

**BEFORE A PANEL OF INDEPENDENT HEARING COMMISSIONERS
AT WELLINGTON**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHEKE
O TE WHANGANUI-A-TARA**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions on Te
Mahere - Rohei Tūtohua the Wellington
City Proposed District Plan

**HEARING TOPIC: Stream 5 – Natural and Coastal Hazards, Earthworks,
Subdivision and Three Waters**

**STATEMENT OF PRIMARY EVIDENCE OF VICTORIA WOODBRIDGE
ON BEHALF OF KĀINGA ORA – HOMES AND COMMUNITIES**

(PLANNING)

18 JULY 2023

Instructing solicitor:

C E Kirman
Special Counsel
Kāinga Ora - Homes and Communities
PO Box 14594
Central Auckland 1051
E: claire.kirman@kaingaora.govt.nz

Counsel Instructed:

BUDDLE FINDLAY
Barristers and Solicitors
Auckland
Solicitor Acting: **Jennifer Caldwell /
Natalie Summerfield**
Email: jennifer.caldwell@buddlefindlay.com
/ natalie.summerfield@buddlefindlay.com
Tel 64 9 363 0702 Fax 64 9 358 2055
PO Box 1433 DX CP24024 Auckland 1010

1. EXECUTIVE SUMMARY

1.1 My name is Victoria Emily Jane Woodbridge, and I am a Senior Planner at The Property Group Limited. I have been engaged by Kāinga Ora - Homes and Communities (**Kāinga Ora**) to provide evidence in support of its primary and further submissions to Wellington City Council's Proposed District Plan (**the PDP**) which incorporates the Intensification Planning Instruments (**IPI**) as required by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**Amendment Act**), which amended the Resource Management Act 1991 (**RMA**).

1.2 My evidence will address the following matters:

- (a) **Natural Hazards** – I recommend some structural amendments to the Natural Hazards Chapter to improve Plan useability. I also recommend amendments to policies and rules to ensure consistency with other Plan chapters and allow for alterations to buildings, as well as additions, where the risks from natural and coastal hazards are not increased.
- (b) **Flood Hazard Mapping** - I recommend that flood hazard mapping is located outside the District Plan to recognise the evolving and dynamic nature of flood modelling data which may be subject to change that would be impractically managed through Plan Change processes.
- (c) **Earthworks** – I recommend amendments to the assessment criteria for EW-S2 to ensure flexibility of assessment criteria and that assessments are commensurate to the scale and nature of work proposed;
- (d) **Subdivision** – I recommend amendments to Objectives and Policies to provide greater clarity for Plan users, align with strategic direction and ensure outcomes sought are appropriate in the context of national and strategic direction. I also recommend amendments to SUB-S6 to include a shape factor for vacant allotments within the Residential Zones;

- (e) **Three Waters** - I recommend an amendment to policy THW-P4 to allow for development which may be serviced by infrastructure which is unplanned but funded through alternative means. The amendments I recommend also seek to improve Plan useability and clarity.
 - (f) I have recommended wording changes to the Objectives, Policies, Rules and Standards as set out in **Appendix A**; and
 - (g) Where appropriate I have prepared a Section 32AA assessment as set out in **Appendix B** of my evidence.
- 1.3 In my opinion, the underlying principles that have informed the proposed changes set out in the Kāinga Ora submissions and discussed in my evidence will better align the PDP with the NPS-UD and the purpose, principles and provisions of the RMA as amended by Amendment Act.

2. INTRODUCTION

- 2.1 My full name is Victoria Emily Jane Woodbridge. I am a Senior Planner at The Property Group Limited, based in Nelson.
- 2.2 I am providing planning evidence on behalf of Kāinga Ora on the PDP. I was involved in the preparation of primary and further submissions by Kāinga Ora in relation to the PDP and other plans in the Wellington region as part of the ISPP plan changes. I am familiar with the Kāinga Ora statutory mandate and corporate intent in respect of the provision of housing within the Wellington region. I am also familiar with the national, regional and district planning documents relevant to the PDP.
- 2.3 My experience has been set out in my primary evidence filed on Hearing Stream 2 – Residential for the PDP.¹
- 2.4 In preparing this evidence I have read and reviewed the following:
- (a) The PDP Earthworks, Coastal Environment, Natural Hazards, Subdivision and Three Waters provisions;
 - (b) The Section 32 – Part 2 reports for Earthworks, Natural and Coastal Hazards, Subdivision and Three Waters;

¹ Hearing Stream 2 – Residential - Statement of Primary Evidence of Victoria Woodbridge dated 16 March 2023 paragraphs 2.2 and 2.3.

- (c) The Section 42A reports for Natural Hazards and Coastal Hazards, Earthworks, Subdivision and Three Waters;
- (d) The statement of evidence from Alistair Osborne on Flood Hazard Modelling;
- (e) The statements of evidence on behalf of Wellington City Council from Connon James Andrews on Coastal Inundation; David Ross Burbidge on Tsunami; James Gary Beban on Natural Hazards and Nadia Caron Nitsche on Flood Risk;
- (f) The statement of evidence of Property Economics on coastal and natural hazards as a qualifying matter capacity assessment; and
- (g) The relevant Appendices A and B to the Section 42A report for Coastal and Natural Hazards, Earthworks, Subdivision and Three Water outlining the Council's proposed amendments to the provisions.

Code of Conduct

- 2.5 Although this is a Council hearing, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

Scope of Evidence

- 2.6 Hearing Stream 5 addresses the Kāinga Ora submission points relating to the PDP Chapters on Natural Hazards (**NH**) and Coastal Hazards within the Coastal Environment (**CE**), Earthworks (**EW**), Subdivision (**SUB**) and Three Waters (**THW**).
- 2.7 I note that the Kāinga Ora submission points relating to Noise are addressed separately through the evidence of Mr Matt Lindenberg, including the noise-related provisions in the Subdivision Chapter.

- 2.8 Accordingly, my evidence will address the following matters:
- (a) Natural and Coastal Hazards (contained within the Coastal Environment Chapter);
 - (b) Subdivision;
 - (c) Earthworks; and
 - (d) Three Waters.
- 2.9 I note that the relevant statutory documents have been identified and outlined within the Section 42A reports and I agree with the identification of those matters.

3. AREAS OF AGREEMENT WITH SECTION 42A REPORT

- 3.1 Having reviewed the relevant Section 42A reports, I generally support the following recommendations by the reporting officers on various submissions and further submissions by Kāinga Ora:
- (a) Kāinga Ora seeks² that Natural Hazards Rule NH-R12 to be amended to provide a Discretionary activity status rather than a Non-Complying activity status to reflect that overland flowpaths are identified as a medium risk area. The reporting officer³ agrees that a Discretionary activity status is appropriate due to the comparatively lower hazard sensitivity of the types of activity controlled by this rule. I agree with this opinion and the amendment to NH-R12;
 - (b) Kāinga Ora seeks⁴ amendments to Coastal Environment Objectives CE-O5 and CE-O8 to add the word 'new' to make it clear the Objectives applied to new subdivision, development or use. The reporting officer⁵ acknowledges the intent of these Objectives is to apply to 'new' activities and considers that the Objectives are sufficiently clear in this regard. I agree with this opinion and acknowledge the amendment made to CE-O5 and addition of CE-O6 as a new Objective which I agree provides

² Submission points 391.161 and 391.162.

³ Section 42A, Hearing Stream 5 – Natural Hazards and Coastal Hazards, para 527.

⁴ Submission points 391.246, 391.247, 391.248 and 391.249

⁵ Section 42A, Hearing Stream 5 – Natural Hazards and Coastal Hazards, para 790.

greater clarity and directions for Plan users and aligns with the policy approach in relation to high, medium and low risk hazards;

- (c) Kāinga Ora seeks⁶ to retain Coastal Environment Policies CE-P14 as notified. However, I acknowledge Council's reporting officer⁷ recommends an amendment to provide greater clarity that activities with the same level of hazard risk may be enabled. This amendment provides for flexibility where the hazard risks are not increased as opposed to the PDP wording which implies more rigidity with only an existing activity enabled to continue. I agree with the proposed amendment;
- (d) Kāinga Ora seeks⁸ to retain Coastal Environment Policies CE-P15, CE-P16, CE-P17 and CE-P22 as notified. However, I acknowledge the reporting officer⁹ recommends amendments to these policies to replace 'reduce or not increase' with 'minimise' the risk to people. I agree that the recommended amendment provides clearer policy direction;
- (e) Kāinga Ora seeks¹⁰ amendments to Coastal Environment Policy CE-P18. I acknowledge the reporting officer's¹¹ rejection of the amendments sought and the recommended amendments to CE-P18. I agree that the 'avoid' direction of the policy is appropriate and support the recommended amendments to the wording which provides improved Plan clarity and interpretation, particularly when considering Policy CE-P18 in relation to Policies CE-P20, CE-P21 and CE-P22;
- (f) Kāinga Ora seeks¹² that Assessment Criteria point 5 be deleted from Earthwork Standard EW-S1. Council's reporting officer¹³ agrees that the Assessment Criterion in point 5 lacked clarity and that there are other rules within the PDP which would more appropriately control and apply to adverse effects on terrestrial ecology. I agree with this amendment;

⁶ Submission points 391.253.

⁷ Section 42A, Hearing Stream 5 – Natural Hazards and Coastal Hazards, section 3.3.4.

⁸ Submission points 391.254, 391.255, 391.256 and 391.260.

⁹ Section 42A, Hearing Stream 5 – Natural Hazards and Coastal Hazards, sections 3.3.5-3.37.

¹⁰ Submission points 391.257 and 391.258.

¹¹ Section 42A, Hearing Stream 5 – Natural Hazards and Coastal Hazards, para 790.

¹² Submission points 391.281.

¹³ Section 42A, Hearing Stream 5 – Earthworks, para 231.

