

Section 32AA Evaluation of amendments sought to the Proposed Wellington District Plan (PDP) in submissions of Oyster Management Limited, Precinct Properties New Zealand Limited, Fabric Property Limited or Argosy Property No 1 Limited (Hearing 5)

Amendments sought to the coastal hazards table

<p>Effectiveness and efficiency</p>	<p>The recommended amendments to Coastal Hazards table as set out in my evidence are more efficient and effective in achieving the objectives of the District Plan as these will provide greater consistency between <i>High</i> Tsunami and Coastal Inundation hazards regarding sea level rise. It would also have the effect of significantly reducing the spatial extent of the <i>High</i> coastal hazard in the City Centre, which may reduce the extent of special City Centre exemptions from provisions which apply to the High Coastal Hazard such as those set out in the s42A versions of CE-P12, CE-P18, and CE-R18.</p>
<p>Costs/Benefits</p>	<p>Environmental:</p> <ul style="list-style-type: none"> • The proposed amendments ensure that the overlays and provisions accurately reflect the assumptions of different natural hazard events including tsunami, by applying a consistent approach to sea level rise for high coastal hazards. The notified and s42a version of the relevant provisions provide a misleading representation of the modelling assumptions of different coastal hazards by applying sea level rise to the <i>high</i> tsunami hazard but not to the <i>high</i> coastal inundation hazard while omitting this information. <p>Economic:</p> <ul style="list-style-type: none"> • The amendments avoid an inappropriate interpretation of the provisions which may constrain development in a way that is not intended. • The amendments significantly reduce the spatial extent for the high coastal hazard in the city centre which provides economic benefits in reducing potential constraints on development in an area with significant existing investment. <p>Social:</p> <ul style="list-style-type: none"> • The amendments provide more clarity to the extent of hazard risks and reduce the risk of misleading property owners and the public. • The amendments provide greater clarity between the Tsunami and Coastal Inundation overlays. <p>The recommended amendments will not have any greater cultural or environmental effects than the notified provisions.</p>
<p>Risk of activity or not acting</p>	<p>The risk of not acting is that the notified and s42a approach would create uncertainty and misrepresent the extent of high coastal hazards in the City Centre (and elsewhere).</p>

Decision about more appropriate action	The recommended amendments as set out in my evidence are therefore more appropriate in achieving the purpose of the RMA than the PDP or the proposed changes set out in the section 42A report.
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Amendments sought to CE-P12 to include reference to the high hazard areas of the City Centre zone in CE-P12.2¹

Effectiveness and efficiency	The recommended amendments to CE-P12 as set out in my evidence are more efficient and effective in achieving the objectives of the District Plan as these will ensure that the policy provides direction around the high coastal hazards area in the City Centre Zone. The s42A recommended amendment to CE-P12.3 to provide an exception for the City Centre, means that the s42A version of the policy provides no direction around the high coastal hazard area in the City Centre. My recommended amendments address this issue.
Costs/Benefits	Economic: <ul style="list-style-type: none"> The amendments provide greater clarity and avoid potential ambiguity in the lack of policy direction around the high coastal hazard area in the City Centre. This provides benefits in reducing uncertainty and potential administrative costs. <p>The recommended amendments will not have any greater cultural, social, or environmental effects than the notified provisions.</p>
Risk of activity or not acting	The risk of not acting is that there will be a policy vacuum regarding the level of risk of the high hazard areas of the City Centre Zone, and there will therefore be uncertainty around the policy applying to these areas.
Decision about more appropriate action	The recommended amendments as set out in my evidence are therefore more appropriate in achieving the purpose of the RMA than the PDP or the proposed changes set out in the section 42A report.

Amendments sought to NH-P6 and NH-P7

Effectiveness and efficiency	The recommended amendments to NH-P6 and NH-P7 change the “minimise” policy direction to one of mitigation or “reduce or not increase” as set out in my evidence. These amendments are more efficient and effective in achieving the objectives of the District Plan as a policy direction to “minimise” risk provides a much higher bar than ‘not increased or is reduced’ or ‘mitigated’, and is an inappropriately onerous response to the level or risk associated with the relevant identified flood hazard areas.
Costs/Benefits	Economic:

¹ My evidence also recommends amending the s42A version of CE-P12 to replace “minimises” with “addresses” consistent with the notified version. As this amendment is consistent with the notified version of CE-P12 no s32AA evaluation is required.

	<ul style="list-style-type: none"> The recommended amendments provide greater clarity and apply a more appropriate response to balance enabling development while addressing the level of risk associated with the relevant identified flood hazard areas. <p>The recommended amendments will not have any greater social, cultural or environmental effects than the notified provisions.</p>
Risk of activity or not acting	The risk of not acting is that the plan will provide an inappropriately onerous response to the level or risk associated with the relevant identified flood hazard areas.
Decision about more appropriate action	The recommended amendments as set out in my evidence are therefore more appropriate in achieving the purpose of the RMA than the PDP or the proposed changes set out in the section 42A report.

Amendments sought to NH-R11

Effectiveness and efficiency	The recommended amendments to NH-R11 as set out in my evidence are more effective and efficient as they provide consistency with the Discretionary activity status under NH-R13, and a discretionary activity status is more appropriate than non-complying activity status to consider proposals that do not achieve floor levels above inundation levels, with allowance for freeboard.
Costs/Benefits	<p>Economic:</p> <ul style="list-style-type: none"> Achieves an appropriate balance while providing for development and addressing natural hazard risk. The Discretionary activity status is not unnecessarily onerous and so does not unnecessarily limit development, but still allows consideration of objectives and policies and still gives Council the ability to decline an application based on the merits of the proposal. <p>The recommended amendments will not have any greater cultural, social or environmental effects than the notified provisions.</p>
Risk of activity or not acting	The risk of not acting is that non-compliance with floor level requirements for new buildings containing hazard sensitive activities would be a non-complying activity and unnecessarily onerous, this would also result in inconsistency between the Natural Hazard rules.
Decision about more appropriate action	The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the PDP or the proposed changes set out in the section 42A report.