

**Before the Independent Hearings Panel  
at Wellington City Council**

**Under** Schedule 1 of the Resource Management Act 1991

**In the matter of** Hearing submissions and further submissions on the  
Proposed Wellington City District Plan – Hearing  
Stream 5

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**Statement of Supplementary Planning Evidence of  
James (Jamie) Grant Sirl on behalf of Wellington City Council**

**Date: 24 July 2023**

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## INTRODUCTION

1 My full name is James (Jamie) Grant Sirl. I am employed as Senior Advisor in the District Planning Team at Wellington City Council (the Council).

2 I have read the further evidence and statements provided by submitters relevant to the Section 42A Report – Natural and Coastal Hazards.

3 I have prepared this statement of supplementary planning evidence in response to evidence submitted in response to the Section 42A Report – Natural and Coastal Hazards (dated 30 June 2023), including the associated appendices, which can be found here: [Plans, policies and bylaws - Hearing stream 5 - Wellington City Council](#).

4 Specifically, I respond to the following submitters:

**Wellington International Airport Limited (WIAL) [406 and FS36]**

- a. Kirsty O’Sullivan, Mitchell Daysh Limited (Planning)

**CentrePort Limited [402 and FS30]**

- b. Kate Searle, Tonkin & Taylor Limited (Planning)

**Stride Investment Management Limited [470 and FS107] and Investore Property Limited [405]**

- c. Janice Carter, Barker and Associates Limited (Planning)

**Argosy Property No 1 Limited [383], Fabric Property Limited [425], Oyster Management Limited [404] and Precinct Properties New Zealand Limited [139]**

- d. Janice Carter, Barker and Associates Limited (Planning)
- e. Sam Morgan, Technical Principal, WSP (Coastal Hazards)

**Kāinga Ora Homes and Communities [391 & FS81]**

- f. Victoria Woodbridge, The Property Group (Planning)
- g. Brendon Liggett, Kāinga Ora – Homes and Communities (Corporate)

5 I have not addressed points where the submitter has agreed with the recommendations in the

Natural and Coastal Hazards section 42A report. Where submitter evidence speaks to matters already addressed in this report, I rely on the recommendations and reasoning in this report and only provide additional assessment where necessary.

6 Where, in response to the evidence of submitters, I recommend amendments to plan provisions in addition to those contained in the Natural and Coastal Hazards section 42A report, I identify these in Appendix A to this supplementary evidence.

7 I also note, given the various numbering changes arising from recommendations in the Natural and Coastal Hazards section 42A report, that all provision references in this supplementary evidence relate to the consequential renumbering of provisions as included in Appendix A of the section 42A report, unless stated otherwise.

### **QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT**

8 Section 1.2 of the Natural and Coastal Hazards Section 42A Report sets out my qualifications and experience as an expert in planning.

9 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Panel hearing.

### **SCOPE OF EVIDENCE**

10 My statement of evidence addresses:

- a. The expert evidence of the submitters listed above; and
- b. Additional matters including identified errors in my section 42A report.

## RESPONSES TO EXPERT EVIDENCE

### Wellington International Airport Limited (WIAL) [404 and FS36]

- 11 I agree with Ms O'Sullivan<sup>1</sup> that amending general references to 'Airport' and 'land occupied by the Airport' to reference a defined term in the plan would improve interpretation consistency and clarity. However, I note the existing definition of 'Airport Purposes' in the PDP and highlight that Ms O'Sullivan has used the WIAL preferred term 'Airport Activities' as outlined in WIAL's primary submission. Following further consideration, I am now of the view that introducing the term 'Airport Activities' without a definition in the Plan would not provide the additional clarity and certainty. Therefore, as an alternate measure, I suggest that the relevant hazards provisions are amended to refer to 'Airport Purposes' to align with the existing definition, subject to any consequential amendments that may arise from subsequent decisions on the Airport Purposes following the relevant future hearing stream for the Airport Zone.
- 12 Ms O'Sullivan recommends<sup>2</sup> that following the section 42A recommendation to amend NH-P1 to provide for consideration of when an activity has an operational or functional need to locate in a Natural Hazard Overlay, that a similar amendment is made to CE-P11 (as the equivalent policy to NH-P1). I agree with this proposed amendment as it ensures consistent policy direction for natural and coastal hazard risk management. I note however that an amendment of this nature was not initially recommended in the s42A report as there was no submission specifically seeking this relief. Consequently, I would suggest that if the Panel sees merit in this proposed amendment that it considers use of its recommendatory powers under Schedule 1, clause 99(2)(b) of the RMA.
- 13 Based on the justification provided by Ms O'Sullivan, I agree with the consequent recommendation to delete CE-P27.4<sup>3</sup>. I also agree in part with Ms Sullivan that CE-P27.5 provides for the consideration of effects on significant natural features, but following the deletion of CE-P24.4, I suggest that CE-P27.5 is amended to 'adverse effects on significant natural features and systems and their function as natural defences are avoided; remedied or mitigated'. I consider this is appropriate to ensure that hard engineering natural mitigation works do not adversely affect existing natural defenses outside of the location, such as further along the coastline, that hard engineering works are subject to.
- 14 I also note that it appears that CE-P27.5 has included two policy limbs in error as illustrated below by the underlined text, and suggest that this is corrected as outlined in Appendix A to this

