

**Before Independent Hearing Commissioners appointed by Wellington
City Council**

In the matter of the Resource Management Act 1991 (**RMA**)

And

In the matter of hearing of submissions on the Proposed Wellington City District
Plan

Between

**Argosy Property No 1 Limited, Fabric Property Limited,
Oyster Management Limited and Precinct Properties New
Zealand Limited**

and

Wellington City Council

Statement of Planning evidence of Janice Carter on behalf of
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)

Hearing Stream 5

Dated 18 July 2023

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MAY IT PLEASE THE COMMISSIONERS

INTRODUCTION

1. I have been engaged by Argosy Property No 1 Limited (**Argosy**), Fabric Property Limited (**Fabric**), Oyster Management Limited (**Oyster**), and Precinct Properties New Zealand Limited (**Precinct**) to provide expert evidence on behalf of all four **Office Companies**, who have made submissions on the Proposed Wellington City District Plan (**Proposed Plan**). In this hearing, my evidence refers to the Natural Hazards and Coastal Environment chapters of the Proposed Plan.
2. I hold the position of Senior Associate at Barker and Associates Limited.
3. I hold the qualifications of Bachelor of Science in Geology and Geography from the University of Canterbury and a Master of Science (Hons) (Resource Management) from the University of Canterbury.
4. I have been employed in planning roles in private consultancies and local government for 30 years. I am a full member of the New Zealand Planning Institute. I have recently undertaken work as an independent commissioner for the Christchurch City Council.
5. I have been providing councils with advice in relation to resource management planning for natural hazards, particularly coastal and flooding issues for almost 20 years. I have also been involved in district plan reviews and plan changes with natural hazards as a component including presenting evidence to Council hearings and the Environment Court. Recent natural hazard work includes stage 2 of the Proposed Waikato District Plan and advising Nelson City Council on flooding and coastal hazard matters for its combined unitary plan review and housing choice plan change.

CODE OF CONDUCT

6. I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023, and agree to comply with it. My qualifications as an expert are set out above. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are

within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

SCOPE

7. My evidence will address the submission points of Argosy, Fabric, Oyster, and Precinct on the following areas of the Proposed Plan:
 - (a) Natural hazards including the introduction, NH-P2, NH-P6, NH-P7, NH-R10, NH-R11, NH-R12.
 - (b) Coastal hazards including the introduction and coastal hazard ranking table, CE-P12, CE-P14, CE-P18, CE-R18.

8. In preparing my evidence, I have reviewed:
 - (a) The Proposed District Plan.
 - (b) The accompanying s32 report;
 - (c) The New Zealand Coastal Policy Statement 2010 (**NZCPS**);
 - (d) The s42A reports – Natural Hazards and Coastal Hazards;
 - (e) The statement of evidence of Sam Morgan (Natural and coastal hazards);
 - (f) The statement of evidence of Alastair Osborne on behalf of Wellington City Council (Flood Hazard Modelling);
 - (g) Statement of evidence of Connon James Andrews on behalf of Wellington City Council (Coastal Inundation);
 - (h) Statement of evidence of David Ross Burbidge behalf of Wellington City Council (Tsunami); and
 - (i) The statement of evidence of James Beban on behalf of Wellington City Council.

