

<p style="text-align: center;"><b>Wellington City District Plan – Omnibus Plan Change</b></p> <p style="text-align: center;"><b>Natural and Coastal Hazards Provisions</b></p>
<p><b>Scope of Proposed Change</b></p> <p>To amend definitions and rules related to the management of natural hazards risk to ensure these are consistent with the policy intent of the chapters and are fit for purpose.</p>
<p><b>Background</b></p> <p>The Council’s staff assessing resource consent applications, and checking compliance with the District Plan for building consent application have identified that low risk activities were requiring resource consent in flood hazard overlays, and also that an unintended gap exists with respect to habitable accessory buildings in hazard overlays.</p>
<p><b>Issue</b></p> <p>That the matters outlined below render aspects of the Natural Hazards and Coastal Hazards rules ineffective in achieving their intent.</p> <p>Three separate issues have been identified, with refinement to the rules for buildings and structures located in Flood and Coastal Hazards Overlays required, as detailed below.</p> <ol style="list-style-type: none"> <li> <p><u>1. Ensure low risk building additions (non-habitable structures such as decks) that do not impede or divert overland flowpaths, or displace floodwaters are not unnecessarily caught by the Natural Hazard chapter flood hazard rules requiring resource consent.</u></p> <p>Under the 2024 District Plan, additions to buildings for hazard sensitive activities or potentially hazard sensitive activities in a flood hazard inundation area require resource consent under rule NH-R4 when specified floor levels are not achieved. The result of this is that additions such as carports or decks may require resource consent regardless of the low risk from these types of additions.</p> <p>This approach is inconsistent with the approach to standalone buildings and structures for less hazard sensitive activities (which includes ‘accessory buildings used for non-habitable purposes’) are permitted in flood hazard – inundation area under NH-R1 on the basis that the risk to people and property is low. It is noted that due to the possibility for these buildings or structures to impede or divert flowpaths they have a Restricted Discretionary activity status when proposed in an overland flowpath or stream corridor.</p> <p>There is also a slight inconsistency between NH-R1.2, which includes NH-P3 as a matter of discretion. NH-P3 requires that buildings and structures not be located with the stream corridor overlay, which creates uncertainty on how an application for a structure in the stream corridor should be treated.</p> </li> <li> <p><u>2. Ensure that small scale structures such as letterboxes, clotheslines, signs are allowed in overland flowpaths</u></p> <p>Currently, any structure for a Less Hazard Sensitive Hazard Activity will require resource consent if proposed to be located within an overland flowpath under NH-R1.2. The intent of the Natural Hazards and Coastal Hazards chapters as stated in the chapter introductions is that if an activity</p> </li> </ol>

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.

Many overland flowpaths are located in road corridors, where small scale structures are anticipated and will not divert or impede flowpaths to an extent that requires management by the district plan, such as signage or letterboxes.

3. Ensure habitable accessory buildings are appropriately managed by the Natural Hazard and Coastal Hazard rules.

There is an existing gap in the rules for habitable accessory buildings (e.g. sleepouts). Habitable accessory buildings (e.g. sleepouts) are excluded from the definition of Less Hazard Sensitive Activity but are not addressed elsewhere in the hazard sensitivity definitions or rules.

This results in habitable accessory buildings (e.g. sleepouts) being treated as permitted activities in all hazard overlays which is inconsistent with the objectives and policies of the Natural Hazards and Coastal Environment chapters. Habitable accessory buildings have the same level of vulnerability to natural hazards as habitable building additions (e.g. NH-R4 or CE-R18).

4. Approach to activities that are not included in the hazard sensitivity definitions.

There is a lack of clarity as a result of relying on the chapter introduction to clarify that for activities not specifically listed in the Less Hazard Sensitive Activities, Potentially Hazard Sensitive Activities and Hazard Sensitive Activities definitions, the non-listed activities are to be treated as low hazard sensitive activities.

## Assessment of options

### *Relevant options*

The relevant options for addressing each of the identified matters are set out in the assessment below.