- (g) Kāinga Ora seeks¹⁴ amendment to the PDP Subdivision Introduction to clarify the application of the objectives, policies and rules and the introduction of additional headings to categorise policies to assist with Plan useability and legibility. Council's reporting officer recommends the introduction of policy headers¹⁵ and amendments to the Introduction to provide clarity for Plan users. I agree with these amendments. However, in my opinion the approach of adopting policy headers would be of benefit to Plan users of other Chapters considered as part of this hearing stream, specifically the Natural Hazards chapter, and I have provided general evidence on this point at paragraph 5.1 below;
- (h) Kāinga Ora seeks¹⁶ amendments to the Subdivision Policies and Rules SUB-P10, SUB-P11, SUB-P12, SUB-P13, SUB-R2, SUB-R3, SUB-R4, SUB-R17, SUB-R18, SUB-R22, SUB-R23 and SUB-R26 to remove reference to the imposition of covenants and consent notices which can be imposed as a condition of consent under the Resource Management Act. Council's reporting officer¹⁷ agrees and recommends acceptance of the amendments sought by Kāinga Ora. I agree with this recommendation; and
- (i) Kāinga Ora sought¹⁸ amendments to Policy THW-P2 to remove reference to specific roofing material and an 'avoid' direction which contradicted the rule framework. The Council's reporting officer agrees with the amendments sought and I agree with the recommended wording for THW-P2.

3.2 The remainder of my evidence addresses key matters of particular interest to Kāinga Ora that remain of concern.

4. NATURAL HAZARDS AS A QUALIFYING MATTER

4.1 I note that the Section 42A report for Natural and Coastal Hazards provides an additional Section 77J qualifying matter assessment¹⁹ in

¹⁴ Submission points 391.187 to 391.193, 391.190 and 391.191.

¹⁵ Section 42A, Hearing Stream 5 – Subdivision, para 68 and para 93.

¹⁶ Submission points 391.212 to 391.219, 391.223, 391.224 and 391.225

¹⁷ Section 42A, Hearing Stream 5 – Subdivision, paras 107-119.

¹⁸ Submission points 391.97 and 391.98.

¹⁹ Section 42A, Hearing Stream 5 – Natural Hazards and Coastal Hazards paras 34-37.

relation to amendments to natural hazard provisions and Appendix C to the report provides an overview of the Section 77J evaluation for natural hazards.

- 4.2 In accordance with Section 77I(a) a qualifying matter includes a matter of importance provided for under Section 6; Section 6(h) is for the management of significant risks from natural hazards. I note that Council has applied the qualifying matter for natural hazards under section 77I(a).
- 4.3 I support limiting intensification to manage the risk of natural hazards, provided that in accordance with Policy 4 of the NPS-UD and s77I the limitations are restricted to the extent necessary to accommodate the qualify matter. However, it is unclear whether all hazard areas qualify as a 'significant risk' and so are eligible to be a qualifying matter under Section 77I(a). Council's Section 32 report²⁰ and the PDP Natural Hazard Chapter²¹ identify the 'inundation area' as a low-risk hazard area. Furthermore, the inundation area is not a coastal hazard and therefore the New Zealand Coastal Policy Statement (and Section 77I(b)) would not be applicable.
- 4.4 Neither the Section 32 report nor Section 42A report provide any further evaluation of inundation areas as a qualifying matter. However, the PDP limits development within inundation areas through Rule NH-R11 which requires resource consent as a Restricted Discretionary Activity for any hazard sensitive activities (which includes residential) in an inundation area. This effectively makes the MDRS standards within the Amendment Act less enabling.
- 4.5 I have reviewed Appendix C of the Section 42A report, which provides an overview and 'road map' of the Section 77J evaluation for natural hazards. I have also reviewed the Statement of Evidence of Property Economics referred to in the Section 42A report and whilst both generally refer to natural hazards (which could be interpreted as including inundation areas) I cannot find any reference to an evaluation of natural hazards as a qualifying matter which does not meet

²⁰ Section 32 Evaluation Report – Part 2: Natural and Coastal Hazards, section 8.1.

²¹ Proposed Wellington District Plan – Part 2 – Natural Hazards – Introduction.

Section 77I(a) is a natural hazard which is not a significant risk in accordance with Section 6(h).

- 4.6 As noted above I agree that it is appropriate to limit development potential in inundation areas, however, I consider Council should have undertaken an assessment of this limitation as a qualifying matter under Section 77L, as required by Section 77I(j), and undertaken a more comprehensive assessment under Section 77J to reflect the limitations on MDRS imposed by the low risk hazard areas, including the inundation area.
- 4.7 To assist the Panel, I have provided additions to the Section 42A Natural and Coastal Hazards Appendix C Table to highlight where I consider Council has not fully assessed natural hazards as a qualifying matter. This amended table is provided within **Appendix C** of my evidence.

5. FLOOD HAZARD MAPPING

- 5.1 The Kāinga Ora submission²² opposed the inclusion of flood hazard mapping as an overlay within the PDP and sought that flood hazard mapping should be included on a GIS viewer to sit outside of the Plan. This position is reflected throughout the submission of Kāinga Ora on both the Natural Hazard and Coastal Environment (Coastal Hazards) provisions and, where appropriate, the Three Waters and Subdivision Chapters. The submission included consequential amendments²³ to Plan provisions including an amendment to the definition of “Natural Hazard Overlays” to “Natural Hazard Areas”.
- 5.2 In the Section 42A report, the reporting officer rejects²⁴ the Kāinga Ora request. The reporting officer is not supportive of flood information sitting outside the Plan because changes to that information would not be subject to public participation, or any formal testing, as would otherwise happen with a Schedule 1 process.
- 5.3 The reporting officer also rejects²⁵ the amendment of “Natural Hazard Overlays”, considering there to be no material difference between the

²² Submission points 391.154, 391.155, 391.156, 391.157.

²³ Submission points 391.31 and 391.157.

²⁴ Section 42A, Hearing Stream 5 – Natural Hazards and Coastal Hazards, paras 132-133.

²⁵ Section 42A, Hearing Stream 5 – Natural Hazards and Coastal Hazards, paras 83-85.

terms, although he considers the use of ‘overlay’ is clearer and more consistent with the National Planning Standards.

- 5.4 I disagree with the recommendation within the Section 42A report, and I support the submission of Kāinga Ora to include flood hazard mapping in a GIS viewer that sits outside the Plan. In my opinion, separate maps of this nature are a useful tool to set out information the Council holds where there is insufficient certainty and consistency over time to provide this information in a mapped District Plan overlay. The use of information outside of the PDP serves purely as information or guidance in the context of certain rules in the Plan.

Dynamic Nature of Flood Hazard Information

- 5.5 Having maps sitting outside of the Plan for information purposes is appropriate in the context of flood hazard information as this information is dynamic and subject to change over time. Changes may be due to improved understanding of the natural hazard, to interventions that change the location of natural hazard, or to changing real world conditions including climate change and advancements in modelling and data gathering. Therefore, it is difficult to map flood hazards within the planning maps in a way where the information will stay accurate and relevant over time.
- 5.6 I acknowledge the evidence of Mr Osborne²⁶ for the Council, who considers that including the flood hazard maps in the PDP provides a useful mechanism for community feedback on mapping changes. However, I also note Mr Osborne advises that Wellington Water is currently developing a formal model update process for identifying when significant change has occurred, with these updates undertaken through a Plan Change process to include formal public notification.
- 5.7 In my opinion the fact that there are model updates already proposed is a clear indication of the dynamic nature of this information. Furthermore, Mr Andrews²⁷ notes that inundation levels should be consistent with the latest guidance and data “at the time of preparation”. I acknowledge, as Mr Andrews highlights, that the advice from the Ministry of the

²⁶ Statement of evidence of Alistair Osborne on behalf of Wellington City Council (Flood Hazard Modelling) 22 May 2023, paras 34-37.

²⁷ Statement of evidence of Cannon James Andrews on behalf of Wellington City Council (Coastal Inundation) 13 June 2023, paras 33-37.

Environment on sea level rise planning was revised in 2022 following the 2017 transitional guidance. Further, update advice may be forthcoming during the life of the Plan which may warrant updates to maps and data.

- 5.8 The Auckland Unitary Plan provides an example of a Plan which adopts a set of flood hazard overlay maps which sit outside the plan and operate as interactive maps on the Council's 'Geo Maps' website – a separate mapping viewer to the statutory maps. This approach is different to that of the traditional means of displaying hazard overlays on district plan maps and reflects that these maps do not have regulatory effect.
- 5.9 A GIS viewer outside of the Plan can assist plan users in determining whether a site may be subject to a particular flooding hazard. The fact that this GIS viewer can be updated as new information becomes available outside of a formal plan change process will make it a more reliable starting point for further assessments over time, particularly when compared to a spatial layer within the Plan that is unable to be easily and quickly updated.
- 5.10 In my opinion, this alternative approach provides greater flexibility, while appropriately ensuring that natural hazard risks are adequately understood and managed.

Public Participation

- 5.11 The reporting officer raises concerns regarding a lack of public participation in regard to updates to maps outside of the Plan²⁸. In my opinion, removal of the overlay from the Plan would result in a different type of public engagement, but it does not follow that no public engagement can occur.
- 5.12 In my opinion, public engagement can and should remain an integral method in enhancing the accuracy of the flood hazard profile and spatial extent, despite this engagement sitting outside the formal Schedule 1 process. There is nothing to stop the Council from commencing a public engagement process that sits outside of the RMA.

²⁸ Section 42A, Hearing Stream 5 – Natural Hazards and Coastal Hazards, paras 133.

- 5.13 The PDP proposes a hierarchy of hazard risks (low, medium and high) which, once operative, would remain unchanged despite changes to modelling data and would ensure a more immediate planning response to risks identified through updated data and modelling.
- 5.14 The evidence of Mr Osborne²⁹ acknowledges that hazard event severity and frequency may change due to advances in information and understanding around climate change. However, Mr Osborne considers it is the communities' response and appetite to risk associated with the updated information which should inform the planning response. I agree that the community should be involved in and consulted on any updated hazard information. However, relocating the flooding maps outside to of the Plan would allow for a more agile response to updates and reflecting new information, while not preventing the Council from engaging with owners of affected properties.
- 5.15 Furthermore, I consider that the PDP, once operative, will reflect the communities' attitude towards and appetite for hazard risk and changes to mapping i.e. inclusion of some areas in a 'high risk' area or inclusion of further properties within inundation areas would not change those facts. What would change would be inclusion of individual properties or neighbourhoods and this matter can be considered by the community through a consultation process undertaken outside of a Schedule 1 Plan Change to the PDP.