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<sup>1</sup> Statement of planning evidence of Kirsty O'Sullivan on behalf of Wellington International Airport Limited, 18 July 2023. para 6.20

<sup>2</sup> Ibid. para 6.21.

<sup>3</sup> Ibid. para 6.26 to 6.31.

evidence.

5. Hard engineering structures are designed to minimise adverse effects on the coastal environment Significant natural features and systems and any adverse effects are avoided; remedied or mitigated; and

**CentrePort Limited** [402 and FS30]

15 I agree in part with Ms Searle<sup>4</sup> that the structure of the plan with respect to provisions relating to Infrastructure (with the PDP relying on the RMA definition) results in a complicated approach to the management of port activities. I agree that some form of simplification would be appropriate, particularly if it is unclear which provisions apply to specific activities. However, I consider that this should not be undertaken in isolation of a full consideration of submissions (which I understand involves multiple parties) on the Infrastructure Chapter and, for this reason, remain of the view that the port related provisions should remain in the Natural Hazards chapter and Coastal Environment chapter – Coastal Hazards until such time that recommendations are made with respect to the Infrastructure chapter. At such time any necessary consequential amendments to the natural or coastal hazards provisions can be made.

16 Importantly, I note that in relation to port activities, the coastal hazard provisions only seek to control the construction or conversion of buildings in Coastal Hazard Overlays where members of the public or more than 10 employees are intended to occupy the building.

17 In this regard I would draw the Panel's attention to the following paragraph from the Infrastructure chapter as notified (emphasis added):

*Further, the Resource Management Act, and therefore the District Plan, share the same broad definition of 'infrastructure', which includes airport and port facilities. Notwithstanding that, **this Infrastructure Chapter does not apply to activities that fall under the definition of airport purposes or airport related activities (which are dealt with in the Airport Zone chapter), or the definition of port or operational port activities (which are dealt with in the Port Zone chapter).** Any infrastructure in the airport or port areas that is inconsistent with those definitions is managed by the provisions in this Infrastructure Chapter.*

18 I also note that Infrastructure with respect to Coastal Hazard Overlays is not addressed in the Coastal Environment – Infrastructure sub-chapter but is instead managed in the Infrastructure –

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<sup>4</sup> Statement of planning evidence of Kate Searle on behalf of CentrePort Limited, 18 July 2023. para 16 to 25.

- Natural Hazards sub chapter, which contains provisions relating to Natural Hazard Overlays (flood, liquefaction and fault hazards) and Coastal Hazard Overlays (Coastal Inundation and Tsunami).
- 19 The Infrastructure – Natural Hazards sub-chapter does not contain objectives, and relies on the objectives of the parent Infrastructure Chapter, and the Natural Hazards Chapter objectives and Coastal Hazards objectives contained in the Coastal Environment chapter. The Infrastructure – Natural Hazards sub-chapter also does not contain policies related to natural and coastal hazards.
- 20 The introduction to the Infrastructure – Natural Hazards sub chapter clarifies that it applies in addition to the principal Infrastructure Chapter (with the objectives in the Infrastructure applying) but unfortunately does not clarify the relationship with the Natural Hazards Chapter or the Coastal Environment – Coastal Hazards objectives and policies. Consequently, I suggest that matters such as these are best addressed through further specific consideration in the context of the section 42A report for Infrastructure, and the associated hearing.
- 21 Ms Searle also raises that the section 42A recommendation omits amendments to CE-R17 that would be consistent with proposed amendments to other provisions (NH-R2) to list relevant agencies enabled to undertake natural hazard mitigation works. Although I agree with Ms Searle that this amendment logically follows my recommended amendments to similar provisions, the reason for this omission, as outlined in paragraph 901 of the Natural and Coastal Hazards section 42A report, is due to my view that there is limited submission scope available to make a similar amendment to CE-R17. As CE-R17 is not part of the ISSP the recommendatory scope provided under Schedule 1, clause 99(2)(b) of the RMA is therefore unavailable to the Panel.
- 22 I agree with Ms Searle’s rationale and proposed amendments to NH-P14 which seek to remove the ‘continue to operate following an earthquake’ component of NH-P14.2. I agree with this removal for the reasons outlined by Ms Searle<sup>5</sup>, but recommend that the deletion of ‘continue to operate following an earthquake’ should be accompanied by additional text clarifying of this supplementary evidence that the risk to buildings relates to ‘damage to buildings’, as set out in Appendix A, to further improve the clarity of the policy.
- 23 Ms Searle also raises a matter with respect to the section 42A amendments to CE-P12 and the Waterfront Zone (WFZ). As this was not a matter directly raised in submissions, it was not one I considered during the preparation of the Natural and Coastal Hazards section 42A report.
- 24 Firstly, I highlight the proposed amendment to CE-P12 to clarify that the ‘avoid’ direction in CE-P12.3 does not apply to the CCZ. I consider this change essentially administrative as the existing

