensitive activities in the medium coastal hazard area, excluding the City Centre Zone or Airport, operation port activities, passenger port facilities and rail activities

1. Activity Status: Discretionary

1017. HS5-CE-R26-Rec74: That submission points relating to CE-R26 are accepted/rejected as detailed in Appendix B.

3.4.12 CE-R27 Hazard sensitive activities within the high coastal hazard area, excluding the City Centre Zone or Airport, operation port activities, passenger port facilities and rail activities (ISPP)

Matters raised by submitters

1018. WCCERG [377.282] and MOE [400.74] seek that CE-R26 is retained as notified.
1019. WCCERG [377.282] and MOE [400.74] seek that CE-R26 is retained as notified.
1020. Yvonne Weeber [340.71] seeks that CE-R26 is retained as notified but considers that it is unclear where the Low Coastal Hazard Area, Medium Coastal Hazard Area and the High Coastal Hazard Area are in the coastal environment as these terms do not appear on the Wellington City Proposed District Plan maps.
1021. Kāinga Ora [391.267 and 391.268, opposed by Toka Tū Ake EQC [FS70.65] and GWRC [FS84.85]] considers that CE-R27 should be amended to change the activity status of Hazard Sensitive Activities within the High Coastal Hazard Area from Non-Complying to Discretionary to enable the potential for these activities to be provided where the risks can be managed through mitigation measures.
1022. Forest and Bird [345.359] seeks that CE-R26 is amended to acknowledge natural character, natural landscape, and biodiversity values are protected via reference to appropriate provisions from other chapters or by including provisions in the rule.
1023. VicLabour [414.27] considers that the provision may be insufficient given recent evidence that sea level rise and weather impacts related to climate change may become worse, quicker than thought not long ago. It also considers that Council needs to consider a complete prohibition on all development of potentially or actually hazard sensitive activities within areas at risk of coastal inundation or tsunami as a result of sea level rise and seeks that prohibited activity status is applied to Rule CE-R27 [Inferred decision requested].

Assessment

1024. I agree with Yvonne Weeber [340.71] regarding the lack of clarity of the hazard maps, with my associated reasons and proposed response set out in paragraph 576 of this report.
1025. I disagree with the relief sought by Forest and Bird [345.359] for the reasons outlined in paragraph 860 of this report.
1026. I disagree with the relief sought by VicLabour [414.27] for the reasons outlined in paragraph 973 of this report.
1027. I disagree with Kāinga Ora [391.267 and 391.268] that CE-R27 should be amended to change the activity status of Hazard Sensitive Activities within the High Coastal Hazard Area from Non-Complying to Discretionary to enable the potential for these activities to be provided where the risks can be managed through mitigation measures. I consider that an avoidance approach as directed by the NZCPS and also inferred by s.6(h) RMA with respect to significant risk, and the gateway test in section 104D, is appropriate to ensure that inappropriate activities and development does not occur in High Coastal Hazard Areas. This would effectively increase the consequences of a hazard event and I therefore do not consider it necessary to provide for a more enabling approach in these areas.

1028. I note that I also recommend an amendment to the title of CE-R27 to clarify the rule applies to the construction of buildings or the conversion of existing buildings that will contain a hazard sensitive activity in the high coastal hazard area, in part in response to Kimberley Vermaey [348.5] as detailed in paragraph 151 of this report. However, the amendments to the rule to clarify that the rule applies to new buildings that will contain a hazard sensitivity activity, although necessary in my view, is not a matter raised in submissions nor clear in the notified version of the rule. I consider that it is necessary to explicitly control the construction of buildings as it is appropriate to manage the risk of damage to property as well as the risk to life of those in the building. Accordingly, I suggest that the Panel consider whether it is appropriate to make an out-of-scope recommendation under in line with Schedule 1, clause 99(2)(b) of the RMA with respect to the amendments to clarify that the rule applies to new buildings that will contain a hazard sensitive activity in the high coastal hazard area.