Statutory Framework

- 5.16 The relevant statutory framework for the Natural Hazards and Coastal Environment chapter has been addressed in the Natural and Coastal Hazards Section 32 Report³⁰. This section of my evidence focuses only on whether the relief sought in the submission of Kāinga Ora is adequately aligned with the direction set down in the Wellington Regional Policy Statement (**RPS**). The RPS advocates a precautionary and risk-based approach to the management of natural hazard risk. It seeks to avoid inappropriate subdivision and development in areas of high risk from natural hazards and to promote the resilience of communities to the impact of natural hazards and climate changes.

²⁹ Statement of evidence of Alistair Osborne on behalf of Wellington City Council (Flood Hazard Modelling) 22 May 2023, para 133.

³⁰ Section 32 Evaluation Report – Part 2: Natural and Coastal Hazards, section 4.0.

- 5.17 In the context of the Kāinga Ora submissions seeking that the flooding hazard overlays be removed from the Plan, I consider Objective 21 and Policies 29 and 51 of the RPS to be of the most relevance.
- 5.18 Objective 21 requires that Communities are more resilient to natural hazards, including the impacts of climate change, and people are better prepared for the consequences of natural hazard events. Policy 29 seeks to avoid inappropriate subdivision and development in areas at high risk from natural hazards. Policy 29 requires District Plans to identify areas at high risk from natural hazards and include policies and rules to avoid inappropriate subdivision and development in those areas. Policy 29 does not require that high hazard areas are mapped in District Plans but rather that the provisions in District Plans within the Wellington region will identify high hazard areas.
- 5.19 The PDP Coastal Environment and Natural Hazards Chapters³¹ identify the following as having a ‘high’ hazard ranking:
- (a) Flood Hazard – stream corridor;
 - (b) Wellington Fault Overlay and the Ohariu Fault Overlay;
 - (c) Tsunami – 1:100 year scenario inundation extent; and
 - (d) Existing coastal inundation extent with 1:100 year storm
- 5.20 In my opinion, the submission of Kāinga Ora to remove flood hazard overlays from the Plan does not conflict with the directive of Objective 21 and Policy 29 of the RPS. For completeness, the Kāinga Ora submission does not seek to remove the Ohariu Fault Rupture Zone from the Plan overlay. The PDP accords with the aforementioned RPS provisions through the identification of high-hazard areas within the Plan provisions (including those recommended for change in the Section 42A report). The PDP provisions align with the respective hazard ranking to ensure inappropriate development in these areas will be avoided.
- 5.21 I note that Policy 51 of the RPS seeks, in summary, that the risks and consequences of natural hazards are minimised. I consider that allowing dynamic hazard mapping, which is able to be changed to reflect the most

³¹ Proposed District Plan, Part 2: Coastal Environment – Introduction and Proposed District Plan, Part 2: Natural Hazards – Introduction.

up-to-date hazard information available, will provide better outcomes for minimising the risk and consequences of natural hazards than if the mapping is located within the PDP and subject to a Schedule 1 process for any amendments.

- 5.22 Overall, I consider that locating the flood hazard mapping outside the PDP would be consistent with the policy direction within the RPS. The PDP objectives, policies and rule framework identifies natural hazards, ensures communities are resilient and prepared for the consequences of natural hazards and minimises the risk of natural hazards regardless of whether the maps are located within the PDP.

Definitions

- 5.23 Consequential to its submission that flood hazard mapping be a non-statutory GIS tool, Kāinga Ora³² also seeks to amend the definition of “Natural Hazard Overlay” to be replaced by “Natural Hazard Area”. The reporting officer has rejected³³ this amendment.
- 5.24 I have reviewed the Kāinga Ora submission and consider that the definition would be most appropriate as “Natural Hazard Overlay” to align with the National Planning Standards. However, to reflect that the flood hazard maps are located outside the Plan an amendment to the definition would be required. In addition, the Kāinga Ora submission seeks that a new definition is added to the Plan to identify flood hazard areas and that reference to flood hazard overlays be amended to refer to flood hazard areas. This matter has not been addressed through the section 42A report, however, I support the Kāinga Ora submission and agree that a definition would assist Plan users and interpretation of the Plan.
- 5.25 Therefore, I recommend the following amendments to the definition of Natural Hazard Overlay and a new definition for Flood Hazard Areas:

Natural Hazard Overlays means the combined mapped extent of:

a. within the district Plan of the following natural hazards mapped within the district Plan:

a. Flood Hazards

³² Submission points 391.31, 391.36, 391.37 and 391.157

³³ Section 42A, Hearing Stream 5 – Natural Hazards and Coastal Hazards, paras 83-85

~~b.i.~~ Liquefaction Hazards;

~~e.ii.~~ Fault Hazards; and

b. the Council's publicly available flood hazard areas mapping and modelling information.

Flood Hazard Areas means mapped and modelled inundation areas, overland flowpaths and stream corridor areas which are located outside the district plan.

Summary and Conclusion

- 5.26 Based on the above, it is my overall opinion that removing flood hazard overlays from the Plan would not undermine or conflict with any requirements set down by the RPS in terms of managing the risks of natural hazards.
- 5.27 Furthermore, I consider that locating flood hazard information (mapping) outside the Plan would allow for efficient and effective amendments to mapping given:
- (a) the likelihood of revised modelling data and information during the lifetime of the Plan; and
 - (b) the critical need to ensure that the community has access to the most up to date information; and
 - (c) the Plan provisions ensure risk to life and the community from hazards are minimised.
- 5.28 Given the Plan hierarchy of risk management (high, medium and low) the mapping may change independently of Plan provisions which can continue to manage hazards through the proposed approach.

6. NATURAL HAZARD AND COASTAL HAZARD PROVISIONS

- 6.1 The Kāinga Ora submission³⁴ sought that policy headers were inserted in the Subdivision Chapter to provide greater clarity and ease of use for Plan users. At paragraph 3.1(g) of this evidence, I agree with the reporting officer's recommendation to include these headers. However, I consider that the Natural Hazard Chapter would benefit from a similar approach.

³⁴ Submission points 391.190 and 391.191.

6.2 There are clear groups of policies which give effect to the objectives and clear differences between the types and nature of hazards managed. It would assist Plan users if a policy header approach was adopted, for example policies which relate to liquefaction overlay, fault overlay or flood hazards could be grouped for ease of reference.

6.3 I recommend the following policy headers:

All Hazards

NH-P1 and NH-P2

Less Hazard Activities

NH-P3

Flood Hazards Areas

NH-P4 to NH-P8

Liquefaction Overlays

NH-P9

Fault Hazard Overlays

NH-P10 to NH-P14

Natural Hazard Mitigation / Green Infrastructure

NH-P15 to NH-P17

6.4 It would further assist Plan useability if the rules were then ordered to reflect the policy order and grouping, for example Rule NH-R3 Green Infrastructure in all Natural Hazard Overlays was at the end of the list of rules to align with the position of Policy NH-P17 and rules relating to flood hazard were grouped together.

6.5 When considering Plan useability, I also note 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. In my opinion these policies and rules should refer to 'alterations' as well as 'additions' to ensure alterations are fully managed and to ensure consistency with the approach taken elsewhere in the PDP. For example, other rules within the Coastal Environment Chapter (rule CE-R14) and other chapters of the Plan such as the Medium Density Residential Zone provide for alterations to buildings as well as additions and new buildings. Therefore, CE-P14, CE-R18, NH-P4 and NH-R4 should refer to additions and alterations to ensure landowner can

undertake alterations to their buildings within the parameters of the rule framework without confusion as to whether consent is required.

7. EARTHWORKS

Policy EW-P3

7.1 The Kāinga Ora submission³⁵ sought amendments to Policy EW-P3 to delete the examples and keep the policy streamlined. I support this amendment and note that the definition of natural hazards (which is a hyperlink in the e-plan and easily accessible) covers what is meant by natural hazards. The use of examples is therefore superfluous and has the effect of elevating these two examples in importance. I recommend these examples are deleted to keep the focus on the effects associated with all natural hazards.

7.2 I recommend the following wording for EW-P3:

Maintaining stability

Require earthworks to be designed and carried out in a manner that maintains slope stability and minimises the risk of slope failure associated with natural hazards. ~~such as earthquakes and increased rainfall intensities arising from climate change.~~

Standard EW-S2

7.3 The Kāinga Ora submission³⁶ sought amendments to EW-S2 to delete some of the assessment criteria, in particular the specifics of assessment criteria point 9 which provides significant detail on the potential visual effects of earthworks. I note that similar assessment criteria is provided in EW-S7 and EW-S8³⁷. Assessment criteria point 9 has a general statement relating to the effectiveness of measures to reduce visual prominence and intrusiveness of earthworks. Council's reporting officer rejects the amendment on the basis that the assessment criteria provides guidance to applicants and decision-makers.

7.4 I agree that having a level of guidance is useful for applicants and decision makers. However, in my opinion the criteria is overly prescriptive and has the potential to result in assessments which are

³⁵ Submission points 391.273, 391.274

³⁶ Submission points 391.282 & 391.283

³⁷ Kāinga Ora did not submit on EW-S7 and EW-S8, however, for consistency any amendments to the assessment criteria for EW-S2 should be considered in relation to EW-S7 and EW-S8.

unnecessarily onerous for applicants. For example, an application for small scale earthworks which has limited visual prominence could require a length assessment of environmental effects to consider all the matters listed.

- 7.5 Relying instead on the chapeau statement for criteria 9 would allow for an assessment commensurate with the scale and visibility of the earthworks and provide scope for alternative designs, solutions and assessments relative to the nature of the proposed work. I recommend that the assessment criteria for EW-S2 be amended as follows:

EW-S2 Assessment criteria where the standard is infringed

.....