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<sup>5</sup> Statement of planning evidence of Kate Searle on behalf of CentrePort Limited, 18 July 2023. Para 38 to 42.

CCZ-related policies (CE-P21 and CE-P22) provide the policy direction for areas of the CCZ where a Coastal Hazard Overlay is present.

- 25 I consider that the plan is clear that the CCZ coastal hazard related policy and rule framework (CE-O8, CE-P21 and CE-P22) does not apply to the WFZ. However, I agree with Ms Searle that the s32 assessment does not explicitly consider the relationship between the coastal hazard overlays and the WFZ which leaves it unclear whether the application of the general Coastal Hazards provisions to the WFZ was intended, or whether it may have been an unintended oversight not considering a more-enabling policy and rule for the WFZ similar to the CCZ coastal hazard policy direction and rules.
- 26 As no specific submission was made with respect to coastal hazards and the WFZ, with evaluation no RMA section 32 evaluation undertaken for any alternative to the PDP as notified, I am not in a position to backfill it, and consider that this matter would be best addressed through a future variation should the Council determine it appropriate.

**Stride Investment Management Limited [470 and FS107] and Investore Property Limited [405]**

- 27 Ms Carter supports the Stride and Investore submission points on NH-R11<sup>6</sup> and considers that where hazard sensitive activities do not achieve floor level requirements that the activity status should elevate to Discretionary not Non-Complying. Ms Carter's view is that Discretionary activity status would provide consistency with the Discretionary activity status for potentially hazard sensitive activities in overland flowpaths under NH-R13. Ms Carter highlights the low hazard ranking attributed to Flood Hazard – Inundation Areas and the medium hazard ranking attributed to overland flowpaths, and a perceived perverse outcome resulting from an inconsistency in applying Non-Complying activity status to a low ranked hazard.
- 28 I disagree that the result is a perverse outcome. In my opinion, it is an appropriate and deliberate outcome. The associated policy direction provided by NH-P6, following recommendations in the section 42A report, provides for development containing hazard sensitive activities to be subject to the incorporation of mitigation measures to minimise risk to people and property on the site and on adjacent properties, with floor levels the primary way of addressing flood hazard risk.
- 29 A cascading elevation that reflects hazard risk is present in the Restricted Discretionary activity starting point for NH-R11 and it is only when required floor levels for hazard sensitive activities are not met that the activity status elevates to a Non-Complying.

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<sup>6</sup> Statement of planning evidence of Janice Carter on behalf of Stride Investment Management Limited (submitter 470) and Investore Property Limited (submitter 405), 18 July 2023. Para 16.

30 I agree with Ms Carter that a Discretionary activity status enables Council to consider the effects of a proposed activity, and to decline it if justified. However, I am of the view that a Non-Complying activity status aligns with the intent of the direction in Policy NH-P6 and sends a signal that buildings containing hazard sensitive activities in inundation areas should achieve floor levels necessary to minimise risk of damage to property and the safety of people, noting that a consenting pathway remains for proposals where the effects can be demonstrated as minor.

**Argosy Property No 1 Limited [383], Fabric Property Limited [425], Oyster Management Limited [404] and Precinct Properties New Zealand Limited [139]**

### **Natural Hazards chapter**

#### Victoria Carter

31 In response to Ms Carter's position with respect to my recommendations that introduce the concept of minimise (including NH-P6, NH-P7), I consider that I have adequately outlined the rationale for the proposed changes which introduce the concept in paragraphs 220 to 232 of the Natural and Coastal Hazards section 42A report.