NATURAL HAZARDS

Natural Hazards Introduction

9. The Oyster submission [404.10 and 404.12] seeks that the natural hazard introduction is retained as notified and supports the Introductory text to the extent that it takes an adaptation approach to natural hazards.
10. Argosy Property [383.19] seeks the deletion of the 'Natural Hazard Overlay' table in the Introduction and opposes hazard rankings being attributed to the various natural hazards.
11. Fabric [425.9] seeks that the introduction to the Natural Hazards chapter is amended to delete the hazard rankings from the Natural Hazards Overlay table. In the event that the table is not removed, it alternatively [425.10] seeks that the Natural Hazards chapter introduction is amended to remove the 'High' hazard ranking for the Liquefaction Hazard Overlay.
12. The reporting officer rejects the request to delete the hazard risk ranking table from the Natural Hazards Introduction section, but supports amending the hazard ranking for liquefaction to 'low' consistent with the alternative relief sought by Fabric.
13. I support the reporting officer's recommendation to remove the Liquefaction Hazard Overlay from the 'High' hazard ranking and to apply a 'Low' hazard ranking. In my opinion this amendment provides greater consistency with the provisions associated with the liquefaction overlay, which suggest that these areas are a lower hazard risk. This amendment also recognises the extent to which liquefaction risk is able to be mitigated through engineering measures, and therefore does not require an avoidance policy that may be associated with 'high' hazard risk.

NH-P2 Levels of risk

14. Argosy [383.25] and Fabric [425.12] consider that:
 - (a) NH-P2.1 is overly restrictive in only allowing low occupancy or low replacement value development within the Natural Hazard Overlays,

- (b) NH-P2.2 is unrealistic in expecting that mitigation can address the impacts from natural hazards, and that Policy NH-P.2 should apply in all hazard areas.
 - (c) NH-P2.3 is similarly restrictive and equally fails to recognise that a significant portion of the CBD is categorised as a high hazard area under the Liquefaction Hazard Overlay.
15. The submitters request that Policy NH-P2.3 should apply to the Fault Hazard Overlay only, and also seek that it recognise the functional needs in this location.
16. The reporting officer rejects Argosy and Fabric's requested amendments to NH-P2.1 and NH-P2.2 but accepts the requested amendments to NH-P2.3 and recommends amending NH-P2 as follows:

Subdivision, use and development ~~reduce or do not increase the~~ manages natural hazard risk to people, property and infrastructure by:

1. Allowing for those buildings and activities that have either low occupancy or low replacement value within the low, medium and high hazard areas of the Natural Hazard Overlays;
 2. Requiring buildings and activities to mitigate the ~~impacts~~ the risk resulting from the development from natural hazards to people, property and infrastructure as far as reasonably practicable in the low hazard, and medium hazard areas within the Natural Hazard Overlays; and
 3. Avoiding buildings and activities in the high hazard areas of the Natural Hazard Overlays unless there is an operational need or functional need ~~exceptional reason~~ for the building or activity to be located in this area and the building or activity mitigates the impacts from natural hazards to people, property and infrastructure.
17. I support the reporting officer's amended wording of NH-P2 and consider that combined with the amendment to apply a low hazard ranking for the Liquefaction Overlay, the amended wording largely addresses the issues raised in the Argosy and Fabric submissions. I also consider that the amended wording provides clearer policy direction.

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

18. The Argosy and Precinct submissions seek that NH-P6 is retained as notified.
19. The Oyster submission supports this policy to the extent that it enables potentially hazard sensitive activities within the identified inundation areas of the Flood Hazard Overlays. Oyster seeks an amendment to this policy so that it only applies to *significant* risk to people and property.
20. In the s42A report the reporting officer rejects this request to insert “significant” but recommends amending the policy as follows:

Provide for subdivision, development and use for potentially hazard sensitive activities and hazard sensitive activities within the inundation area provided that mitigation measures are incorporated to ensure the risk to people and property both on the site and on adjacent properties is ~~not increased or is reduced~~ minimised.

21. I note that the s42a report also recommends providing a definition of “minimise” as follows: “means to reduce as low as reasonably practicable”.
22. I do not support the s42A recommended version of NH-P6. In my opinion a policy direction to “minimise” risk provides a much higher bar than ‘not increased or is reduced’, and is a more onerous response to the level or risk associated with the identified inundation areas. My preferred wording is:

Provide for subdivision, development and use for potentially hazard sensitive activities and hazard sensitive activities within the inundation area provided that ~~mitigation measures are incorporated to ensure~~ the risk to people and property both on the site and on adjacent properties is ~~minimised~~ mitigated.