9. *The need for, and effectiveness of, measures to reduce the visual prominence and particularly visual intrusiveness of the earthworks, and any buildings and other structures associated with or subsequently located on them, including:*
- ~~*a. Designing and engineering to reflect natural landforms and natural features such as cliffs, escarpments, streams and wetlands;*~~
 - ~~*b. Avoiding unnatural scar faces;*~~
 - ~~*c. Favouring untreated cut faces over artificial finishes in areas where bare rock is common;*~~
 - ~~*d. Favouring alternatives to the use of sprayed concrete on cut faces, such as anchored netting;*~~
 - ~~*e. Designing and finishing retaining walls or stabilising structures to reflect existing buildings and structures, in urban settings;*~~
 - ~~*f. Designing and finishing retaining walls or stabilising structures to reduce their apparent size by, for example, employing features that break up the surface area and create patterns of light and shadow;*~~
 - ~~*g. Retaining existing vegetation above, below and at the sides of earthworks and associated structures;*~~
 - ~~*h. Integrating new landscaping and associated planting to conceal or soften the appearance of earthworks and associated structures;*~~
 - ~~*i. Concealing views of earthworks and associated structures from streets, other public places and other properties through the positioning of proposed or future buildings; and*~~
 - ~~*j. Placing pipes below ground or integrating them into earthworks and associated structures.*~~

8. SUBDIVISION

Objective SUB-O1

- 8.1 The Kāinga Ora submission³⁸ seeks an amendment to Subdivision Objective SUB-O1 to broaden the scope of development to beyond the 'local context' and provide for future flexibility, innovation and choice. The Kāinga Ora submission sought the following amended wording:

Efficient pattern of development

Subdivision achieves an efficient development pattern that:

1. *Maintains or enhances Wellington's compact urban form;*
 2. *Is compatible with the nature, scale and intensity anticipated for the underlying zone ~~and local context~~;*
 3. *Enables ~~flexibility, innovation and choice for appropriate~~ future development and use of resulting land or buildings; and*
 4. *Is supported by development infrastructure and additional infrastructure for existing and anticipated future activities.*
- 8.2 Council's reporting officer rejected³⁹ the amendments on the basis that SUB-O1 provides for overarching outcomes for development across the City, whereas SUB-P5 is specific to subdivision for residential activities and flexibility, innovation and choice is more appropriate in the context SUB-P5. The reporting officer also considers that 'local context' is appropriate to provide for changes in the form, function and amenity values of a zone over time which may not necessarily align with the anticipated outcomes.
- 8.3 In my opinion ensuring subdivision is consistent with the purpose, character and function of the underlying zone is more important than local context, which may have developed historically in a manner which the PDP does not seek to perpetuate through the zone character and structure. I support the deletion of 'local context' and consider a reliance on the anticipated form of the underlying zone is a more appropriate assessment measure.
- 8.4 I acknowledge that SUB-P5 (which refers to flexibility, innovation and choice) relates only to residential subdivision. However, in my opinion

³⁸ Submission points 391.199 and 391.200.

³⁹ Section 42A Part 2: Subdivision, para 159.

any subdivision, regardless of purpose of location (zone) should seek to be innovative, flexible and present a range of choices. This aligns with Policy SUB-P3 which provides for sustainable design and SUB-P4 which provides for efficient integration and layout of subdivision. The overarching outcomes sought by SUB-O1 should reflect the range of options now and into the future and in my opinion the addition of 'flexibility, innovation and choice' is appropriate for all subdivision.

- 8.5 Furthermore, I consider that the Kāinga Ora proposed amendments to SUB-O1 align this objective with the PDP strategic direction which seek development that is innovative.⁴⁰

New Subdivision Objective

- 8.6 The Kāinga Ora submission⁴¹ seeks the inclusion of a new Objective in the Subdivision Chapter as follows:

SUB-O[number]

Subdivision is managed in areas with identified historical values, natural environmental and coastal values, where subdivision can have adverse effects on the values that the District Plan seeks to manage or protect.

- 8.7 This Objective would provide the overarching outcomes for subdivision within areas that have specific values. The PDP Subdivision Chapter contains policies which relate to subdivision of sites with those specific values. However, there is no overarching objective which those policies give effect to. SUB-O1 refers to underlying zone and local context but does not reference specific values which require consideration through the subdivision process.
- 8.8 I support the introduction of a new Objective as proposed through the Kāinga Ora submission. In my opinion, the Objective would provide greater clarity for Plan users and decision makers. However, if the Panel is not minded to adopt this recommendation, then I consider SUB-O1 should be amended to reflect that the effects of subdivision on areas with specific values should be managed.

⁴⁰ PDP Part 2 – Strategic Direction – Capital City - CC-O2 and City Economy, Knowledge and Prosperity - CEKP-O1.

⁴¹ Submission point 391.198.

Subdivision Policy SUB-P2

- 8.9 The Kāinga Ora submission⁴² sought an amendment to Policy SUB-P2 to replace 'local context' with 'underlying zone':

Boundary adjustments and amalgamation

Enable boundary adjustments and site amalgamation to enhance the efficient use of land, provided that the nature and scale of resulting development potential is compatible with the underlying zone local context.

- 8.10 The Council's reporting officer has rejected this proposed amendment, preferring to keep the phrase 'local context' which she considers takes account of a wider range of matters than those addressed by the underlying zone provisions. I agree that local context is broad, however, the Plan focus should be on enabling development which reflects the purpose, form and function of the underlying zone. Although an area may have developed through resource consents and in a manner which deviates from what is anticipated by the underlying zone, it may not be appropriate to perpetuate that difference. For example, a historic pattern of subdivision may form a 'local context' but may not provide for high quality outcomes that the Plan should seek to replicate in the future.

Subdivision Policy SUB-P3

- 8.11 The Kāinga Ora submission⁴³ seeks amendments to SUB-P3 to provide flexibility of subdivision design and layout in relation to the range of matters covered by the Policy. Council's reporting officer rejected⁴⁴ the submission on the basis that the amendments were less directive and removed elements of the policy which align with other Chapters, including the Strategic Direction Chapter.
- 8.12 I agree that the policy should be directive to require subdivision to achieve sustainable design outcomes. However, in my opinion there are some elements of the policy which are less successful and appropriate than others and an amendment to the policy may assist Plan users in application and assessment of sustainable design outcomes for subdivision.

⁴² Submission point 391.202 and 391.203.

⁴³ Submission points 391.204 and 391.205.

⁴⁴ Section 42A report, Part 2 – Subdivision, para 189-191.

- 8.13 In particular, the inclusion of 'safe vehicle access' seems incongruous in relation to the purpose of the policy. I note that Policy SUB-P7 has a focus on servicing and so would be a more appropriate location for requirements relating to safe vehicle access.
- 8.14 In my opinion elevating the importance of future resilience to the effects of climate change would more closely align the policy with PDP strategic direction⁴⁵ and the relevant statutory framework, NPS-UD Objective 8 and Policies 1 and 6 and RPS Objectives 9 and 21.
- 8.15 I recommend the following amendments to SUB-P3

Sustainable design

Provide for subdivision design and layout that is resilient and adaptive to the effects of climate change, makes efficient use of renewable energy and other natural and physical resources, including through the use of renewable energy and delivers well-connected, resilient communities including development patterns that:

1. Maximise solar gain;
2. Incorporate effective water sensitive design where practicable;
3. Achieve hydraulic neutrality;
- ~~4. Provide for safe vehicle access;~~
4. Support walking, cycling and public transport opportunities and enhance neighbourhood and network connectivity and safety; ~~and~~
- ~~5. Are adaptive to the effects of climate change.~~

Non-notification preclusions

- 8.16 The Kāinga Ora submission⁴⁶ seeks to introduce non-notification preclusions for all Restricted Discretionary activity rules. Council's reporting officer has rejected⁴⁷ this submission on the basis that it is more appropriate to rely on section 95 of the RMA to determine affected parties.
- 8.17 I have undertaken a review of all subdivision rules in the PDP to assess the appropriateness of notification preclusions and note SUB-R1 to SUB-R5 contain notification preclusions. I agree with the PDP in this regard.
- 8.18 Subdivision rules SUB-R6 to SUB-R16 relate to subdivision within areas that have identified special and specific values, such as sites of

⁴⁵ PDP Part 2 – Strategic Direction – Sustainability, Resilience and Climate Change – SRCC-O1 to SRCC-O4.

⁴⁶ Submission points 391.192 and 391.193.

⁴⁷ Section 42A report – Part 2: Subdivision, para 83.

significance to Māori, high natural coastal values or historic heritage. In my opinion an option for notification should be available in relation to these rules (some of which it is noted have a Discretionary activity status) and so I agree with the PDP in this regard.

- 8.19 Subdivision rules SUB-R17 to SUB-R26 relate to subdivision in areas of natural hazard, where the hazard is a low to medium risk or the subdivision is for a specific purpose (City Centre, Airport or Port activities) the activity statuses are typically Controlled or Restricted Discretionary. In my opinion, the effects of natural hazard are likely to only relate to future occupants or specific parties who may be impacted through any exacerbation of natural hazard as a result of development. For this reason, I recommend that any Controlled activity or Restricted Discretionary activity subdivision should include an exclusion for public notification as the effects of subdivision could be ringfenced to a limited number of parties.

Standard SUB-S6

- 8.20 The Kāinga Ora submission⁴⁸ seeks amendments to SUB-S6 which included adding a shape size for vacant allotments, remove minimum lot sizes for Centre, Mixed Use and Industrial zones and amend the assessment criteria to relate to the zone purpose, form and function. Council's reporting officer accepted⁴⁹ some of the amendments sought and I agree with the amendments proposed in Appendix A of the Section 42A report⁵⁰. However, the inclusion of a shape factor was rejected⁵¹ by the reporting officer on the basis of being unnecessary. I acknowledge that the Kāinga Ora submission was unclear as to where the shape factor would apply (i.e. specific or all zones). However, in my opinion applying a shape size for vacant allotments within the Residential Zones would be appropriate.
- 8.21 The PDP Rules SUB-R1 and SUB-R2 provides for subdivision for the purpose of creating new residential units or around existing residential units. Neither rule triggers Standard SUB-S6 therefore any shape factor

⁴⁸ Submission points 391.244 and 391.245.

⁴⁹ Section 42A report – Part 2: Subdivision paras 323-330.

⁵⁰ Section 42A report – Part 2: Subdivision Appendix A, SUB-S6 – deletion of standards for Metropolitan Centre, Local Centre, Neighbourhood Centre, Mixed Use & General Industrial Zones and inclusion of 'zone purpose form and function' in Assessment Criteria 1.

⁵¹ Section 42A report – Part 2: Subdivision para 326.

requirement within SUB-S6 would not apply to subdivision where a new dwelling was also proposed or existing.