32 I disagree that 'minimise' sets a much higher bar than 'not increased or is reduced', and note that this is not the intention of the proposed amendments. I note that planning experts (Ms Woodbridge, Ms Searle, and Ms O'Sullivan) for other submitters have expressed support for the recommended approach.

33 Using NH-P7 as an example, I consider that 'reduce or avoid an increase' does not provide for a scenario where residual risk is present, and acceptable, after mitigation, whereas a 'minimise' as low as reasonably practicable, does.

34 I strongly disagree with Ms Carter's proposed amendment to NH-P6 and NH-P7 to simply require mitigation. In my view, not specifying the intended outcome or degree of mitigation required with respect to hazard risk and consideration of the adverse effects of land use and development in identified natural hazard areas would result in reduced clarity and potentially poor outcomes contrary to the objectives of the Plan due to a proposal including minimal mitigation with respect to hazard-related risk.

35 With respect to NH-R11, Ms Carter outlines a similar view to that expressed in evidence on behalf of Stride Investment Management Limited and Investore Property Limited. This matter is addressed in paragraphs 28 to 30 of this supplementary evidence.

## Coastal Environment chapter – Coastal Hazards

- 36 Ms Carter expresses concern<sup>7</sup> that the Coastal Hazard Ranking table may present a misleading representation of the tsunami hazard in comparison to the coastal inundation hazard, given that the high hazard tsunami event includes 1 m of sea level rise and the high hazard coastal inundation event does not include sea level rise.
- 37 The tsunami modelling aligns with the NZCPS and national guidance that directs an additional allowance for sea level rise in response to the effects of climate change, and the three scenarios (1:100, 1:500 and 1:1000 year events) used to inform the PDP tsunami hazard overlay maps include 1 m sea level rise. I agree with Ms Carter's understanding of the coastal hazard scenarios contained in hazard ranking table in the Coastal Environment chapter<sup>8</sup>, and agree that the hazard ranking table should be amended accordingly to improve clarity that tsunami hazard overlays include sea level rise.
- 38 However, I disagree with the amendments sought by Ms Carter that fundamentally change the hazard ranking allocation to each of the coastal hazard overlays, for the following reasons.
- 39 With respect to Ms Carter's opinion that there is an inconsistency that results from the high hazard tsunami scenario including 1 m sea level rise and the high hazard coastal inundation excluding sea level rise, I do not agree that the difference between the hazard ranking approach for the two coastal hazards necessitates the need to revise the high tsunami hazard event to a scenario that excludes sea level rise. I am of the opinion that it would be short-sighted and inappropriate to continue to enable development in areas where there is a relatively high likelihood of a tsunami event occurring, with much greater consequences if the tsunami that occurs is of the greater magnitude of tsunami predicted i.e. resulting from a Hikurangi Margin earthquake.
- 40 I disagree with Ms Carter's opinion that the hazard ranking approach necessitates treating the ranking of hazard event probabilities consistently. Hazards have varying recurrence periods, and although the hazard ranking is primarily informed by the probability of certain events, severity of the events is also considered. For example, the flood hazard overlays all reflect a 1:100 year rainfall event (with a 20% additional rainfall allowed for to incorporate the effects of climate

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<sup>7</sup> Statement of planning evidence of Janice Carter on behalf of Stride Investment Management Limited (submitter 470) and Investore Property Limited (submitter 405), 18 July 2023. Para 44.

<sup>8</sup> Ibid. para 47.

change).

41 Regardless, I consider that if the difference in approach was considered inappropriate and required resolution in the form of a change to the hazard ranking, I suggest that this change could equally (and more appropriately) involve an elevation of the existing medium hazard coastal inundation in a 1:100 storm with 1.43 m sea level rise to a high hazard ranking. This would reflect that the high hazard ranking and outcomes sought by the plan do not simply apply to present circumstances but also to events that could occur in 50 or 100 years, and as that development in affected areas will have a lifespan of over 50 years there is a need for buildings to be resilient to the effects such events i.e. tsunami inundation levels that reflect predicted rise in sea level. I note however, that I do not consider it necessary to elevate the coastal inundation with 1.43 sea level rise to a high hazard ranking.

42 I also note that the tsunami modelling includes a more conservative assumption (1 m) with respect to sea level rise, compared to the sea level rise incorporated into the coastal inundation modelling (1.43 m).

43 Ms Carter states that an additional benefit of amending the high hazard tsunami to exclude sea level rise is the reduction in the spatial extent of the high hazard overlay and a reduced need for the CCZ exemptions. I note that Ms Carter's position appears to neglect the reduction in spatial extent that would result in other parts of the city, including Kilbrinie and Lyall Bay in particular, resulting in a more enabling pathway for development in these areas.