Summary of recommendations

1029. HS5-CE-R27-Rec75: That CE-R27 is confirmed as notified.

CE-R27 The construction of buildings or the conversion of existing buildings that will contain Hazard sensitive activities in the high coastal hazard area, excluding the City Centre Zone or Airport, operation port activities, passenger port facilities and rail activities

1. Activity Status: Non-Complying

1030. HS5-CE-R27-Rec76: That submission points relating to CE-R27 are accepted/rejected as detailed in Appendix B.

4.0 Minor and inconsequential amendments

1031. Pursuant to Schedule 1, clause 16 (2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.

1032. The following minor and inconsequential amendments relevant to this report are identified below and will be corrected:

- the spelling of the name of the 'Shepherd's Gully' Fault throughout the PDP;
- an amendment to the title of NH-P13 to distinguish it from NH-P14 (that currently has the same policy title) and to clarify that the policy relates to low occupancy buildings which better reflects the intent of the policy;
- an amendment to the title of NH-P14 which simplifies the title without materially altering the policy
- deletion of the reference to 'stream and river management works' from NH-P16 and NH-P17 as 'natural hazard mitigation works' encompasses works that would be involved in

stream and river management but including them separately connected by “or” suggests they are different;

- an amendment to add reference to ‘of the Coastal Hazard Overlays’ to CE-P12 to ensure policy drafting consistency across plan provisions;
- the addition of ‘need’ after operational in CE-P18 to align the term with the operational need term used and defined in the PDP;
- correction to CE-R18.1a to clarify that the permitted addition is to a building containing the specified activity, not the activity itself;
- an amendment to the titles of CE-R20 and CE-R22 to clarify the rules apply to the construction of buildings or the conversion of existing buildings;
- amend CE-P25 reference to ‘planning’ by replacing with ‘planned’, and deletion of ‘risk’ following ‘coastal hazards’;
- an amendment to CE-P24 to replace ‘they’ with ‘this’;
- Addition of ‘event’ following use of the term ‘1% Annual Exceedance Probability flood’;
- the use of hyphens throughout the provisions, in particular reference ‘well-defined’ in relation to fault rupture hazard, and reference to hazard sensitive; and
- for consistency between similar provisions in Natural Hazards chapter and Coastal Environment chapter, for example changing ‘in’ to ‘within’ and ‘does’ to ‘do’.

1033. The recommended amendments are set out in Appendix A.

5.0 Conclusion

1034. Submissions have been received in support of, and in opposition to the natural and coastal hazards related provisions in the PDP, contained in the Natural Hazards chapter, Coastal Environment chapter and Definitions section of the plan.

1035. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PDP should be amended as set out in Appendix A of this report.

1036. For the reasons set out in the Section 32AA evaluation included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:

- Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
- Achieve the relevant objectives of the PDP, in respect to the proposed provisions.

5.1 Recommendations

I recommend that:

1037. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and

1038. The PDP is amended in accordance with the changes recommended in Appendix A of this

report.

6.0 Appendices

6.1 Appendix A: Recommended Amendments to the Natural Hazards chapter, Coastal Hazards provisions in the Coastal Environment chapter, and associated Definitions

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the PDP is underlined.
- Text recommended to be deleted from the PDP is ~~struck through~~.

6.2 Appendix B: Recommended Responses to Submissions and Further Submissions on Natural Hazards and Coastal Hazards

6.3 Appendix C: Table identifying the location of the Section 77J evaluation for natural hazards and associated provisions, including a narrative summarising the different elements of the evaluation