### *Cost/Benefit Assessment*

The options are assessed below. The assessment is additional to information in the [Section 32 - Part 2 - Natural and Coastal Hazards](#), and is limited to the effect of the changes.

#### **Issue 1: Ensure low risk building additions (non-habitable structures such as decks) that do not impede or divert overland flowpaths, or displace floodwaters are not unnecessarily caught by the Natural Hazard chapter flood hazard rules requiring resource consent**

For the purposes of this evaluation, the following options have been considered for **Issue 1**:

- **Option 1:** Retain the status quo.
- **Option 2:** Amend provisions to permit non-habitable building additions in flood hazard – inundation area overlay, and clarify how buildings and structures for less hazard sensitive activities in stream corridors are managed.

#### Option 1: Retain the status quo

##### Costs:

- Requires additions such as decks and carports to achieve a floor level above modelled flood levels which is unnecessary due to the low risk of these types of additions.
- The cost of resource consent where required for small-scale non-habitable building additions that are low risk. Examples such as decks are generally semi-permeable and carports will generally either be of permeable wooden construction base or small-scale concrete pad.

##### Benefits:

- Ensures that non-habitable building additions such as garages that could experience damage in a flood event or be used as habitable rooms achieve floor levels to manage safety of people and reduce damage to property.

#### Option 2: Amend provisions to permit specified building additions in the flood hazard - inundation overlay, and clarify how buildings or structures for less hazard sensitive activities in stream corridors are managed.

##### Benefits:

- Reduced costs and time resulting from non-habitable buildings additions not requiring resource consent when proposed in the flood hazard - inundation overlay
- Improved clarity for plan users and administrators.

##### Costs:

- Those additions not specified would still require compliance with minimum floor levels to be treated as a permitted activity in the flood inundation area overlay.

#### Option 3: Amend provisions to permit all non-habitable building additions in the flood hazard - inundation overlay, and clarify how buildings or structures for less hazard sensitive activities in stream corridors are managed.

##### Benefits:

- Reduced costs and time resulting from non-habitable buildings additions not requiring resource consent when proposed in the flood hazard - inundation overlay
- Improved clarity for plan users and administrators.

##### Costs:

- Non-habitable buildings or uses is not defined in the plan, however there is a definition of habitable room. The habitable room definition excludes rooms such as laundry and bathroom which may create the potential for building additions for these spaces to fall within the exception which would not be appropriate due to the potential for property damage.

Overall, it is considered that it is more effective and efficient to permit specified non-habitable building additions in the flood hazard - inundation overlay which would remove the requirement for these types of additions to achieve a stipulated finished floor level.

Option 2 ensures that the Plan effectively and efficiently manages natural hazard risk and achieves the purpose of the Act. In particular, Section 6(h) of the Act.

## Issue 2: Ensure that small scale structures such as letterboxes, clotheslines, signs are allowed in overland flowpaths

For the purposes of this evaluation, the following options have been considered for **Issue 2**:

- Option 1: Retain the status quo.
- Option 2: Amend provisions to provide exclusions for small scale structures such as letterboxes, clotheslines, signs are allowed in overland flowpaths.
- Option 3: Amend provisions to only control buildings but not structures in overland flowpaths
- Option 4: Amend provisions to not control structures in overland flowpaths in road reserve.

A review of other District Plans that have recently been reviewed highlights a range of approaches, as outlined below:

District Plan	Approach to structures in Overland Flow Path
Porirua City Council	The definition of Less Hazard Sensitive Activities includes buildings and structures that are not used for hazard-sensitive or potentially-hazard-sensitive activities. However, the rule that manages Less Hazard Sensitive Activities in all hazard only applies to buildings, but not structures.
New Plymouth District Council	Accessory buildings or building additions permitted subject to standards, including <i>no diversion or transfer of flood water onto, or increase the potential impact of a flood event on any adjoining site</i>
Auckland Council	Fences and walls located within or over an overland flow path that do not obstruct the overland flow path are a permitted activity; and Any buildings or other structures, including retaining walls (but excluding permitted fences and walls) located within or over an overland flow path are restricted discretionary.
Hamilton City Council (proposed plan change)	Permitted subject to broad standards (similar to NPDC)

### Option 1: Retain the status quo

Costs:

- Costs of having to obtain resource consent for small scale structures such as letterboxes, clotheslines, and signs are allowed in overland flowpaths to obtain resource consent which is unnecessary due to the low risk of these types of additions.