- 8.22 Standard SUB-S6 is only triggered in relation to vacant allotments (SUB-R5 and SUB-R14). Given there are no minimum allotment sizes for the Residential Zones, I consider it appropriate that a shape factor is applied to ensure high quality urban design outcomes for allotments where a dwelling design is not established. With Wellington topographical constraints coupled with the increased density and enabling of infill development, it has the potential to lead to poor outcomes for creation of vacant allotments without controls over size and shape.
- 8.23 I agree that it is preferable that subdivision and land use occur concurrently and whilst this may be the outcome in the majority of scenarios, the Plan should ensure high quality urban design outcomes for situations where vacant allotments are created. A shape factor will ensure allotments are of a practical shape and size to provide for a future dwelling and outdoor living space which aligns with good urban design principles. I note that the Subdivision Design Guide includes guidance that lots should be of a 'regular' shape to ensure sites are well-functioning.
- 8.24 In my opinion the size requirement sought through the Kāinga Ora submission aligns with the requirements for residential development within the Amendment Act. The shape factor proposed would enable a two storey, two bedroom dwelling of 94m² to be built on a 120m² site. In effect, the MDRS standards become the controlling factor in relation to managing the effects of development on the vacant lot.
- 8.25 As noted above the wording proposed in the Kāinga Ora submission for SUB-S6 is not clear that the shape factor would apply only to Residential allotments, I recommend the following amendments which I consider provide greater clarity in relation to the shape factor and general application of the standards (refer to Appendix A for the full wording of SUB-S6):

Number, size and shape of allotments

The following maximum allotment number and minimum size and shape limits must be complied with for ~~any~~ fee simple subdivision:

Standard	Limit
<u>Residential Zones (MRZ and HRZ)</u>	
1. <u>Minimum shape of any vacant allotment following subdivision:</u>	<u>Accommodate a rectangle of 8m x 15m</u>
Large Lot Residential Zone	
1. Minimum size of any allotment following subdivision:	3,500m ²

9. THREE WATERS

9.1 The Kāinga Ora submission⁵² seeks amendments to Three Waters Policy THW-P4 to allow for development which may not align with planned infrastructure upgrades but may be appropriate where it can be serviced with further investment. Council's reporting officer rejects⁵³ the amendments as being outside the scope of Section 30 of the RMA on the basis that the policy would direct public investment which is inappropriate for the District Plan.

9.2 I agree that the amendments sought by the Kāinga Ora submission would result in policy direction that direct public investment which is outside the scope of the PDP. However, I acknowledge the intent of the amendments sought by Kāinga Ora which align with their wider submission points to provide for growth across the City. In my opinion Policy THW-P4 could be amended to provide more flexibility and reflect options for different outcomes. Furthermore, when considering Policy THW-P4 in association with THW-P3 I recommend amendments to the Policy to provide a clearer policy framework.

9.3 The NPS-UD Objective 6 requires that decisions on urban development that affect urban environments are:

- (a) integrated with infrastructure planning and funding decisions;

⁵² Submission points 391.97, 391.98, 391.100 and 391.101.

⁵³ Section 42A report, Part 2 – Three Waters, para 207.

- (b) strategic over the medium and long term; and
- (c) responsive where proposals would supply significant development capacity.

Policy 10 of the NPS-UD gives effect to Objective 6 and requires Local Authorities to work together, engage with infrastructure providers to achieve integrated land use and infrastructure planning, and engage with the development sector to identify significant opportunities for urban development.

- 9.4 To give effect to the NPS-UD as a whole, the PDP directs how growth will be managed across the City, with provisions included in the zone chapters and also supported by provisions in the District Wide Chapters.
- 9.5 The Three Waters Chapter introduction acknowledges staging and phased investment is an important consideration to manage growth and the Council's Long Term Plan (**LTP**) will direct service capacity investment. However, as directed by Objective 6 of the NPS-UD, planning decisions should be responsive where proposals would supply significant development capacity. In a situation where the PDP provides for growth, but the LTP does not direct funding, there may be alternative means of achieving the growth, for example through developer led upgrades or alternative funding means which become available.
- 9.6 In my opinion allowing for alternative options for funding and sequencing of development through this policy aligns more consistently with the PDP strategic direction, specifically SCA-O2⁵⁴ which supports urban development where there is insufficient infrastructure capacity if costs associated with the development are met and the development involves a significant increase in development capacity for the City.
- 9.7 Policy THW-P3 enables new subdivision and development where there is existing or planned infrastructure capacity to meet growth in the short to medium term. In my opinion the PDP Policy THW-P4 has two separate outcomes:

⁵⁴ PDP Part 2 – District Wide Matters – Strategic City Assets and Infrastructure – SCA-O2 “New urban development occurs in locations that are supported by sufficient development infrastructure capacity, or where this is not the case the development: 1. Can meet the development infrastructure costs associated with the development, and 2. Supports a significance increase in development capacity in the City.”

- (a) Firstly, requirements for subdivision and development servicing; and
- (b) Secondly, limiting development where there is no existing or planned capacity.

9.8 I recommend that THW-P4 is amended and split into two policies. This will provide greater clarity and direction for decision makers and Plan users and my recommended amendments will shift the focus from limiting development (which has a greater avoid focus) to providing for development where the issues can be resolved, thereby creating a more enabling focus (subject to conditions) to align with the NPS-UD. This shift in focus for the policy also more appropriately gives effect to Objective THW-O2 and aligns with the Restricted Discretionary activity status for Rules THW-R1 and THW-R2.

9.9 In addition, I recommend that the amended THW-P4 is located above THW-P3 and the new policy located below THW-P3 to provide clear structure and order to the policies.

9.10 The following are my recommended amendments:

THW-P4 Three waters infrastructure servicing

Subdivision or development in urban areas is serviced by three waters infrastructure that:

1. *Meets the Wellington Water Regional Standard for Water Services v3.0 December 2021;*
2. *Has sufficient capacity to accommodate the development; and*
3. *Is in position prior to the commencement of construction.*

~~*Limit subdivision and development in urban areas where existing three waters capacity and/or level of service is insufficient to service further development unless:*~~

- ~~1. *It can be demonstrated there is an alternative solution to avoid or mitigate any adverse effects on the three waters infrastructure network and the health and wellbeing of water bodies and freshwater ecosystems; and*~~
- ~~2. *The additional demand generated will not necessitate additional unplanned public investment in, or expansion of, the three waters infrastructure network or compromise its ability to service other activities permitted within the zone.*~~

New Policy Alternative infrastructure options for urban development

~~*Provide for subdivision and development in urban areas where existing three waters capacity and/or level of service is insufficient if:*~~

1. It can be demonstrated there is an alternative solution to avoid or mitigate any adverse effects on the three waters infrastructure network and the health and wellbeing of water bodies and freshwater ecosystems; and
2. The additional demand generated will not necessitate additional unplanned public investment in, or expansion of, the three waters infrastructure network or compromise its ability to service other activities permitted within the zone; or
3. The additional capacity and/or level of service can be provided and funded by alternative means or through a change to growth sequencing to allow for significant urban development opportunities.

10. CONCLUSION

- 10.1 In conclusion I am of the opinion that the amendments sought by Kāinga Ora, as outlined and amended in my evidence, are appropriate and will assist in improving the consistency, usability and interpretation of the PDP provisions. This includes how the provisions are interpreted by both Plan users and Councils within the Wellington region.
- 10.2 Furthermore, I am of the opinion that the amendments will assist in ensuring Plan provisions align with national and regional direction.
- 10.3 In accordance with section 32AA of the RMA, I consider the amendments to the provisions are the most appropriate means of achieving the purpose of the RMA as outlined in Appendix 2.
- 10.4 Overall, I consider the amended provisions will be efficient and effective in achieving the purpose of the RMA (including proposed amendments to objectives), relevant objectives of the PDP and other relevant statutory documents.

Victoria Emily Jane Woodbridge

18 July 2023

Appendix A – Recommended Changes

Text convention	Description
Amendments recommended in the Council Officers' Planning Evidence	
<u>Blue text underlined</u>	Text to be added to the District Plan because of recommendations in the Council Officers' Planning Evidence
Blue text struck through	PDP text to be removed because of recommendations in the Council Officers' Planning Evidence.
Changes sought by Kāinga Ora following review of s42A report. Consequential amendments may be required to numbering.	
<u>Green text underlined</u>	Text to be added following review of recommendations in the Council Officers' Planning Evidence
Green text struck through	Text to be removed following review of recommendations in the Council Officers' Planning Evidence

Definitions

Natural Hazard Overlays	means the combined mapped extent of: <u>a. within the district Plan of the following natural hazards mapped within the district Plan:</u> a. _____ Flood Hazards b i. Liquefaction Hazards; c ii. Fault Hazards; and <u>b. the Council's publicly available flood hazard areas mapping and modelling information.</u>
<u>Flood Hazard Areas</u>	<u>means mapped and modelled inundation areas, overland flowpaths and stream corridor areas which are located outside the district plan.</u>

Natural Hazards

NH	Natural Hazards
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Introduction

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The hazard ranking for each of the natural hazards addressed in the Natural Hazard Chapter is provided in the table below:

Natural Hazard Overlay	Respective Hazard Ranking
Flood Hazard Areas – Stream Corridor	High
Wellington Fault Overlay and the Ohariu Fault Overlay	
Liquefaction Hazard Overlay	
Flood Hazard Areas – Overland Path	Medium
Flood Hazard Areas – Inundation	Low
Terawhiti Fault Hazard Overlay	

.....