Section 77J Requirements in relation to an evaluation report	Narrative	Section 32 Evaluation	Section 42A Report	Supplementary Evidence
<p>...</p> <p><i>(3) The evaluation report must, in relation to the proposed amendment to accommodate a qualifying matter,—</i></p> <p><i>(a) demonstrate why the territorial authority considers—</i></p>				
<p><i>(i) that the area is subject to a qualifying matter; and</i></p>	<p>Natural hazards is listed in the NPS-UD as a qualifying matter by virtue of being a s6 matter.</p> <p>Detailed technical reports exist for all of the natural hazards (flooding, fault rupture, liquefaction, coastal inundation and tsunami inundation) managed by the district plan that address the likelihood and consequences of a hazard event, and determine the extent of the various hazard overlays contained in the PDP.</p> <p>In summary, the identification of natural hazard and coastal hazard overlays in the PDP are considered to:</p> <ul style="list-style-type: none"> • be s6(h) matters, or meet s31 requirements • give effect to the NZCPS and RPS • reflect the likelihood and consequence of natural hazard events on people, property and infrastructure <p>demonstrating that these overlays as QFM able to be used to modify the MDRS to the extent necessary to accommodate each of the individual QFM.</p> <p>See technical reports at: Plans, policies and bylaws – Proposed District Plan – Supporting documents – Planning for Natural Hazards</p>	<p>Identified in:</p> <p>7.0 Overview of Proposal 8.0 Qualifying Matters</p> <p>See s32 report at: Plans, policies and bylaws – Proposed District Plan – section 32 reports</p>	<p>See 34 through 37 of this report for a Section 77J evaluation of s42A report recommendations.</p> <p>No new areas are proposed to be identified within a natural hazard or coastal hazard overlay based on s6 QFM grounds, however certain proposed amendments to the associated plan provision alter how QFM modify the MDRS.</p>	<p>N/A</p>
<p><i>(ii) that the qualifying matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 for that area; and</i></p>	<p>The s32 report addressed natural hazards as a qualifying matter in the context of s77I.</p> <p>In so far as relates to the MDRS –</p> <p>The s32 report does not address proposed zoning as natural hazards are identified in the PDP as natural and coastal hazard overlays that apply in addition to the underlying zone, with no modification of the relevant zone rules in response to the natural or coastal hazard overlay.</p> <p>The s32 states that the most appropriate way to modify the MDRS is to limit</p>	<p>Section 10.0 (Evaluation of Reasonably Practicable Options and Associated Provision) identifies and evaluates why additional controls restricting the application of the MDRS are necessary to manage the qualifying matter.</p> <p>Identified in: 8.0 Qualifying Matters</p>	<p>See 34 through 37 of this report for a Section 77J evaluation of s42A report recommendations.</p>	<p>N/A</p>