Benefits:

- None.

### Option 2: Amend provisions to permit small scale structures in overland flowpaths

These types of structures present less risk than trees and vegetation which are often located in overland flowpaths in road corridors and private property.

Costs:

- Possibility that multiple permitted structures are located with an overland flow path result in diversion or impedance of the overland flowpath and subsequently an increase risk.

**Benefits:**

- Reduced costs resulting from small scale structures such as letterboxes, clotheslines, signs are allowed in overland flowpath not requiring resource consent.

**Option 3: Amend provisions to only control buildings but not structures in overland flowpaths**

**Costs:**

- Possibility that this could result in structures for less hazard sensitive activities being located within an overland flow path and result in diversion or obstruction of the overland flowpath and subsequently increase risk.

**Benefits:**

- Reduced costs resulting from structures for less hazard sensitive activities in overland flowpaths not requiring resource consent.

**Option 4: Amend provisions to not control structures in overland flowpaths in road reserve.**

**Costs:**

- Possibility that this could result in multiple structures for less hazard sensitive activities being located within an overland flow path and result in diversion or obstruction of the overland flowpath and subsequently increase risk.

**Benefits:**

- Reduced costs resulting from structures for less hazard sensitive activities in overland flowpaths not requiring resource consent.
- Council as the road controlling authority can use the landowner approval process to ensure inappropriate structures are not established in road corridor. While flood hazard is not a primary consideration as part of this process

Overall, it is considered that it is more effective and efficient for the plan to be amended to be more permissive of small scale structures such as pole structures, and signs in overland flowpaths on the basis these types of structures would not divert or obstruct flowpaths. However, it is considered inappropriate to permit a structure of any scale as it is entirely plausible that a structure, such as a fence or wall, could divert or obstruct a flowpath. Consideration of other district plan has not assisted in establishing the point at which the size or scale of a structure is likely to divert or obstruct a flowpath. 0.2m<sup>2</sup> is considered appropriate as it provides for most pole structures and a standard fence post. The option of being more permissive of structures in flowpaths that are located in road corridors is considered low risk, and appropriate as road corridors have a capacity that multiple structures are unlikely to impact capacity/flow and structures such as walls and fences are unlikely to be erected in a road corridor in a manner that significantly divert or obstruct a flowpath. The Council also has alternative processes to control structures in road reserves.

A combination of Option 2 and Option 4 is considered to be the most appropriate option to address the issue, ensures that the Plan effectively and efficiently manages natural hazard risk and achieves the purpose of the Act.

### **Issue 3: Ensure habitable accessory buildings are appropriately managed by the Natural Hazard and Coastal Hazard rules**

For the purposes of this evaluation, the following options have been considered for **Issue 3**:

- Option 1: Retain the status quo.
- Option 2: Ensure habitable accessory buildings are appropriately managed by the Natural Hazard and Coastal Hazard rules by including in the definition of Hazard Sensitive Activity
- Option 3: Ensure habitable accessory buildings are appropriately managed by the natural hazard and coastal hazard rules by including 'habitable accessory buildings' to the policies and rules that manage building additions.

#### Option 1: Retain the status quo

##### Costs:

- The lack of controls for habitable accessory buildings in hazard overlays could result in harm to people and damage to property in a natural hazard event.

##### Benefits:

- Avoids the cost of obtaining resource consent for habitable accessory buildings.

#### Option 2: Ensure habitable accessory buildings are appropriately managed by the Natural Hazard and Coastal Hazard rules by including in the definition of Hazard Sensitive Activity

##### Benefits:

- The natural hazard risks for habitable accessory buildings proposed to be located in hazard overlays are appropriately managed to ensure safety of people and reduce chance of damage to property.
- Results in the existing rule framework treating habitable accessory buildings the same as hazard sensitive activities.

##### Costs:

- The cost of obtaining resource consent for habitable accessory buildings.