Policies	
All Hazards	
NH-P1	<p>Identification of natural hazards</p> <p>Identify natural hazards within the District Plan and take a risk-based approach to the management of subdivision, use and development based on:</p> <ol style="list-style-type: none"> 1. The sensitivity of the activities to the impacts of natural hazards; and 2. The hazard posed to people’s lives and wellbeing, property and infrastructure, by considering the likelihood and consequences of natural hazard events; and 3. The operational need or functional need for some activities to locate in Natural Hazard Overlays.
NH-P2	<p>Levels of risk</p> <p>Subdivision, use and development reduce or do not increase the manages natural hazard risk to people, property and infrastructure by:</p> <ol style="list-style-type: none"> 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.
Less Hazard Sensitive Activities	
NH-P3	Less hazard sensitive activities

	<p>Allow for subdivision, use and development associated with less hazard sensitive activities and associated additions to buildings within the Natural Hazards Overlays, provided that:</p> <ol style="list-style-type: none"> 1. It can be demonstrated that overland flowpaths are unimpeded and unobstructed; 2. The building or the additions are not located within a stream corridor; and 3. The risk to people and property is reduced or not increased from the 1% Annual Exceedance Probability flood.
<p>Flood Hazards Areas</p>	
<p>NH-P4</p>	<p>Additions <u>and Alterations</u> to buildings for potentially hazard sensitive activities and hazard sensitive activities in an identified inundation area of the <u>Flood Hazard overlay Areas</u></p> <p>Provide for additions <u>and alterations</u> to buildings that accommodate existing potentially hazard sensitive activities and hazard sensitive activities in an identified inundation area, where:</p> <ol style="list-style-type: none"> 1. The impact from the 1% Annual Exceedance Probability flood event is low due to either the: <ol style="list-style-type: none"> a. Incorporation of mitigation measures; b. Size of the addition in relation to the existing building; or c. Type of activities undertaken within the addition; and 2. The risk to people and property is reduced or not increased from the 1% Annual Exceedance Probability flood.
<p>NH-P5</p>	<p>Additions <u>and alterations</u> to buildings for potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths and stream corridors of the Flood Hazard <u>Overlays Areas</u></p> <p>Only allow additions <u>and alterations</u> to buildings that accommodate existing potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths and stream corridors, where it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The risk from the 1% Annual Exceedance Probability flood event is low due to either the: <ol style="list-style-type: none"> a. Proposed mitigation measures; b. Size of the addition; or c. Nature of the activities undertaken within the addition; and 2. <u>In an overland flowpath, the risk to people and property is reduced or not increased minimised from the 1% Annual Exceedance Probability flood event; and</u> 3. <u>In a stream corridor the existing risk to people and property is not increased or is reduced from the 1% Annual Exceedance Probability flood event; and</u> 3. Overland flowpaths and stream corridors are unimpeded, and unobstructed to allow for the conveyancing of flood waters. 4. <u>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.</u>
<p>NH-P6</p>	<p>Potentially hazard sensitive activities and hazard sensitive activities within the identified inundation areas of the Flood Hazard <u>Overlays Areas</u></p> <p>Provide <u>for</u> 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 <u>minimised</u>.</p>
<p>NH-P7</p>	<p>Potentially hazard sensitive activities and hazard sensitive activities within the overland flowpaths of the Flood Hazard <u>Overlays Areas</u></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. <u>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</u> 2-3. Ensuring that people can safely evacuate from properties during a 1% Annual Exceedance Probability flood event; <u>and</u> 4. Overland flowpaths are unimpeded, and unobstructed to allow for the conveyancing of flood waters and is not diverted onto adjacent properties.
NH-P8	<p>Potentially hazard sensitive activities and hazard sensitive activities within the stream corridors of the Flood Hazard <u>Overlays Areas</u></p> <p>Avoid subdivision, development and use associated with potentially hazard sensitive activities and hazard sensitive activities within the stream corridors, unless it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The activity or subdivision has an operational need or <u>functional</u> need to locate within the stream corridor and locating outside of these stream corridor is not a practicable option; 2. Mitigation measures are incorporated that reduce or avoid an increase in the <u>existing</u> risk to people and property from the 1% Annual Exceedance Probability Flood; 3. People can safely evacuate the property during a 1% Annual Exceedance Probability flood; and 4. The conveyancing of flood waters through the stream corridor is still able to occur unimpeded and is not diverted onto adjacent properties.
<u>Liquefaction Overlays</u>	
NH-P9	<p>Emergency facilities in the Liquefaction Overlay</p> <p>Only allow new emergency <u>service</u> facilities within the Liquefaction Overlay where it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The emergency <u>service</u> facility will be able to maintain post disaster functionality following an earthquake, <u>including having foundation designs designed by a certified engineer to prevent liquefaction induced deformation of the building;</u> and 2. Emergency vehicles will be able to service the impacted community by being able to enter and leave the site.
<u>Fault Hazards Overlays</u>	
<u>NH-P10</u>	<p><u>Potentially hazard sensitive activities and hazard sensitive activities and related buildings and structures within the uncertain poorly-constrained, uncertain constrained, distributed, well-defined or well-defined extended areas of the of the Terawhiti and Shepherds Gully Fault Overlays</u></p> <p><u>Subdivision, use, and development for potentially hazard sensitive activities and hazard sensitive activities within the uncertain poorly-constrained, uncertain constrained, distributed, well-defined or well-defined extended areas of the of the Terawhiti and Shepherds Gully Fault Overlays are managed as follows:</u></p> <ol style="list-style-type: none"> 1. <u>Allow for additions to existing buildings for potentially hazard sensitive activities and hazard sensitive activities within the uncertain poorly-constrained, uncertain constrained, distributed, well-defined or well-defined extended areas of the of the Terawhiti and Shepherds Gully Fault Overlays;</u> 2. <u>Allow for potentially hazard sensitive activities and hazard sensitive activities and related buildings and structures within the uncertain poorly-constrained, uncertain</u>

	<p><u>constrained, distributed well-defined or well-defined extended areas of the of the Terawhiti and Shepherds Gully Fault Overlays with the exception of educational facilities, health care facilities, major hazardous facilities, and emergency service facilities;</u></p> <p><u>3. Only allow educational facilities, health care facilities, hazardous facilities major hazardous facilities, and emergency service facilities within the uncertain poorly-constrained, uncertain constrained, distributed, well-defined or well-defined extended areas of the of the Terawhiti and Shepherds Gully Fault Overlays, where it can be demonstrated that:</u></p> <ol style="list-style-type: none"> <u>a. The building, building platforms associated with subdivision or activity is more than 20 m from the edge of the fault deformation zone of the Shepherds Gully Fault and Terawhiti Fault; or</u> <u>b. Mitigation measures are incorporated into the building to maintain safety of the occupants and the structural integrity of the building in the event of fault rupture; and</u> <u>c. The building or activity has an operational need or functional need to locate within the Terawhiti and Shepherds Gully Fault Overlays and locating outside of these overlays is not a practicable option.</u>
<p><u>NH-P11</u></p>	<p><u>Potentially hazard sensitive activities and hazard sensitive activities and related buildings and structures within the uncertain poorly-constrained, uncertain constrained, or distributed areas of the Wellington Fault and Ohariu Fault Overlays</u></p> <p><u>Provide for subdivision, development, and use for potentially hazard sensitive activities and hazard sensitive activities and related buildings and structures for these activities within the uncertain poorly-constrained, uncertain constrained, or distributed areas of the Wellington Fault and Ohariu Fault Overlays provided:</u></p> <ol style="list-style-type: none"> <u>1. Any new buildings, building platforms associated with subdivision, or additions to existing buildings are located more than 20 m from the edge of the fault deformation zone of the Wellington Fault and Ohariu Fault; or</u> <u>2. Mitigation measures are incorporated into the building to minimise the risk to life of the occupants and the structural integrity of the building in the event of fault rupture.</u>
<p><u>NH-P12</u></p>	<p><u>NH-P12 Potentially hazard sensitive activities and hazard sensitive activities and related buildings and structures within the well-defined or well-defined extended areas of the Wellington Fault and Ohariu Fault Overlays</u></p> <p><u>Subdivision, use, and development for potentially hazard sensitive activities and hazard sensitive activities within the well-defined or well-defined extended areas of the of the Wellington Fault and Ohariu Fault Overlays are managed as follows:</u></p> <ol style="list-style-type: none"> <u>1. Only allow for additions to existing buildings for potentially hazard sensitive activities and hazard sensitive activities within the well-defined or well-defined extended areas of the Wellington Fault and Ohariu Fault Overlays where:</u> <ol style="list-style-type: none"> <u>a. For activities that have an operational need or functional need to locate within the well-defined or well-defined extended areas of the Wellington Fault and Ohariu Fault Overlays and locating outside these areas is not a practicable option:</u>