44 It follows that I disagree with Ms Carter that the High Hazard tsunami overlay should reflect a scenario that does not account for sea level rise.

45 Consequently, I disagree with Ms Carter's proposed recommendations to CE-P12.2 to revert back to the term 'addresses' as this is unclear and retention of the term 'minimise' provides appropriate policy direction for coastal hazard management in medium hazard areas. However, I agree with the proposed addition to CE-P12.2 to clarify that this policy direction also applies to high coastal areas of the Coastal Hazard Overlays in the CCZ.

46 Ms Carter recommends the addition of an explanation to the Introduction section of the Coastal Environment chapter following the Coastal Hazard Ranking Table to clarify that the hazard rankings are only intended to be for the purposes of applying the objectives, policies, and rules of the coastal hazards chapter of the district plan. I am not opposed to this amendment, but note that if the Panel is of a mind to agree with this amendment a similar change should be made to the Natural Hazards chapter.

47 Whilst it is unclear where the scope for Ms Carter's proposed addition of a new low coastal

inundation hazard overlay, following the advice of Mr Morgan, is provided for within the primary submissions, I offer the following in response.

48 The planning rationale for inclusion of this new overlay is unclear, particularly the low coastal hazard ranking, which following the existing policies and rules relevant to activities in the low coastal hazard areas, would be very enabling comparative to medium and high coastal hazard areas. I note no 32AA evaluation has been supplied by the submitter to support the requested new coastal inundation overlay.

49 If anything, it seems that Ms Carter and Mr Morgan highlight the issue of whether the medium coastal hazard inundation overlay should incorporate a greater degree of sea level rise. In this regard I note the position as outlined in paragraphs 163 and 165 of the Natural and Coastal Hazards section 42A report, and in Mr Beban's statement of evidence<sup>9</sup> that a new natural hazard overlay, or in this case an increase in the spatial extent of an existing natural hazard layer, which would impact new properties, raises the issue of natural justice for those newly impacted property owners.

#### Sam Morgan

50 In a broad sense, Mr Morgan considers that the hazard ranking table is inconsistent with respect to the return periods and consequences of the various hazard event scenarios.

51 The hazard ranking approach is used as a mechanism to order the hazard overlays contained in the plan and enables a streamlined policy and rule framework. For example, separate policies and rules for coastal inundation and tsunami hazard that are attributed a medium hazard ranking are not required, significantly reducing the complexity of the coastal hazard provisions through reducing the number of policies and rules. However, I note that hazard ranking also does not preclude the plan taking a nuanced approach to separate hazard overlays that have the same hazard ranking. Therefore, in my view there is no need for complete consistency of return period or hazard risk with respect to hazard ranking.

52 Mr Morgan suggests that a higher hazard risk should be attributed to the areas of the South Coast due to greater exposure to coastal inundation. I do not disagree with Mr Morgan's rationale, but I do disagree with his opinion that more stringent planning controls should be applied to this coastline as I consider this is addressed by way of identifying high hazard coastal inundation areas, with the spatial extent on the South Coast noticeably greater than the inner harbour areas, and

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<sup>9</sup> Statement of planning evidence of James Beban, 30 June 2023. Para 8.3 and 9.4.

the associated objective, policy and rule framework that directs an avoidance approach.

- 53 As discussed in paragraph 585 of the Natural and Coastal Hazards section 42A report, it is the medium coastal inundation (in addition to tsunami inundation) that has a significant spatial extent with respect to the City Centre (and also the inner harbour areas including parts of Kilbirnie, Miramar and Seatoun). I disagree with Mr Morgan's assertion that the approach taken to manage the coastal inundation impacting on the inner harbour area is not commensurate with hazard risk. I consider that the management of hazard risk in medium coastal hazard areas is commensurate with the hazard risk present, particularly as development is enabled subject to mitigation that minimises the risk to people and property as determined through a corresponding resource consent process.
- 54 As outlined in paragraph 37 of this supplementary evidence, I agree that the hazard ranking table should be amended to clarify that 1 m sea level rise is included in the modelled tsunami scenarios that are reflected in the 1:100, 1:500 and 1:1000 events.
- 55 I also disagree with Mr Morgan's assertion that the PDP effectively ignores those areas currently impacted by coastal hazards, as these areas are within the high coastal inundation or high tsunami hazard overlays included in the plan.
- 56 I further disagree that the PDP does not take into account future protection mechanisms such as seawalls, as the nuanced policy and rule framework for the CCZ is in part justified due to the greater likelihood that the existing infrastructure and investment in the City Centre will be protected in future through coastal hazard mitigation structures. However, I note that it is difficult to incorporate or consider matters such as future hazard mitigation works that are not currently planned or funded.
- 57 The suggestion that the focus of the PDP, and the consideration of submissions, has focused on likelihood and has not considered associated risks is also disputed. In my opinion consideration of risk is inherent in the risk-based approach to management of natural hazards which is reflected in the policy and rule framework that reflects hazard sensitivity of activities.