23. I therefore recommend amending the s42A version of NH-P7 as set out above and in Appendix 1.
24. Alternatively, I support the original wording as notified.

NH-P7 Potentially hazard sensitive activities and hazard sensitive activities within the identified Inundation areas of the Flood Hazard Overlays

25. The Oyster submission supports this policy to the extent that it enables potentially hazard sensitive activities within the overland flowpaths of the Flood Hazard Overlays. Oyster seeks an amendment to this policy so that it only applies to *significant* risk to people and property.
26. In the s42A report the reporting officer rejects this request to insert “significant” but recommends amending the policy to change “reduce or avoid an increase in” to “minimise”, similar to the recommended amendment to NH-P6 set out above. The reporting officer also recommends amendments to improve the clarity of wording around conveyancing of floodwaters.
27. I do not support the s42A recommended version of NH-P7, including the definition of “minimise”. In my opinion the notified policy direction to incorporate mitigation measures that “reduce or avoid an increase in” risk to people and property is an appropriate response to the level or risk associated with overland flowpaths. ‘Minimise’ introduces a requirement to medium and low risk areas that is onerous and potentially inconsistent with the associated rules. I therefore recommend amending the s42A version of NH-P7 as set out in Appendix 1.

NH-R10 The construction of buildings or the conversion of existing buildings that will contain a Potentially hazard sensitive activity in the inundation area of the Flood Hazard Overlay

28. The Precinct, Fabric, Argosy, and Oyster submissions seek that NH-R10 is retained as notified.
29. In the s42A reporting the reporting officer recommends amending NH-R10 to clarify the rule applies to the construction of buildings or the conversion of existing buildings that will contain a potentially hazard sensitive activity, and to clarify the wording around finished floor levels. The reporting officer also recommends amending the rule numbering to NH-R9 as a consequential amendment following the recommended deletion of NH-R6.

30. I support the s42a recommended version of NH-R9 and consider that it provides for an appropriate balance of risk management while retaining appropriate discretion to address natural hazard risks for potentially hazard sensitive activities in the inundation area of the Flood Hazard Overlay.

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

31. The Fabric and Precinct submissions support NH-R11 in part, as it provides for Hazard Sensitive Activities in the Inundation Area as a Restricted Discretionary activity where conditions around floor levels are met.
32. However, Fabric and Precinct seek amendments to NH-R11.2 to make the default activity status Discretionary within the Inundation Area for Hazard Sensitive Activities that do not comply with NHR11.1, rather than Non-Complying. This would be consistent with the approach taken to Hazard Sensitive Activities within the Overland Flowpaths (as provided in rule NH-R13).
33. In the s42A report the reporting officer rejects these submission points for the following reason:

I disagree that non-compliance with the floor level requirements for new buildings containing hazard sensitive activities should result in a discretionary activity status. The non-complying activity status only applies to proposed buildings that do not achieve floor levels above inundation levels with allowance for freeboard. Accordingly, non-complying activity status gives appropriate effect to the requirement in s6(h) RMA and sends a strong signal that this is not considered to be an appropriate outcome, particularly due to the risk of damage to buildings. Consequently, I consider that the tests under s104D of the Resource Management Act 1991 are appropriate to ensure that the objectives and policies of the plan are achieved, or that the resulting adverse effects from a proposed development in the flood inundation overlay is minor.

34. I support the Fabric and Precinct submission points and consider that a Discretionary activity status provides consistency with the Discretionary

activity status under NH-R13. NH-R13 provides that a hazard sensitive activity within the *overland flowpath* can be assessed as a discretionary activity even where the proposed building does not achieve floor levels above inundation levels. However, an overland flowpath has a “medium” hazard ranking, while an inundation area has a “low” hazard ranking. It would be a perverse outcome to apply a more restrictive Non-Complying activity status in this circumstance for hazard sensitive activities in an *inundation area* under NH-R11, than for hazard sensitive activities in an overland flowpath which have a higher level of hazard ranking, under NH-R13. In my opinion the Discretionary activity status is appropriate to consider proposals that do not achieve floor levels above inundation levels with allowance for freeboard. I note that the s42A report does not recommend amending the Discretionary activity status under NH-R13.