	<ul style="list-style-type: none"><ul style="list-style-type: none"><u>i. Any new additions are located more than 20m from the edge of the fault deformation zone; or</u><u>ii Mitigation measures are incorporated into the addition to minimise the risk to life of the occupants and the structural integrity of the building in the event of fault rupture;</u><u>b. For any other additions to buildings containing potentially hazard sensitive activities and hazard sensitive activities:</u><ul style="list-style-type: none"><u>i. Any new additions are located more than 20 m from the edge of the fault deformation zone of the Wellington Fault and Ohariu Fault; or</u><u>ii. Mitigation measures are incorporated into the addition to not increase the risk to life of the occupants and the structural integrity of the building in the event of fault rupture;</u> <p><u>2. Only allow a single residential unit on an existing vacant site to be located within the well-defined or well-defined extended areas of the Wellington Fault and Ohariu Fault Overlays where:</u></p> <ul style="list-style-type: none"><u>a. Locating a residential unit on the site outside of the Wellington Fault and Ohariu Fault Overlays is not a practicable option; and</u><u>b. Mitigation measures are incorporated into the building to minimise the risk to life of the occupants and the structural integrity of the building in the event of fault rupture.</u> <p><u>3. Avoid subdivision, use, and development (with the exception of a single residential dwelling on an existing vacant site) for potentially hazard sensitive activities and hazard sensitive activities within the well-defined or well-defined extended areas of the Wellington Fault and Ohariu Fault Overlays as follows:</u></p> <ul style="list-style-type: none"><u>a. For building, building platforms associated with subdivisions or activity that have an operational need or functional need to locate within the well-defined or well-defined extended areas of the Wellington Fault and Ohariu Fault Overlays and locating outside these areas is not a practicable option:</u><ul style="list-style-type: none"><u>i Any new building, building platforms associated with subdivisions or activity are located more than 20 m from the edge of the fault deformation zone of the Wellington Fault and Ohariu Fault; or</u><u>ii. Mitigation measures are incorporated into the building to minimise the risk to life of the occupants and the structural integrity of the building in the event of fault rupture.</u><u>b. For any other building, building platforms associated with subdivisions or activity containing potentially hazard sensitive activities and hazard sensitive activities:</u><ul style="list-style-type: none"><u>i. Any building, building platforms associated with subdivisions or activity are able to be or are located more than 20 m from the edge of the fault deformation zone of the Wellington Fault and Ohariu Fault; or</u><u>ii Mitigation measures are incorporated into the building to not increase risk to life of the occupants and the structural integrity of the building in the event of fault rupture.</u>
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NH-P13	<p>Subdivision, use and development which will be occupied by members of the public, or employees associated with the Buildings with a low occupancy associated with Operational port activities, passenger port facilities and rail activities in the Wellington Fault Overlay.</p> <p>Provide for subdivision, development and use associated with the operational port activities, passenger port facilities and rail activities, within the Wellington Fault Overlay, where the subdivision, development and use does not involve the construction of new buildings which will be occupied by more than 10 employees associated with the operational port activities, passenger port facilities and rail activities or any members of the public.</p>
NH-P14	<p>Subdivision, use and development Buildings which will be occupied by members of the public, or employees associated with the operational port activities, passenger port facilities and rail activities in the Wellington Fault Overlay.</p> <p>Manage subdivision, development and use associated within the operational port activities, passenger port facilities and rail activities within the Wellington Fault Overlay where the subdivision, development and use involves the construction of new buildings which will be occupied by members of the public, or more than 10 employees associated with the operational port activities, passenger port facilities and rail activities by ensuring that:</p> <ol style="list-style-type: none"> 1. Mitigation measures are incorporated that avoid an increase in risk to people, property and infrastructure from the fault rupture of the Wellington Fault. 1. <u>Any new buildings are located more than 20 m from the edge of the fault deformation zone of the Wellington Fault; or</u> 2. <u>Mitigation measures are incorporated into the building to minimise the risk to people and buildings in the event of fault rupture and the activity can continue to operate following an earthquake.</u>
Natural Hazard Mitigation / Green Infrastructure	
NH-P15	<p>Natural systems and features</p> <p>Maintain and enhance natural systems and features where they will reduce the existing risk posed by natural hazards to people's lives and wellbeing, property and infrastructure.</p>
NH-P16	<p>Natural hazard mitigation works</p> <p>Enable natural hazard mitigation or stream and river management works undertaken by a statutory agency <u>the Greater Wellington Regional Council, Wellington City Council, Waka Kotahi, KiwiRail, CentrePort Limited or Wellington International Airport Limited</u> or their nominated contractors or agents within Natural Hazard Overlays where these will significantly decrease the existing risk to people's lives and wellbeing, property and infrastructure.</p>
NH-P17	<p>Green infrastructure</p> <p>Encourage the use of green infrastructure, or Mātauranga Māori approaches when undertaking natural hazard mitigation or stream and river management works by a statutory agency <u>the Greater Wellington Regional Council, Wellington City Council, Waka Kotahi, KiwiRail, CentrePort Limited or Wellington International Airport Limited</u> or their nominated contractors or agents within Natural Hazard Overlays.</p>

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NH-R4	<p>Additions to all buildings in the inundation area, overland flowpaths or the stream corridor of the Flood Hazard Overlay Areas</p>
	<p>1. Activity status: Permitted</p>

		<p>Where:</p> <ol style="list-style-type: none"> a. When located within an inundation area, the finished floor levels of the addition <u>or alterations</u> for hazard sensitive <u>activities and or</u> potentially hazard sensitive activities are demonstrated to be above the 1% Flood Annual Exceedance Probability level <u>plus the height of including an allowance for freeboard, where the finished floor level is to the bottom of</u> the floor joists or the base of the concrete floor slab <u>and an allowance for freeboard</u>; or b. The additions are not located within an overland flowpaths; or and c. The additions are not located within a stream corridor.
	All Zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> a. Compliance with the requirements of NH-R4.1.a cannot be achieved. <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in NH-P4
	All Zones	<p>3. Activity status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> a. Compliance with the requirements of NH-R4.1.b cannot be achieved
	All Zones	<p>4. Activity status: Non-Complying</p> <p>Where:</p> <ol style="list-style-type: none"> a. Compliance with the requirements of NH-R4.1.c cannot be achieved

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Coastal Environment

CE	Coastal Environment
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Policies – Coastal environment

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CE-P14	<p>Additions <u>and alterations</u> to buildings for potentially hazard sensitive activities and hazard sensitive activities within the medium coastal hazard area and high coastal hazard area</p> <p>Enable additions <u>and alterations</u> to buildings that accommodate existing potentially hazard sensitive activities and hazard sensitive activities within the medium coastal hazard area and high coastal hazard area, where:</p> <ol style="list-style-type: none"> 1. They enable the <u>continued use same level of hazard sensitivity as of</u> the existing <u>use of the</u> building; and 2. The risk from the coastal hazard is low due to either: <ol style="list-style-type: none"> a. Proposed mitigation measures; or b. The size and the activity of the addition.
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Rules: Land use activities

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CE-R18	<p>Additions <u>and alterations</u> to buildings within the Coastal Hazard Overlays</p>
All Zones	<ol style="list-style-type: none"> 1. Activity status: Permitted <p>Where:</p> <p><u>a. The additions or alterations are above the ground floor of a building containing a hazard-sensitive activity or potentially hazard sensitive activity within the City Centre Zone</u></p> <p><u>a- b.</u> The additions <u>or alterations</u> are to a <u>building containing a</u> hazard sensitive activity or potentially hazard sensitive activity in the low coastal hazard area;</p> <p><u>b- c.</u> The additions <u>or alterations</u> are to <u>a buildings for containing</u> a less hazard sensitive activity in either the low coastal hazard area, medium coastal hazard area or high coastal hazard area;</p> <p><u>c- d.</u> The additions <u>or alterations</u> are to a <u>building containing a</u> potentially hazard sensitive activity in the medium coastal hazard area <u>or to the ground floor of a building containing a hazard sensitive activity or potentially hazard sensitive activity within the City Centre Zone</u> and they do not increase the building footprint by more than 100m²; or</p>

	<p>d. e. The additions <u>or alterations</u> are to a <u>building containing a</u> hazard sensitive activity in the medium coastal hazard area and they do not increase the building footprint by more than 50m².</p>
All Zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance with the requirements of CE-R18.1.ed or CE-R18.1.de cannot be achieved; or b. The addition is to a potentially hazard sensitive activity or a hazard sensitive activity within a high coastal hazard area <u>and is located outside of the City Centre Zone</u>. <p>Matters of discretion are:</p> <ul style="list-style-type: none"> 1. The matters in CE-P14.

Subdivision

SUB	Subdivision
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Objectives

SUB-O1	<p>Efficient pattern of development</p> <p>Subdivision achieves an efficient development pattern that:</p> <ol style="list-style-type: none"> 1. Maintains or enhances Wellington’s compact urban form; 2. Is compatible with the nature, scale and intensity anticipated for the underlying zone and local context; 3. Enables appropriate <u>flexibility, innovation and choice for</u> future development and use of resulting land or buildings; and 4. Is supported by development infrastructure and additional infrastructure for existing and anticipated future activities.
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<u>SUB-Ox</u>	<p><u>Subdivision in areas of historical, natural environmental and coastal values</u></p> <p><u>Subdivision is managed in areas with identified historical values, natural environmental and coastal values, where subdivision can have adverse effects on the values that the District Plan seeks to manage or protect.</u></p>
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Policies

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SUB-P2	<p>Boundary adjustments and amalgamation</p> <p>Enable boundary adjustments and site amalgamation to enhance the efficient use of land, provided that the nature and scale of resulting development potential is compatible with the local context <u>anticipated purpose, form and function of the underlying zone</u>.</p>
SUB-P3	<p>Sustainable design</p> <p>Provide for subdivision design and layout that <u>is resilient and adaptive to the effects of climate change</u>, makes efficient use of renewable energy and other natural and physical resources, and delivers well-connected, resilient communities including development patterns that:</p> <ol style="list-style-type: none"> 1. Maximise solar gain; 2. Incorporate effective water sensitive design, <u>where practicable</u>; 3. Achieve hydraulic neutrality; 4. Provide for safe vehicle access;

	<p>5. Support walking, cycling and public transport opportunities and enhance neighbourhood and network connectivity and safety; and</p> <p>6. Are adaptive to the effects of climate change.</p>
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Rules: Land use activities

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SUB-R17	<p>Subdivision that creates building platforms for less hazard sensitive activities within the low, medium or high hazard areas of the Coastal Hazard Overlays or within the Flood Hazard, Liquefaction, Wellington Fault, Ohariu Fault, Sheppards Fault or Terawhiti Fault Overlays</p>
All Zones	<p>1. Activity status: Controlled</p> <p>Where:</p> <p style="margin-left: 40px;">a. The building platform is not located within an identified overland flowpath of the Flood Hazard Overlay; and</p> <p style="margin-left: 40px;">b. The building platform is not located within a stream corridor of the Flood Hazard Overlay.</p> <p>Matters of control are:</p> <p style="margin-left: 40px;">1. The matters in SUB-P1, SUB-P3, SUB-P4, SUB-P5, SUB-P7; and</p> <p style="margin-left: 40px;">2. Site access and the design of any vehicle parking and associated maneuvering areas proposed; and</p> <p style="margin-left: 40px;">3. Any consent notices, covenants, easements or other legal instruments necessary.</p> <p>Notification status: Applications under this rule are precluded from being publicly notified.</p>
All Zones	<p>1. Activity Status: Restricted Discretionary</p> <p>Where:</p> <p style="margin-left: 40px;">a. Compliance is not achieved with SUB-R17.1.a.</p> <p>Matters of discretion are:</p> <p style="margin-left: 40px;">1. The matters in SUB-P1, SUB-P3, SUB-P4, SUB-P5, SUB-P7;</p> <p style="margin-left: 40px;">2. Site access and the design of any vehicle parking and associated maneuvering areas proposed; and</p> <p style="margin-left: 40px;">3. Any consent notices, covenants, easements or other legal instruments necessary; and</p> <p style="margin-left: 40px;">4. The matters in NH-P3.</p> <p>Notification status: Applications under this rule are precluded from being publicly notified.</p>
All Zones	<p>3. Activity Status: Discretionary</p> <p>Where:</p> <p style="margin-left: 40px;">a. Compliance is not achieved with SUB-R17.1.b.</p>