#### **Kāinga Ora – Homes and Communities [391 and FS81]**

- 58 Kāinga Ora has provided evidence from the following experts:
- a. Victoria Woodbridge, Senior Planner at The Property Group
  - b. Brendon Liggett, Manager of Development Planning within the Urban Planning and Design Group at Kāinga Ora – Homes and Communities

- 59 As Ms Woodbridge and Mr Liggett address similar matters, I respond to both as follows.
- 60 Ms Woodbridge<sup>10</sup> and Mr Liggett<sup>11</sup> consider that Council’s section 77 qualifying matter assessment does not explicitly address whether all natural hazards proposed to be managed by the PDP qualify as ‘significant risks’ under and section 77I(a). I agree with Ms Woodbridge that the section 32 evaluation report is not expressly clear in this regard with no specific discussion of flood inundation areas as a qualifying matter. However, I consider that flood hazard presents a significant hazard risk to people and property, and it follows that flood hazard is a significant risk. I consider that the broad section 77 evaluation of natural hazards is sufficient, and more specifically that a less-permissive approach than the MDRS that requires a resource consent for a hazard sensitive activity in a flood inundation area as a Restricted Discretionary activity is necessary to manage the risks to people and property in these areas. I note that the impact of the requirement for resource consent for a hazard sensitive activity in a flood inundation area as a Restricted Discretionary activity was included in the development capacity assessment undertaken by Property Economics<sup>12</sup>.
- 61 I also note that the approach taken in the Natural and Coastal Hazards section 42A report was to only undertake a supplementary section 77 qualifying matters assessment with respect to material changes recommended, noting that the report does not recommend changes to flood hazard – inundation area that result in modification of the MDRS.
- 62 Ms Woodbridge<sup>13</sup> and Mr Liggett<sup>14</sup> consider that including flood hazard mapping in a GIS viewer outside of the District Plan is a more appropriate option than including flood hazard mapping within the District Plan.
- 63 In particular, Ms Woodbridge considers this is the case when the information held by Council is not sufficiently certain and consistent enough to provide the basis for a mapped District Plan overlay. Mr Liggett highlights that the benefit of flood hazard maps held outside of the District Plan is that they can be more easily updated to reflect new information and flood modeling, which enables development where the spatial extent of flood inundation areas has reduced due to flood mitigation works.
- 64 I agree with Kāinga Ora and Ms Woodbridge that holding flood mapping outside of the District

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<sup>10</sup> Statement of evidence of Victoria Woodbridge on behalf of Kāinga Ora (Planning) 18 July 2023, section 4.

<sup>11</sup> Statement of evidence of Brendon Liggett on behalf of Kāinga Ora (Corporate) 18 July 2023, section 4.

<sup>12</sup> [Wellington City Qualifying Matters Capacity Assessment, Property Economics. November 2022.](#)

<sup>13</sup> Statement of evidence of Victoria Woodbridge on behalf of Kāinga Ora (Planning) 18 July 2023, section 5.

<sup>14</sup> Statement of evidence of Brendon Liggett on behalf of Kāinga Ora (Corporate) 18 July 2023, section 4.

Plan is an option. However, as outlined in paragraph 153 to 159 of the Natural and Coastal Hazards section 42A report, I consider that any benefit offered by a non-statutory flood hazard mapping approach is outweighed by the benefits of a statutory mapping approach that provides greater certainty for landowners, does not create any natural justice issue regarding updates to the modelling method and mapping outputs which are able to be tested and challenged under the RMA process, and offers a regionally consistent approach of including flood hazard mapping in District Plans for the Wellington Region.

65 I consider that the current flood modelling undertaken by Wellington Water Limited (WWL) represents the best information available and, at a citywide scale, will remain such for the foreseeable future as there are no planned or funded updates to the flood modelling. I am of the opinion that it is therefore entirely appropriate to be used and relied upon for the purpose of district plan mapping.

66 Ms Woodbridge<sup>15</sup> has misinterpreted Mr Osborne's evidence with respect to future updates to the flood modelling that informs the PDP flood hazard maps. Mr Osborne refers to WWL developing a process or framework for assessing if/when a model should be updated (based on constructed projects within a catchment, age of the model, availability of new data), and then if the output from the updated model should be reflected in the District Plan (based on the magnitude and impact of the update). It is not a forward works plan of scheduled model updates.