35. I also consider that a Discretionary activity status enables appropriate consideration of the objectives and policies, and still gives Council the ability to decline an application based on the merits of the proposal.
36. I therefore recommend amending NH-R11 to provide a Discretionary activity as set out in Appendix 1.

NH-R12 Potentially hazard sensitive activities in the overland flowpath of the Flood Hazard Overlay

37. The Oyster and Precinct submissions support NH-R12 in part as it provides for Potentially Hazard Sensitive Activities in the Overland Flowpath of the Flood Hazard Overlay as a Restricted Discretionary activity where conditions around floor levels are met.
38. 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.
39. In the s42A report the reporting officer accepts this request for the following reasons:

I agree that non-compliance with the floor level requirements for new buildings containing potentially hazard sensitive activities in an

overland flowpath would more appropriately elevate to a discretionary activity status due to the comparatively lower hazard sensitivity of the potentially hazard sensitive activities contained in these buildings (with this category of hazard sensitivity including a wide range of activities, including retail, commercial, industrial and primary production), compared to hazard sensitive activities. I consider that a discretionary activity status still gives Council the ability to decline an application based on the merits of the proposal, and the more onerous s104 test required for a non-complying activity is unnecessary for potentially hazard sensitive activities.

40. I support the s42a recommendation to amend NH-R12 and concur with the reasoning provided.

COASTAL HAZARDS

CE Introduction and Coastal Hazard Ranking Table

41. 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. The Fabric submission states the following in relation to the Coastal Hazards Introduction and the hazard Ranking Table:

There is significant existing investment in the Wellington CBD which is subject to the coastal hazards overlays, and it is important that the risks from coastal hazards are appropriately addressed.

Fabric supports the Introduction to the extent that it takes an adaptation approach to coastal hazards. Retreat from the Wellington CBD is unlikely to occur, and therefore it would be more appropriate for the Proposed Plan to anticipate a protection or adaptation approach to climate change hazards. Amendment is required to help reconcile these provisions with the strategic direction and City Centre zone provisions above.

The Introduction also includes a proposed Coastal Hazard Overlay Hazard Ranking table. This table includes tsunami with a 1:100 year scenario inundation extent as High. The High risk Coastal Hazard

Tsunami Overlay covers a large part of the CBD, and the Medium and Low risk areas extend marginally further than the High risk area. Due to the nature of a Tsunami, with high impact but low probability, it is considered that the greatest risk rating should be Medium.

42. The Argosy and Oyster make similar points to the above. Additionally, the Oyster submission makes the following point:

We also note that the hazard overlays are wide ranging in terms of risk and feasible approaches to mitigate that risk. By including all the Inundation and Tsunami overlays together, the Proposed Plan applies the same risk and mitigation approach to Inundation and Tsunami. This is inappropriate because the risk of tsunami cannot be mitigated and the probability of tsunami is low compared to Coastal Inundation.

43. In response to the submitters' requests that the Proposed Plan recognises the benefits of existing investment in the CBD in relation to natural hazards and coastal hazards, the reporting officer states:

I am of the opinion that the PDP already achieves this by providing specific policies and rules that are more enabling with respect to use and development in hazard overlays than areas outside of the CCZ.

44. I generally agree with the reporting officer that the s42A recommended version of the Coastal Hazard provisions provide sufficient recognition of existing investment in the City Centre through specific policies and rules that are more enabling with respect to use and development in hazard overlays than areas outside of the CCZ. However, I am concerned 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 tsunami event includes 1m of sea level rise and coastal inundation event does not include sea level rise.
45. The reporting officer rejects the submitters' requests to amend the Coastal Hazard Overlay Hazard Ranking table, and recommends no further changes to the notified version of the table.
46. Relying on the statement of evidence of Sam Morgan, 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*. However, the Coastal Hazard Ranking table in the Proposed Plan does not state that the 1:100 year Tsunami scenario includes 1m of sea level rise. In my opinion this is a significant omission of information.