Section 77J Requirements in relation to an evaluation report	Narrative	Section 32 Evaluation	Section 42A Report	Supplementary Evidence
	<p>the number of units within certain natural or coastal hazard overlays due to the direct correlation between the level of risk experienced by individuals and the impact from the natural hazard, and that the building height and form standards under the MDRS do not need to be modified in response to natural and coastal hazards. This is because from a natural and coastal hazard perspective, risk is largely a function of the number of residential units on a site, as opposed to the form of a residential unit.</p> <p>In so far as it relates to Policy 3 –</p> <p>For the purposes of urban non-residential zones, there is some limitation of the non-residential development that can occur within the following Natural Hazard and Coastal Hazard Overlays where they intersect with Mixed Use Zones, Neighbourhood Centres Zone, Metropolitan Centre Zone, and General Industrial Zone.</p> <ul style="list-style-type: none"> • Stream Corridor • High Coastal Hazard Area (Tsunami and inundation) • Wellington and Ohariu Fault Overlay • Medium Coastal Hazard Area • Overland Flowpath <p>The rationale for restricting non-residential development within these zones is the same as the rationale as outlined under Section 8.1 of the 32 report. Building heights directed by policy 3(a)(c) and (d), are not directly modified by the presence of a natural hazard overlay.</p>			
<i>(b) assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity; and</i>	<p>This is addressed on a natural and coastal hazard wide basis (ie, grouped together).</p> <p>Impact on development capacity has been modelled, albeit not in time for the s32, but in time for hearings.</p>	<p>Wellington City Qualifying Matters Assessment November 2022 – Property Economics</p>	<p>See 34 through 37 of this report for a Section 77J evaluation of s42A report recommendations.</p>	<p>WCC Capacity modelling Natural and Coastal Hazards Memo June 2023 - Property Economics</p>
<i>(c) assess the costs and broader impacts of imposing those limits.</i>	<p>This is addressed in economic terms through the ‘Qualifying matters assessment November 2022’.</p> <p>Broader environmental, social and cultural costs and impacts are identified in Section 10.0 (Evaluation of Reasonably Practicable Options and Associated Provision) for the natural and coastal hazards provisions (which collectively limit development capacity).</p>	<p>Wellington City Qualifying Matters Assessment November 2022 – Property Economics</p> <p>See section 5.2 Natural and Coastal Hazards.</p>	<p>See 34 through 37 of this report for a Section 77J evaluation of s42A report recommendations.</p>	<p>N/A</p>
<i>(4) The evaluation report must include, in relation to the provisions implementing the MDRS,—</i>	<p>The s32 report addressed natural hazards as a qualifying matter in the context of s77I.</p> <p>In so far as relates to the MDRS –</p> <p>The s32 report does not address proposed zoning as natural hazards are identified in the PDP as natural and coastal hazard overlays that apply in</p>	<p>Section 10.0 (Evaluation of Reasonably Practicable Options and Associated Provision) identifies and evaluates why additional controls restricting the application of the MDRS are necessary to manage the qualifying matter.</p>	<p>See 34 through 37 of this report for a Section 77J evaluation of s42A report recommendations.</p>	<p>N/A</p>

Section 77J Requirements in relation to an evaluation report	Narrative	Section 32 Evaluation	Section 42A Report	Supplementary Evidence
	<p>addition to the underlying zone, with no modification of the relevant zone rules in response to the natural or coastal hazard overlay.</p> <p>The s32 states that the most appropriate way to modify the MDRS is to limit the number of units within certain natural or coastal hazard overlays due to the direct correlation between the level of risk experienced by individuals and the impact from the natural hazard, and that the building height and form standards under the MDRS do not need to be modified in response to natural and coastal hazards. This is because from a natural and coastal hazard perspective, risk is largely a function of the number of residential units on a site, as opposed to the form of a residential unit.</p>	<p>Identified in: 8.0 Qualifying Matters</p>		
<i>(a) a description of how the provisions of the district plan allow the same or a greater level of development than the MDRS:</i>	N/A	N/A	N/A	N/A
<i>(b) a description of how modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and, in particular, how they apply to any spatial layers relating to overlays, precincts, specific controls, and development areas, including—</i>		<p>Section 10.0 (Evaluation of Reasonably Practicable Options and Associated Provision) identifies and evaluates why additional controls restricting the application of the MDRS are necessary to manage the qualifying matter.</p> <p>Identified in: 8.0 Qualifying Matters</p>	See 34 through 37 of this report for a Section 77J evaluation of s42A report recommendations.	N/A
<i>(i) any operative district plan spatial layers; and</i>	N/A	N/A	N/A	N/A
<i>(ii) any new spatial layers proposed for the district plan.</i>	See response to 77J(3)(a)(i) and (ii)	<p>Section 10.0 (Evaluation of Reasonably Practicable Options and Associated Provision) identifies and evaluates why additional controls restricting the application of the MDRS are necessary to manage the qualifying matter.</p> <p>Identified in: 8.0 Qualifying Matters</p>	N/A	N/A
<i>(5) The requirements set out in subsection (3)(a) apply only in the area for which the territorial authority is proposing to make an allowance for a qualifying matter.</i>	See response to 77J(3)(a)(i) and (ii)	N/A	N/A	N/A
<i>(6) The evaluation report may for the purposes of subsection (4) describe any modifications to the requirements.</i>	N/A	N/A	N/A	N/A

