

**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 AND COMMENTS ON COUNCILS SUPPLEMENTARY
EVIDENCE - JANICE CARTER FOR STRIDE INVESTMENT MANAGEMENT LIMITED
(SUBMITTER 470) AND INVESTORE PROPERTY LIMITED (SUBMITTER 405)**

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 primary and further submission points of Stride and Investore in respect to natural hazards, subdivision, noise and three waters.
2. I note that I did not prepare the original submissions and further submissions for Stride and Investore.

NATURAL HAZARDS

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

3. 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.
4. The Reporting Officer considers at paragraph 28-30 of his supplementary evidence that a non-complying activity status is required to align with the intent of policy NH-P6. I agree that policy NH-P6 provides for development containing hazard sensitive activities to be subject to the incorporation of mitigation measures to 'not increase or reduce'¹ risk to people and property. However, Mr Sirl goes on to say at paragraph 28 of his supplementary evidence '*with floor levels the primary way of addressing flood hazard risk.*' Policy NH-P6 does not specify floor levels as the primary way of achieving the required mitigation. In providing for subdivision, development and use for hazard sensitive activities (my emphasis) Policy NH-P6 enables a variety of mitigation measures to be incorporated.
5. While I consider minimum floor levels to be an excellent mitigation tool in the inundation area of the Flood Hazard Overlay, it is not the only mitigation measure open in terms of policy NH-P6. In my opinion, a non-complying activity status, where the floor levels are not met, is

¹ Noting that the Reporting Officer has recommended 'reduce or not increase' to be replaced with 'minimise'.

inappropriate and onerous in the context of policy NH-P6 that is essentially providing for development within the inundation area of the Flood Hazard Overlay (low hazard ranking). I therefore maintain my view that a discretionary activity status is the most appropriate activity status where the minimum specified floor levels are not complied with. Any resource consent application under NH-11.2 can be carefully considered on the basis of the adequacy of the mitigation measures proposed and declined if those mitigation measures are inadequate.

SUBDIVISION

6. Waka Kotahi [370.189] submits that subdivision within 100m of a state highway corridor should be at least a restricted discretionary activity and seek an additional standard to implement this.
7. Waka Kotahi and KiwiRail also request amendments to SUB-O1 and SUB-P3.
8. These submission points are opposed by Stride and Investore in further submissions.
9. I support the Reporting Officer's recommendations to make no changes in respect to these submission points for the reasons given in my evidence in chief at paragraphs 27-35.

NOISE

10. KiwiRail seeks the introduction of a new noise standard which would apply more stringent indoor noise requirements for development within 100m of a railway corridor, and would apply requirements around vibration within 60m of the railway corridor.
11. Stride and Investore oppose these KiwiRail submission points, as they consider it is inappropriate to apply the more onerous requirements of the "high noise area" to such a great distance from the railway corridor.
12. The Reporting Officer recommends rejecting these proposed changes and I agree with that recommendation for the reasons given at paragraphs 41-42 of my evidence in chief.

THREE WATERS

THW-P5 Hydraulic neutrality and THW-R6 Hydraulic neutrality – four or more residential units and non-residential buildings

13. Woolworths New Zealand seeks to amend THW-P5 and THW-R6 to remove the references to an “undeveloped state” and replace with “pre-developed state”. Stride and Investore supported these submission points in further submissions.
14. I am in agreement with the Woolworths submission that it is more appropriate to use the ‘pre-developed state’ of the site as the baseline to assess stormwater run-off.
15. I reiterate from paragraph 48 of my evidence in chief that requiring development to achieve stormwater runoff levels equal to or below the greenfield state of a site in existing urban areas would be unnecessarily onerous and difficult to assess. This would also be unnecessary to achieve “hydraulic neutrality”.
16. I also disagree that requiring the ‘undeveloped state’ as the baseline to assess stormwater run-off is necessary to give effect to clause 3.5(4) of the National Policy Statement on Freshwater Management (NPS-FM). Clause 3.5(4) is not specific on how district plans should assess the receiving environment when managing effects. Ms Cook’s supplementary evidence agrees that the term ‘undeveloped state’ could be changed to ‘pre-development’ to better align with the terminology used by Wellington Water rather than the Greater Wellington Regional Council (paragraph 22), but recommends retaining the definition ‘means the modelled grassed (pastoral or urban open space) state of the site prior to urban development.’
17. At paragraph 21 of her supplementary evidence Ms Cook considers that the definition is consistent with Wellington Water’s definition of ‘pre-development’ as described at paragraph 4.2.3 of the Wellington Water Reference Guide for Design Storm Hydrology – Standardised Parameters for Hydrological Modelling. I have looked at paragraph 4.2.3 of the Wellington Water Reference Guide. It contains a worked example. In that working example the pre-development state is an undeveloped site being existing pasture/forestry land use (the post development state is low-density residential).

18. In my opinion this worked example does not seek to define 'pre-development' as being an undeveloped state, it just happens that the example chosen to work through how to achieve hydraulic neutrality is an undeveloped site. In other words, the pre-development state for the purposes of that example is 'undeveloped' land.
19. The guide itself states *'This guide provides a standard method for calculating the runoff from catchments in the Wellington region. It should be used to quantify the stormwater runoff from a site pre- and post-development, in order to assess the environmental effects associated with a development.'*
20. As noted in my evidence in chief at paragraph 48, Wellington Water defines hydraulic neutrality as 'capturing post-development peak run-off so that it does not exceed pre-development peak flow rate'². Pre development in this context means the site before it is subject to the proposed development. This is confirmed by Wellington Water's explanation that 'if a property is hydraulically neutral then the peak flow rate from the site will be the same, or less than, what it was prior to development.'³
21. Further consequential amendments will be required to the definition of hydraulic neutrality to replace 'undeveloped state' with pre-developed state' if the panel agrees with my assessment above.

Janice Carter

7 August 2023

² Wellington Water Limited Managing Stormwater Runoff – the use of approved solutions for hydraulic neutrality at page 6.

³ Wellington Water Limited Managing Stormwater Runoff – the use of approved solutions for hydraulic neutrality at page 6.