47. I have set out my understanding of the basis for the ranking of coastal hazards in the Proposed Plan Coastal Hazards Introduction in the table below, relying on the statement of evidence of Sam Morgan. The wording used in the Proposed Plan is provided in black, with additional wording to set out the omitted basis for this information provided in red:

Respective Hazard Ranking	Coastal Inundation	Tsunami
High	Existing coastal inundation extent with a 1:100 year storm at current sea level.	Tsunami – 1:100 year scenario inundation extent with 1m sea level rise.
Medium	Coastal inundation extent – with 1.49m sea level rise scenario and 1:100 Medium year storm	Tsunami – 1:500 year scenario inundation extent plus 1m sea level rise.
Low		Tsunami 1:1000 year scenario inundation extent plus 1m sea level rise.

48. It is not clear why an inconsistent approach should be applied regarding sea level rise to ranking tsunami hazards and coastal inundation hazards respectively. This inconsistency in approach accounts for the significantly greater extent of the *High* Tsunami overlay, compared to the *High* Coastal inundation overlay. In my opinion, the High Tsunami overlay extent should be

adjusted so that the extent provided in the planning maps is for the 1:100 year event with no sea level rise.

49. While there are limitations with bundling different hazards into categories such as high, medium and low, I can understand the intention behind this in providing a simplified basis for understanding the relative levels of risk and to provide a “handle” around which to formulate the corresponding district plan policies and rules. The approach taken reduces the need for multiple variations of similar rules. However, given the limitations to this approach and the potential for confusion and misrepresentation (apples being compared with pears), this approach of bundling different hazards should only be adopted where every effort is made to treat the probabilities of the different natural hazards consistently, and where the nature of the different hazards make it appropriate to provide the same policy and rule framework. In my view this standard has not been met, and the coastal hazard ranking table and overlays present a misleading and confusing picture of the risks of the different coastal hazards, particularly tsunami.
50. According to the evidence of Sam Morgan a tsunami may have greater “driving force” behind it compared to coastal inundation, but generally the risk posed from both events will be similar in nature. However, if the justification for applying an inconsistent approach to sea level rise between the two different coastal hazards is based on their different respective characteristics, then these two hazard types should not be bundled for the purposes of applying policies and rules. 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.

51. Accordingly, and relying on the evidence of Sam Morgan, I recommend amending the Coastal Hazard Ranking Table as to read as follows, and as set out in tracked changes in Appendix 1:

Coastal Hazard Overlay	Respective Hazard Ranking
Existing coastal inundation extent with a 1% AEP event	High
Tsunami present day 1:100yr scenario extent	
Future coastal inundation Extent with 1% AEP storm event and 1.43m sea level rise	Medium
Tsunami 1:100yr scenario with 1m allowance for sea level rise	
Future coastal inundation Extent with 1% AEP storm event and 1.73m sea level rise	Low
Tsunami 1:1000yr scenario inundation extent	

52. This amended approach would provide greater consistency between *High* Tsunami and Coastal Inundation hazards regarding sea level rise. It would also have the effect of significantly reducing the spatial extent of the *High* coastal hazard in the City Centre, which would reduce the need for 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. In my view this recommended version of the Coastal Hazard Ranking Table is consistent with the NZCPS including Policy 24, which provides direction on identification of coastal hazards.
53. I also recommend adding an additional paragraph to the Coastal Hazards Introduction below the Coastal Hazard Ranking Table to clarify that the hazard rankings are only intended to be for the purposes of the application of the objectives, policies, and rules of the coastal hazards chapter of the district plan. My recommended wording is as follows:

The hazard rankings set out in the above table are only intended to be for the purposes of the application of the objectives, policies, and rules of the coastal hazards chapter of the district plan.

