

**BEFORE THE INDEPENDENT HEARING COMMISSIONERS
APPOINTED BY WELLINGTON CITY COUNCIL**

IN THE MATTER of the Resource Management Act 1999
AND
IN THE MATTER of the hearing of submissions on the **Proposed
Wellington City District Plan**

TOPIC: HEARING STREAM 5

**SUMMARY OF EVIDENCE & COMMENTS ON THE COUNCIL'S SUPPLEMENTARY
EVIDENCE -
JANICE CARTER FOR ARGOSY PROPERTY NO 1 LIMITED (SUBMITTER 383), FABRIC
PROPERTY LIMITED (SUBMITTER 425), OYSTER MANAGEMENT LIMITED
(SUBMITTER 404) AND PRECINCT PROPERTIES NEW ZEALAND LIMITED
(SUBMITTER 139)**

07 AUGUST 2023

Introduction

1. My full name is Janice Carter. My experience and qualifications are set out in my evidence in chief dated 18 July 2023. That evidence addresses the submission points of Argosy, Fabric, Oyster and Precinct in respect to the Natural Hazards and Coastal Environment Chapters, and addresses the s42A Report and Supplementary Evidence on those matters.
2. I note that I did not prepare the original submissions and further submissions for Argosy, Fabric, Oyster and Precinct.

NATURAL HAZARDS

Natural Hazards Overlay – Hazard Ranking Table

3. In my evidence in chief¹ I have supported the Reporting Officer's recommendation to amend the hazard ranking for liquefaction from 'high' to 'low'. In my opinion this amendment provides greater consistency with the provisions associated with the liquefaction overlay, and also recognises that liquefaction risk is able to be mitigated through engineering measures and is unlikely to result in risk to life.

NH-P2 Levels of Risk

4. In my evidence in chief², I support the reporting officer's amended wording of NH-P2. I have thought about this further, given changes to other policies recommended in the s42A report, and do however, have a remaining concern about use of the words '*as far as reasonably practicable*'. Like the definition of 'minimise' now being proposed I consider it provides a high bar in low and medium hazard areas and use of the word 'reasonably' in the definition provides a less than clear policy direction, compared with the notified version.

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

¹ Paragraph 13, Evidence in Chief of Janice Carter, 18 July 2023

² Paragraph 17, Evidence in Chief of Janice Carter, 18 July 2023

5. I continue to support the position that ‘minimised’ provides a high bar and is a more onerous response to the level of risk associated with inundation areas of the Flood Hazard Overlays, and prefer the wording I propose in my evidence in chief at paragraph 22. Alternatively, I would support the notified version being retained.

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

6. Similarly, I do not support the S42A recommended version of NH-P7 clause 1. While I propose retaining the notified version in my evidence in chief, I note that the wording could be simplified to be more consistent with my recommended wording for NH-P6 to read:

...

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

...

7. The Reporting Officer in his supplementary evidence prefers ‘minimise’ to ‘reduce or avoid an increase in’ and disagrees that ‘minimise’ provides a higher bar. Mr Sirl states that is not the intention of the proposed amendments to create a higher bar.³ The example provided by the Reporting Officer at paragraph 33 of his supplementary evidence, in my view does not help this argument. If there is a residual risk after mitigation, ‘minimise’ ‘as low as reasonably practicable’ would still require a response, if one is available.

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

8. Under Proposed Rule NH-R11.2 when the floor level requirements are not met the restricted discretionary activity status of a hazard sensitive activity defaults to a non-complying activity.
9. The Reporting Officer considers at paragraph 28-30 of his supplementary evidence that a non-complying activity status is required

³ Supplementary Evidence of Jamie Sirl, paragraph 32.

to align with the intent of policy NH-P6. As set out in my comments on behalf of Stride Property Limited and Investore Property Limited, I maintain my view that a discretionary activity status is the most appropriate activity status where the minimum specified floor levels are not complied with.

NH-R12 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

10. Oyster seeks amendments to NH-R12.2 to make the default activity status Discretionary within the Overland Flowpath overlay for Potentially Hazard Sensitive Activities that do not comply with NH-R12.1, rather than non-complying.
11. In the s42A report the reporting officer accepts this request and considers that the discretionary activity status still gives the Council the ability to decline an application based on its merits. I support the s42a recommendation to amend NH-R12 and concur with the reasoning provided⁴.