67 I consider Ms Woodbridge's reference<sup>16</sup> to Mr Andrew's comment that modelling should be consistent with latest guidance is slightly misplaced. Firstly, I note that the current flood modelling does reflect current guidance, which is not the case for coastal inundation discussed by Mr Andrew's in his statement of evidence. Secondly, even if there was new national guidance for flood modeling, it would not simply result in new flood modelling being funded, and instantly available for the entire city, and a simple update in the case of non-statutory mapping. I anticipate that it would take a considerable amount of time to completely remodel the city, but defer to Mr Osborne as to what that would involve. The point I make here is that the emphasis that Kāinga Ora has placed on the non-statutory option being much more agile and responsive to future improvements in our understanding of flood hazard modelling may be overstated and not as compelling, when considered in real, practical terms.

68 In response to Mr Liggett's opinion that a non-statutory mapping approach will more efficiently enable development where flood mitigation works have reduced predicted flood inundation

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<sup>15</sup> Statement of evidence of Victoria Woodbridge on behalf of Kāinga Ora (Planning) 18 July 2023, para 5.7.

<sup>16</sup> Ibid. para 4.7.

areas, I agree that non-statutory mapping (as opposed to the modelling required) would be easier to update following stormwater network capacity improvements, or large-scale flood mitigation works anticipated to result in a reduction in predicted flood inundation areas. I also agree that minor updates to non-statutory mapping such as those at an individual site scale (with agreement from the owners) to resolve errors that may be identified, such as where LiDAR has not accurately identified legally constructed retaining walls or small-scale structures, or changes in landform modification that manage on-site flooding would be easier due to not having to follow a First Schedule RMA process. However, in my view this would not be the case for an increase in spatial extent of flood hazard mapping where new properties are affected.

69 I also consider that Mr Liggett may be overstating the impact of a 'statutory planning map' approach unnecessarily constraining development in areas identified in the district plan as a flood inundation area, where changes to modelling assumptions would result in these areas no longer being identified as inundation areas. I note the Mr Liggett has not provided any detailed examples or sense of the scale of likely impacts.

70 WWL maintain a version of the flood modelling and mapping that can be updated to reflect such works, with this information available to be taken into consideration by resource consent applicants and Council processing planners. I consider that this reduces the impact that Mr Liggett<sup>17</sup> is concerned about with respect to flood mitigation or network improvements that result in identified areas of inundation no longer being impacted with development proposal able to utilise this available information to support a resource consent application.

71 I acknowledge that there is an inefficiency where resource consents may continue to be required in Flood Hazard Overlay areas where predicted flood inundation would no longer apply following an update to the flood modeling to reflect flood mitigation works. However, I consider that this would be an uncommon exception, with the associated consenting costs insignificant enough to tip the balance towards a non-statutory mapping approach on the basis of efficiency.

72 As I understand it, there is currently no planned or funded project to undertake citywide remodeling of flood hazards. There is also no looming scenario that I am aware of where the current citywide flood mapping becomes quickly outdated, and where non-statutory mapping would provide a much more effective and efficient mapping option.

73 When considering the merits of statutory mapping relative to non-statutory mapping, I consider that the time and costs involved in responding to any future flood remodeling of the city would be the same regardless of the status of the mapping output.

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<sup>17</sup> Statement of evidence of Brendan Liggett on behalf of Kāinga Ora (Planning) 18 July 2023, para 5.3.