54. It may also be appropriate for the Proposed Plan to include a section in respect to information requirements for resource consent applications similar to that suggested in Sam Morgan's evidence at paragraph 47 to support the use of site specific assessments to confirm or otherwise the hazard rankings.
55. I recommend at minimum that the Coastal Hazard Ranking table is amended to explicitly specify that the identified Tsunami overlays include 1m sea level rise. While this amendment would not resolve all the issues with inconsistent treatment of tsunami and coastal inundation discussed above, it would at least provide greater transparency around the information presented and therefore reduce the potential to provide a misleading picture due to the different assumptions within the modelling of the different coastal hazards.

CE-P12 Levels of risk

56. The Fabric, Argosy, and Oyster submissions seek similar amendments to CE-P12 as they consider the notified version of the policy is overly constraining and inadequately recognises existing investment in the CBD, a significant portion of which is subject to the High Hazard Areas under the Coastal Hazard Overlays due to the identified tsunami extent. As noted in the Fabric submission, this overly constraining policy in regard to the CBD is inconsistent with CE-O8 which provides for activities in the City Centre Zone which do not increase the risk to people, property or infrastructure.
57. The reporting officer does not agree with the submitters that CE-P12 is overly constraining and does not support their requested amendments. However, the reporting officer does recommend a number of amendments to CE-P12 including the insertion of a City Centre exception to the requirement to avoid subdivision, use and development in the high hazard area.
58. I support, in part, the reporting officer's recommended amendment of CE-P12 and consider 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. I do not support the amendments to CE-P12 2. to replace 'addresses' with "minimises" risk. I consider that in the notified version 'addresses' provides a more appropriate balance between the need to mitigate coastal hazard risk and enabling appropriate use and development.

59. I note that the officer's recommended amendment to CE-P12.3 to provide an exception for the City Centre, means that the policy now provides no direction around the high coastal hazard area in the City Centre. I recommend a further amendment to CE-P12.2 to address this as set out in appendix 1.
60. I also note that if the hazard ranking table was amended to apply a "Medium" hazard ranking for the 1:100 year plus 1m sea level rise Coastal Tsunami Hazard extent, as discussed and recommended above in this statement of evidence, the high coastal hazard area would cover a significantly smaller extent of the City Centre. The specific policy exemption for the City Centre now recommended under CEP12.3 would, therefore, apply to a smaller area, but provides further appropriate relief to address the concerns raised.

CE-P14 Additions to buildings for potentially hazard sensitive activities and hazard sensitive activities within the medium coastal hazard area and high coastal hazard area

61. Precinct and Fabric seek that CE-P14 is retained as notified.
62. Argosy and Oyster support the direction that additions to buildings for potentially hazard sensitive activities and hazard sensitive activities should be enabled within the medium coastal hazard area and high coastal hazard area where the risk can be mitigated.
63. However, Argosy and Oyster seek amendments to enable uses of the same level of hazard sensitivity in additions to buildings, rather than enabling the continued existing use. Argosy and Oyster also seek amendments to only apply the policy to coastal inundation, to recognise it is difficult to provide mitigation measures in relation to tsunami risk.
64. The reporting officer supports the requested amendment to policy CE-P14 to enable uses of the same level of hazard sensitivity in additions to buildings. The reporting officer states that this adequately manages hazard risk while also enabling continued use of existing buildings.
65. The reporting officer does not support the requested amendment to CE-P14 that would result in the policy only applying to the coastal inundation overlay as they consider it appropriate to manage the effects of tsunami hazard.

66. I support the reporting officer's recommended amendments to CE-P14 and generally agree with the reasoning they have provided.
67. While the reporting officer does not support the requested amendment to restrict the policy to the coastal inundation overlay, in my view the issue raised by the submitters in regard to the difficulty of mitigating tsunami risk is best addressed through the recommended amendment to the coastal hazard ranking table set out above.