#### Option 3: Ensure habitable accessory buildings are appropriately managed by the Natural Hazard and Coastal Hazard rules by including 'habitable accessory buildings' in the policies and rules that manage building additions

##### Benefits:

- The natural hazard risks for habitable accessory buildings proposed to be located in hazard overlays are appropriately managed to ensure safety of people and reduce chance of damage to property.

##### Costs:

- As this option would require integration of 'habitable accessory buildings' into a number of existing provisions that are focused on managing building additions, this could result in unintended consequences. For example, in the Wellington Fault limited additions to an existing building are provided for, but is not be appropriate to enable a standalone habitable building, as this would be managed under NH-R14.

Overall, it is considered that it is more effective and efficient for the plan to manage habitable accessory buildings in hazard overlays by including them in the definition of Hazard Sensitive Activities.

Option 2 is the preferred option as it ensures that the District Plan will effectively and efficiently manage natural hazard risk and achieve the purpose of the RMA. In particular, Section 6(h) requires that the Plan recognises and provides for *“the management of significant risks from natural hazards”* as a matter of national importance.

#### **Issue 4: Approach to activities that are not included in the hazard sensitive activity definitions**

For the purposes of this evaluation, the following options have been considered for **Issue 4**:

- Option 1: Retain the status
- Option 2: Amend the hazard sensitivity definitions to provide greater clarity ie include a catch-all within the LHSA definition *‘Any other activity not included in PHSA and HSA definitions’*, with an update the Introduction to the Natural Hazards chapter to reflect this change.

##### Option 1: Retain the status Quo

Costs:

- Lack of clarity for District Plan users as a result of having to rely on information contained in the chapter introduction.

Benefits:

- None.

Option 2 Amend the hazard sensitivity definitions to provide greater clarity, ie include a catch-all within the LHSA definition *‘Any other activity not included in PHSA and HSA definitions’*, with an update the Introduction to the Natural Hazards chapter to reflect this change

Costs:

- None.

Benefits:

- Greater clarity for District Plan users.

Ensures that the Plan effectively and efficiently manages natural hazard risk and achieves the purpose of the Act. In particular, Section 6(h) of the Act.

Following the assessment above, it is recommended that Option 2 is progressed to amend the hazard sensitivity definitions to provide greater clarity, ie include a catch-all within the Less Hazard Sensitive Hazard Association to include *‘any other activity not included in PHSA and HSA definitions’*.

#### *Efficiency and effectiveness*

The recommended options are considered to be the most efficient and effective options to ensure that the District Plan appropriately manages natural hazard risk and achieves the purpose of the Act, in particular s6(h).

### Risk of acting/not acting

There are no significant risks associated with any of the recommended options.

### Consultation

Consultation has been undertaken in accordance with Clause 3 and Clause 4A of Part 1 Schedule 1 of the RMA. The following feedback was received relevant to the proposed amendments to the natural and coastal hazards provisions:

Entity	Feedback	Response
GWRC	<p><i>The current WCC plan does not acknowledge kōhanga reo and research activities which are defined as Hazard Sensitive activities in RPS Proposed Change 1.</i></p> <p><i>GW acknowledges that Kōhanga Reo may fall under “educational facility” which is captured in the hazard sensitive definition, however, would seek that this is made explicit through the plan.</i></p> <p><i>The RPS or RPS Proposed Change 1 do not have a definition or a policy on Less Hazard Sensitive Activities.</i></p>	<p>Kōhanga Reo are included in the District Plan definition of ‘childcare service’ which is included in the ‘hazard sensitive activities’ definition.</p>

### Recommended amendments

- 1. Amend the Definitions of Less Hazard Sensitive Activities and Hazard Sensitive Activities**
- 2. Amend the Introductions to the Natural Hazards chapter**
- 3. Amend NH-R1**
- 4. Amend NH-R4**

#### Definitions Chapter

##### LESS HAZARD SENSITIVE ACTIVITIES

means the following land use activities:

- Accessory buildings used for non-habitable purposes
- Buildings associated with marina operations (above MHWS)
- Maritime emergency facilities
- 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
- Parks Facilities
- Parks Furniture
- Quarrying activities
- Any other activity that is not provided for by the activities listed in the definitions of Less Hazard Sensitive Activities, Potentially Hazard Sensitive Activities and Hazard Sensitive Activities**



## **HAZARD SENSITIVE ACTIVITIES**

means the following land use activities:

- a. Childcare Services
- b. Community Facility
- c. Educational Facility
- d. Emergency Service Facilities
- e. Hazardous Facilities and Major Hazardous Facilities
- f. Healthcare facility
- g. Hospital
- h. Marae
- i. Multi-unit housing
- j. Places of Worship
- k. Residential Units and Minor Residential Units (including those associated with Pakakāinga)  
including attached garages, and additions or conversions for a residential activity
- l. Retirement Village
- m. Visitor Accommodation
- n. Accessory buildings used for habitable purposes

## **Natural Hazards Chapter**

### **Introduction**

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~~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. The exception to this are Wellington Airport purposes, operational port activities, passenger port facilities and rail activities. These have been are specifically excluded from the hazard classification above and they have their own District Plan framework, for development for these activities. This is in recognition of the social and economic benefits these activities have and that their position in the City is largely fixed. When considering development for ~~the purposes of the Wellington A~~airport purposes operational port activities, passenger port facilities and rail activities, then this will be assessed against the specific policies and rules provided in this chapter.~~

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### **NH-R1: Less hazard sensitive activities within all Natural Hazard Overlays**

#### **1. Activity status: Permitted**

Where:

~~a. Any buildings and structures are located outside of the identified overland flowpaths or stream corridor of the Flood Hazard Overlay.~~

a. Any structures are located:

- i. Within the identified overland flowpaths of the Flood Hazard Overlay, and within the road corridor or with a footprint of less than 0.2m<sup>2</sup>; or
  - ii. Outside of the identified overland flowpaths of the Flood Hazard Overlay; and
- b. Any buildings are located outside of the identified overland flowpaths of the Flood Hazard Overlay; and
- c. Any buildings and structures are located outside of the identified stream corridor of the Flood Hazard Overlay.

	<p>2. Activity Status: <b>Restricted Discretionary</b></p> <p>Where:</p> <p>a. Compliance with the requirements of NH-R1.1.a <u>and NH-R1.1.b</u> is not achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters in NH-P3.</p>
	<p>3. <u>Activity Status: Discretionary</u></p> <p><u>Where:</u></p> <p>a. <u>Compliance with the requirements of NH-R1.1.c is not achieved.</u></p>

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

	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. <u>The addition is located within an inundation area, and</u></p> <p>i. <u>Is a deck or carport; or</u></p> <p>ii. <del>When located within an inundation area, I</del> the finished floor levels of the addition for hazard sensitive activities or potentially hazard sensitive activities are demonstrated to be above the 1% Annual Exceedance Probability Flood level:</p> <p><u>a.</u> plus the height of the floor joists; or,</p> <p><u>b.</u> plus the height of the concrete floor slab; <u>and</u></p> <p>b. The additions are not located within an overland flowpath; and</p> <p>c. The additions are not located within a stream corridor.</p>
	<p>2. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <p>a. Compliance with the requirements of NH-R4.1.a is not achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters in NH-P4.</p>
	<p>3. Activity status: <b>Discretionary</b></p> <p>Where:</p> <p>a. Compliance with the requirements of NH-R4.1.b is not achieved; and</p> <p>b. The finished floor levels of the addition <u>(excluding decks and carports)</u> to a building containing a hazard sensitive activity located within an overland flowpath is demonstrated to be above the 1% Annual Exceedance Probability flood level:</p> <p>i. plus the height of the floor joists; or</p> <p>ii. plus the height of the concrete floor slab.</p>

	<p>4. Activity status: <b>Non-Complying</b></p> <p>Where:</p> <p>a. Compliance with the requirements of NH-R4.1.c or NH-R4.3.b is not achieved.</p>
<p><b>Consequential amendments</b></p> <p>No consequential amendments are required.</p>	