- 74 I consider that the main aspect (time and cost) that would differ between the two 'mapping update' processes would be the period of time from notification of a plan change through to resolution of any appeals on a decision, and the costs associated with the submissions and hearing process. However, if the necessary plan change simply involved an updated modelling methodology for flood hazard with updated mapping outputs (with no changes to the plan provisions), I remain of the view that this would be a relatively straight-forward plan change with respect to the time and costs involved post-notification.
- 75 With respect to consultation, I agree with Ms Woodbridge that the necessary consultation could be undertaken with the wider public, stakeholders, iwi and impacted landowners with respect to updating non-statutory flood mapping. However, I am of the view that this would involve similar timeframes and resource to pre-notification consultation required for a First Schedule plan change.
- 76 In summary, I remain unconvinced that a non-statutory mapping approach is a more efficient and effective option than retention of the flood hazard mapping in the Plan.
- 77 I also note that Ms Woodbridge highlights that the Auckland Unitary Plan has adopted a non-statutory approach to flood hazard mapping. Although I am aware of this example and have reviewed the mechanics of how the AUP flood hazard provisions link to the non-statutory maps, I have no knowledge as to how effective the Auckland Council approach is in terms of on-the-ground outcomes and flood resilience.
- 78 I also note that in response to a similar matter raised during the Porirua City Council District Plan review, the council reporting officer for Natural Hazards highlighted<sup>18</sup> to the Hearings Panel that the AUP approach was a result of the Independent Hearings Panel for the AUP arriving at the view that the proposed flood mapping was not fit-for-purpose for inclusion in the AUP and following this that a future plan change should be considered to incorporate robust flood hazard mapping into the AUP.
- 79 I remain unconvinced that the approach sought by Kāinga Ora is appropriate for the Wellington City District Plan.
- 80 Ms Woodbridge also notes that Coastal Environment Policy CE-P14 and Rule CE-R18 and Natural Hazards Policy NH-P4 and Rules NH-R4 and NH-R5 refer only to 'additions' to buildings, and suggests that these provisions should refer to alterations as well as additions. I disagree with Ms Woodbridge as I consider that explicitly providing for alterations is unnecessary and could result

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<sup>18</sup> [Statement of supplementary planning evidence - Torrey James McDonnell on behalf of Porirua City Council. 1 December 2021. Paras 13 to 15](#)

in confusion with respect to existing provisions that manage the conversion of existing buildings. As there is no 'catch-all' rule for activities not explicitly listed in the Natural Hazard chapter or Coastal Environment chapter, in my opinion alterations are best addressed in the underlying zone.

81 Ms Woodbridge<sup>19</sup> has recommended including policy headers into the Natural Hazard chapter and re-ordering the rules to ensure they follow in a similar order to the related policies. Although there could be merit in such an approach to improve plan useability, I do not consider this change necessarily provides further clarity or information to plan users.

82 I note that there are chapters of the PDP that have policy headers or are recommended through a section 42A report. Examples of this include the Historic Heritage chapter in the PDP and recommendations made by Ms van Haren-Giles to the Subdivision chapter in her section 42A report. Regardless, this approach is not consistently applied across the PDP and most chapters do not contain policy headers.

83 If the Hearings Panel are of a mind to introduce such policy headers and re-order the rules in the Natural Hazard Chapter, I could provide an amended version of the chapter showing these changes on request.

#### **TABLED HEARING STATEMENTS**

##### **The Fuel Companies (submitter 372)**

84 The Fuel Companies highlighted and sought clarity in their primary submission with respect to the notified definition of 'Hazard Sensitive Activities' including Hazardous Facilities and Major Hazard Facilities, but that Hazardous Facilities is not defined in the PDP.

85 I confirm that that my position on this matter is that any relief sought regarding the definition of Hazardous Facilities is best addressed in the context of the section 42A report and associated hearing relating to Hazardous Substances.

#### **ADDITIONAL MATTERS**

86 I have identified a number of minor amendments and drafting errors in the recommendations relating to the Natural and Coastal chapters and have highlighted some points that require clarification. These are detailed in the following table.

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<sup>19</sup> Statement of evidence of Victoria Woodbridge on behalf of Kāinga Ora (Planning) 18 July 2023, section 6.

<b>NH-P9</b>	Following the discussion in paragraph 350 the Natural and Coastal Hazards section 42A report an amendment to the rule title to refer to 'Emergency <b>service</b> facilities' was recommended in error and not carried through in Appendix A.
<b>NH-P10.3</b>	Only allow educational facilities, health care facilities, hazardous facilities <b>and</b> major hazardous facilities [ . . . ]
<b>CE-R20</b>	An error in the identified zones the CE-R20 applies. CE-R20 should specify CCZ only, not all zones.
<b>Coastal Environment chapter</b>	In paragraph 612 the Natural and Coastal Hazards section 42A report it is recommended to correct an error with respect to the sea level rise included in the medium hazard coastal inundation scenario (1.49 m should be 1.43 m), however Appendix A to the report omitted this recommended amendment.

**Jamie Sirl**

**Senior Planning Advisor**

**Wellington City Council**

## **Appendix A: Tracked Changes to Natural and Coastal Chapters.**

Note: **Red underline and strike-out**: show additions and deletions to the notified Natural Hazards Chapter and Coastal Environment Chapter, as recommended by in the section 42A report dated 3rd July 2023.

**Blue underline and strike-out**: show further additions and deletions to the section 42A report version of Natural Hazards Chapter and Coastal Environment Chapter, as recommended by Jamie Sirl, Statement of Supplementary Planning Evidence dated 25th July 2023.