CE-P18 Hazard sensitive activities and potentially hazard sensitive activities in the high coastal hazard area

68. Argosy seeks deletion of CE-P18 as it considers it is not practical to avoid hazard sensitive and potentially hazard sensitive activities in the high coastal hazard area.
69. The Fabric and Precinct submissions seek amendments to CE-P18 to change the word "avoid" to "only allow where...". The use of the term "avoid" is unnecessarily onerous and suggests that the establishment of Hazard Sensitive Activities and Potentially Hazard Sensitive Activities within the High Coastal Hazard Areas should not occur at all.
70. The Oyster submission opposes CE-P18 in part and considers that it is not practical to avoid hazard sensitive and potentially hazard sensitive activities in the High Coastal Tsunami Hazard area.
71. While the reporting officer does not support the submitter's requested amendments, they recommend amending CE-P18 to provide an exception to the policy for the City Centre, and to clarify the relationship between the avoid policy and the numbered conditions.
72. I support the s42A recommended version of CE-P18 and concur with the reasoning provided and the s32AA evaluation. In my opinion the city centre exception set out in the S42A version of CE-P18 is consistent with the intent of the Argosy, Fabric, Precinct, and Oyster submissions, and appropriately provides for development and use in the City Centre. The City Centre Zone has its own alternate objectives and policies and the exclusion provides greater clarity for plan implementation.
73. I also note that if the Coastal Hazard Ranking table was amended so that the *High* tsunami hazard is based on the present day 1:100yr scenario extent, as

I have recommended above, the specific policy exemption for the City Centre now recommended under CE-P18 would by implication apply to a much smaller area. However, I consider that the proposed exemption is still appropriate even if the relief recommended in the Coastal Hazard Rankings table is provided.

CE-R18 The construction of buildings or the conversion of existing buildings that will contain Airport activities, operational port activities, passenger port facilities and rail activities within the Coastal Hazard Overlay

74. Precinct seeks that CE-R18 is retained as notified.
75. Argosy, Fabric and Oyster support this rule to the extent that it enables additions to buildings within the Coastal Hazards overlays. However, the submitters consider that due to the nature of tsunamis, it is not realistic to construct additions to buildings to avoid tsunami risk. Accordingly, the submitters seek amendments to CE-R18.1 to provide for additions within the Tsunami Hazard overlay as a permitted activity.
76. Oyster also seek amendment to CE-R18.2.b as follows:
- . . .
- b. The addition is to a potentially hazard sensitive activity or a hazard sensitive activity within a high coastal hazard area other than the high tsunami hazard area.
- . . .
77. The reporting officer disagrees with these submission points and does not consider it would be appropriate to provide for all building additions in high coastal hazard areas as a permitted activity given the level of risk that could be introduced, particularly if the building additions were located at ground-level.
78. However, the reporting officer recommends amending CE-R18 to provide for above ground additions as a permitted activity within coastal hazard overlays in the City Centre Zone, and to provide for ground floor additions up to 100m² within Coastal Hazard overlays in the City Centre Zone as a permitted

activity. The reporting officer provides the following justification for these amendments:

I do not consider it appropriate to provide for all building additions in high coastal hazard areas as a permitted activity given the level of risk that could be introduced, particularly if the building additions were located at ground-level. In light of this I consider that it would be appropriate to provide for additions above ground floor level on the basis that any above ground floor addition will be above inundation levels and appropriately mitigates coastal hazard risk, with the Gross Floor Area controls applied for additions at ground floor level in the CCZ to enable small-scale additions that will not result in an unacceptable increase in risk to people.

79. I support the reporting officer's recommended amendments to CE-R18 and agree that the amended wording appropriately provides for above ground and small-scale additions in the City Centre that will not result in an unacceptable increase in risk to people. While the reporting officer does not support the specific amendments requested by Argosy, Fabric and Oyster, I consider that the s42A version of CE-R18 at least partially addresses the issues raised by these submitters.