COASTAL HAZARDS

CE Introduction and Coastal Hazard Ranking Table

12. The Fabric, Argosy, and Oyster submissions seek amendments to the Coastal Hazard Overlay Hazard Ranking table to apply a “Medium” hazard ranking for the 1:100-year scenario Coastal Tsunami Hazard extent.
13. I remain concerned that the Coastal Hazard Ranking table presents a misleading representation of the tsunami hazard in comparison to the coastal inundation hazard. My understanding is that the “high” coastal hazards ranking for tsunami under the Coastal Hazard Overlay Hazard Ranking table is based on a 1:100-year event plus 1m of sea level rise, while the “high” hazard ranking for Coastal Inundation is based on a 1:100-year event at current sea levels. This is acknowledged by Mr Beban at paragraph 21 of his supplementary evidence.

⁴ s42A report at paragraph 39

14. The Proposed Plan has taken an approach of bundling tsunami and coastal inundation for the purposes of applying accompanying policies and rules. In my opinion it should therefore also apply a consistent approach to applying sea level rise between the two different coastal hazards.
15. It is important to get the hazard ranking right as Mr Beban notes at paragraph 18 of his supplementary evidence: *'all high hazard rankings have an avoid framework'* (except as modified for the City Centre zone and some infrastructure).
16. In my recent work with the Proposed Waikato District Plan (Waikato Plan) High Risk Coastal Inundation Area was defined as those areas imminently at risk of coastal inundation (1% AEP), with existing sea level and coastal processes⁵. An additional area of coastal inundation (1% AEP) with sea level rise was included in the Waikato Plan but not as high risk. This lower risk extent was mapped and included with slightly more permissive policies and rules, and provided an important alert for the future areas that may be affected. This approach is consistent with the rankings in the PWDP coastal hazard ranking table in respect to coastal inundation.
17. By comparison the tsunami 1:100-year scenario with 1m sea level rise in the PWDP similarly contains areas that are not imminently at risk (as sea level rise out to 100 years has not yet occurred and arguably therefore not currently at high risk). A consistent approach would recognise this and rank it to be an area of lower coastal hazard risk. Fabric, Argosy and Oyster seek that it be recognised as medium and I support that (as far as the proposed coastal hazard ranking exercise in the PWDP goes).
18. I agree with Mr Sirl where he states at paragraph 46 of his supplementary evidence that there is no scope for the addition of a new low coastal inundation hazard overlay as shown in the table in Appendix 1 of my evidence in chief. I agree that it is not appropriate and no such overlay is provided in the notified plan. Mr Morgan includes this overlay as a demonstration of an appropriate 'low' hazard ranking for a 'future'

⁵ Proposed Waikato District Plan Appeals Version, 30 September 2022

coastal inundation extent 1% AEP storm event, which includes a highly conservative 1.73m sea level rise.

CE-P12 Levels of Risk

19. I continue to support, in part, the Reporting Officer's recommended amendment of CE-P12 to the extent that it partially addresses the issues raised by the submitters particularly around the concern that the notified policy failed to adequately recognise existing investment in the CBD, consistent with CE-O8.
20. As provided in paragraph 59 of my evidence in chief I recommend a further amendment to CE-P12.2 to provide direction around the high coastal hazard area in the City Centre as set out in Appendix 1. I note that Mr Sirl agrees with this amendment.⁶ The Reporting Officer also replaces 'addresses' with 'minimise' in CE-P12.2, and as per my earlier evidence on this issue I do not support that amendment.

CE-18 Hazard sensitive activities and potentially hazard sensitive activities in the high coastal hazard area

21. The Oyster submission is opposed in part to CE-P18 and considers it is not practical to avoid hazard sensitive activities and potentially hazard sensitive activities in the High Coastal Hazard Area. The Reporting Officer recommends amending CE-P18 to provide an exception to the policy for the City Centre Zone (and the airport, port and passenger port facilities). I support the Reporting Officer's recommended version of CE-P18 and consider that it appropriately provides for development and use in the City Centre.

Janice Carter

7 August 2023

⁶ Supplementary Evidence of Jamie Sirl at paragraph 45.