CONCLUSION

80. In my view, the Proposed Plan as amended by the recommendations set out in this statement of evidence are more efficient and effective in achieving natural hazard and coastal hazard objectives in the Proposed Plan. The proposed amendments will provide greater consistency and provide greater clarity to the natural hazard and coastal hazard provisions. Overall, I consider the amendments proposed are more appropriate in achieving the purpose of the RMA than the Proposed Plan or the proposed changes set out in the section 42A report.

DATED this 18 July 2023

Janice Carter

Appendix 1 - Proposed Text Changes

Black Text – Original wording of the proposed plan change.

Red Text – Officer’s recommended changes, as set out in the Council Officer Report.

Blue Text – Additional changes recommended in this statement of evidence.

Coastal hazards	
Introduction	
...	
Coastal Hazard Overlay	Respective Hazard Ranking
Tsunami 1:100-year scenario inundation extent <u>present day 1:100yr scenario extent</u>	High
Existing coastal inundation extent with a 1:100-year storm <u>1% AEP event</u>	
Tsunami 1:500-year scenario inundation extent <u>1:100yr scenario with 1m allowance for sea level rise</u>	Medium
<u>Future coastal inundation Extent – with 1.49m sea level rise scenario and 1:100-year storm with 1% AEP storm event and 1.43m sea level rise</u>	
Tsunami 1:1000yr scenario inundation extent	Low
<u>Future coastal inundation Extent with 1% AEP storm event and 1.73m sea level rise</u>	
<p>The hazard rankings set out in the above table are only intended to be for the purposes of the application of the objectives, policies, and rules of the coastal hazards chapter of the district plan.</p> <p>...</p>	
CE-P12	
<p>Levels of risk</p> <p>Ensure sSubdivision, use and development reduces <u>manages the coastal hazard</u> risk to people, property, and infrastructure by:</p> <ol style="list-style-type: none"> <u>Enable Enabling</u> subdivision, use and development that have either low occupancy, risk, or replacement value within the low, medium and high hazard areas of the Coastal Hazard Overlays; Requiring mitigation for subdivision, use and development that <u>addresses minimises</u> the impacts risk resulting from the development from the relevant coastal hazards to people, property, and infrastructure <u>as far as reasonably practicable</u> in the low and medium hazard areas <u>of the Coastal Hazard Overlays, and the high hazard areas of the City Centre Zone;</u> and 	

<p>3. Avoiding subdivision, use and development in the high hazard area <u>of the Coastal Hazard Overlays (with the exception of the City Centre Zone)</u> unless there is a functional and operational need for the building or activity to be located in this area and <u>the building or activity</u> incorporates mitigation measures are incorporated that reduces <u>minimise</u> the risk to people, property, and infrastructure.</p>	
<p>Natural hazards</p>	
NH-P6	<p>Provide for subdivision, development and use for potentially hazard sensitive activities and hazard sensitive activities within the inundation area provided that mitigation measures are incorporated to ensure the risk to people and property both on the site and on adjacent properties is minimised <u>mitigated</u>.</p>
NH-P7	<p>Potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths of the Flood Hazard Overlays</p> <p>Manage subdivision, development and use associated with potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths by:</p> <ol style="list-style-type: none"> 1. Incorporating mitigation measures that reduce or avoid an increase in <u>minimise the</u> risk to people and property from the 1% Annual Exceedance Probability flood; 2. Ensuring the conveyancing of flood waters through the stream corridor or overland flowpath is still able to occur unimpeded and is not diverted onto adjacent properties; and 2-3. Ensuring that people can safely evacuate from properties during a 1% Annual Exceedance Probability flood event; and 4. Overland flowpaths are unimpeded, and unobstructed to allow for the conveyancing of flood waters and is not diverted onto adjacent properties.
NH-R11	<p>. . .</p> <p>2. Activity Status: Non-Complying <u>Discretionary</u></p> <p>Where:</p> <p>a. Compliance with the requirements of NH-R11.1.a cannot be achieved.</p> <p>...</p>