SUB-R18	<p>Subdivision that creates building platforms for potentially hazard sensitive activities within the low hazard area of the Coastal Hazard Overlays, or within the inundation area of the Flood Hazard Overlay, or within the Liquefaction, Sheppards Fault or Terawhiti Fault Overlays</p>
<p>All Zones</p>	<p>1. Activity status: Controlled</p> <p>Matters of control are:</p> <ol style="list-style-type: none"> 1. For subdivision where the building platforms are located in the Liquefaction, Sheppards Fault or Terawhiti Fault Overlays: <ol style="list-style-type: none"> a. The matters in SUB-P1, SUB-P3, SUB-P4, SUB-P5, SUB-P7 and SUB-P8; and b. Site access and the design of any vehicle parking and associated maneuvering areas proposed; and c. Any consent notices, covenants, easements or other legal instruments necessary; 2. The matters in NH-P6 for building platforms that are located in pending inundation of the Flood Hazard Overlay. <p><u>Notification status: Applications under this rule are precluded from being publicly notified.</u></p>
SUB-R19	<p>Subdivision that creates building platforms for potentially hazard sensitive activities within the medium hazard area of the Coastal Hazard Overlays</p>
<p>All Zones</p>	<p>1. Activity Status: Restricted Discretionary</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in SUB-P1, SUB-P3, SUB-P4, SUB-P5, SUB-P7 and SUB-P8; 2. Site access and the design of any vehicle parking and associated maneuvering areas proposed; and 3. Any consent notices, covenants, easements or other legal instruments necessary; and 4. The matters in CE-P16 for building platforms that are located in the medium hazard area of the Coastal Hazard Overlays. <p><u>Notification status: Applications under this rule are precluded from being publicly notified.</u></p>
SUB-R22	<p>Subdivision that creates building platforms for hazard sensitive areas activities within the Sheppards Fault, Terawhiti Fault or Liquefaction Overlays</p>
<p>All Zones</p>	<p>1. Activity status: Controlled</p> <p>Matters of control are:</p> <ol style="list-style-type: none"> 1. The matters in SUB-P1, SUB-P3, SUB-P4, SUB-P5, SUB-P7 and SUB-P8; and 2. Site access and the design of any vehicle parking and associated maneuvering areas proposed; and 3. Any consent notices, covenants, easements or other legal instruments necessary. <p><u>Notification status: Applications under this rule are precluded from being publicly notified.</u></p>

SUB-R23	Subdivision that creates building platforms for hazard sensitive activities within the inundation area of the Flood Hazard Overlay or the low hazard area of the Coastal Hazard Overlays
All Zones	<p>1. Activity Status: Restricted Discretionary</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in SUB-P1, SUB-P3, SUB-P4, SUB-P5, SUB-P7, and SUB-P8, and SUB-P25; 2. Site access and the design of any vehicle parking and associated maneuvering areas proposed; 3. Any consent notices, covenants, easements or other legal instruments necessary; 4. The matters in NH-P6 for building platforms that are located in the inundation area of the Flood Hazard Overlay; and 5. The matters in CE-P15 for building platforms that are located in the low hazard area of the Coastal Hazard Overlay. <p><u>Notification status: Applications under this rule are precluded from being publicly notified.</u></p>
All Zones	2. Activity status: Non-Complying
SUB-R26	Subdivision within the Wellington Fault Overlay or medium or high coastal hazard areas on land occupied by City Centre Zone or Airport, operational port activities, passenger port facilities and rail activities
As specified in rule	<p>1. Activity status: Restricted Discretionary</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in SUB-P1, SUB-P3, SUB-P4, SUB-P5, SUB-P7 and SUB-P8; 2. Site access and the design of any vehicle parking and associated maneuvering areas proposed; 3. Any consent notices, covenants, easements or other legal instruments necessary; 4. The matters in SUB-P26 and NH-P14 for building platforms associated with operational port activities, passenger port facilities and rail activities the that are located in the Wellington Fault Overlay; 5. The matters in CE-P20 for subdivision on land occupied by the Airport, operation port activities, passenger port facilities and rail activities that are located in a medium or high coastal hazard areas; and 6. The matters in CE-P19 and CE-P22 for subdivision on land within the City Centre Zone that is located in a medium or high coastal hazard areas; <p><u>Notification status: Applications under this rule are precluded from being publicly notified.</u></p>

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Standards

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SUB-S6	Number, size and shape of allotments	
	The following maximum allotment number and minimum size and shape limits must be complied with for any -fee simple subdivision:	
	Standard	Limit
	Residential Zones (MRZ and HRZ)	
	1. <u>Minimum shape of any vacant allotment following subdivision:</u>	Accommodate a rectangle of 8m x 15m
	Large Lot Residential Zone	
	1. Minimum size of any allotment following subdivision:	3,500m ²
	General Rural Zone	
	2. Maximum number of allotments following subdivision	2
	3. Minimum size of allotment that may be subdivided a. In the Horokiwi Area; b. In all other areas	nil 30ha
	4. Minimum size of any allotment following subdivision: 1. In the Horokiwi Area; 2. In all other areas	50ha nil
	Metropolitan Centre, Local Centre, Neighbourhood Centre, Mixed Use & General Industrial Zones	
	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. The extent to which a <u>higher density of</u> development is compatible with the <u>anticipated zone purpose, form and function</u> and local site context; 2. Whether the size, shape and other physical characteristics of resulting allotments will enable feasible future development of a nature and scale that is generally anticipated by the relevant Zone provisions; 3. The extent to which any adverse effects on privacy or sunlight access for neighbours can be managed by allotment size, shape, orientation and topography or by landscaping, restrictions on future buildings or other mitigation; 4. The extent to which clustering of smaller allotments and associated buildings in the General Rural Zone is appropriate to the local rural character and the overall maintenance of spaciousness, compared to a more dispersed development pattern; and 5. The effectiveness of any legal or instruments <u>necessary proposed</u> to limit future intensification. 	

5. Maximum number of allotments	nil	
6. Minimum allotment size	500m ²	
7. Minimum allotment shape	nil	
Upper Stebbings and Glenside West Development Area		
8. Minimum allotment size and shape	Capable of providing a building platform within the 'built' area	
All other Zones		
9. Maximum number of allotments	nil	
10. Minimum allotment size and shape	nil	

Earthworks

EW	Earthworks
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Policies

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EW-P3	<p>Maintaining stability</p> <p>Require earthworks to be designed and carried out in a manner that maintains slope stability and minimises the risk of slope failure associated with natural hazards such as earthquakes and increased rainfall intensities arising from climate change.</p>
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Standards

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EW-S2	Cut height and fill depth		
All Zones	<p>1. Earthworks must not exceed the maximum cut height or fill depth specified in the table below. All heights and depths are expressed in metres, measured vertically.</p>	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. Whether the nature of the proposal or the site and the surrounding land necessitates a geotechnical assessment of the geology of the site and the surrounding land; 2. Whether the earthworks and associated structures have been designed by an appropriately qualified and experienced person; 3. Whether an appropriately qualified and experienced person will supervise the earthworks and construction of associated structures and certify them on their completion; 4. Whether a retaining or stabilising structure or building will be used to support or stabilise the earthworks and the efficacy of the structure or building; 5. Whether the nature of the proposal or the site and the surrounding land and the extent and risk of instability means: <ol style="list-style-type: none"> a. That an earthworks and/or construction plan to define acceptable performance standards for environmental and amenity protection and public safety during the 	
	Condition		Max cut height/fill depth
	<p>a. Where any cut or fill is retained by a building or structure authorised by a building consent (which must be obtained prior to any earthworks commencing)</p>		2.5m
<p>b. Where a. does not apply and the cut height or fill depth does not exceed the distance from</p>	1.5m		

	<p>the nearest site boundary, building or structure (above or below ground), when that distance is measured on a horizontal plane</p>		<p>construction process is necessary; or</p> <p>b. That the design of any stabilising structure or building can be assessed at a later date under the building consent process;</p>
			<p>6. Whether the earthworks are designed in accordance with the relevant provisions of:</p> <p>a. The earthworks and design construction criteria in the Wellington City Council Code of Practice for Land Development 2012;</p> <p>b. NZS 4404:2010 Land Development and Subdivision Engineering; and</p> <p>c. NZS 4431:1989 Code of Practice for Earth Fill for Residential Earthworks.</p> <p>7. The effectiveness of measures to retain dust, silt and sediment on site during the course of earthworks;</p> <p>8. The extent to which the earthworks are designed and will be managed in accordance the principles and methods in the GWRC's Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region 2021;</p> <p>9. The need for, and effectiveness of, measures to reduce the visual prominence and particularly visual intrusiveness of the earthworks, and any buildings and other structures associated with or subsequently located on them, including:</p> <p>a. Designing and engineering to reflect natural landforms and natural features such as cliffs, escarpments, streams and wetlands;</p> <p>b. Avoiding unnatural scar faces;</p> <p>c. Favouring untreated cut faces over artificial finishes in areas where bare rock is common;</p> <p>d. Favouring alternatives to the use of sprayed concrete on cut faces, such as anchored netting;</p> <p>e. Designing and finishing retaining walls or stabilising structures to reflect existing buildings and structures, in urban settings;</p> <p>f. Designing and finishing retaining walls or stabilising structures to reduce their apparent size by, for example, employing features that break</p>

		<p>up the surface area and create patterns of light and shadow;</p> <ul style="list-style-type: none"><li data-bbox="954 271 1362 387">g. Retaining existing vegetation above, below and at the sides of earthworks and associated structures;<li data-bbox="954 394 1362 539">h. Integrating new landscaping and associated planting to conceal or soften the appearance of earthworks and associated structures;<li data-bbox="954 546 1382 723">i. Concealing views of earthworks and associated structures from streets, other public places and other properties through the positioning of proposed or future buildings; and<li data-bbox="954 730 1362 846">j. Placing pipes below ground or integrating them into earthworks and associated structures.
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Three Waters

THW	Three Waters
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<p>THW-P4</p>	<p>Three waters infrastructure servicing</p> <p>Subdivision or development in urban areas is serviced by three waters infrastructure that:</p> <ol style="list-style-type: none"> 1. Meets the Wellington Water Regional Standard for Water Services v3.0 December 2021; 2. Has sufficient capacity to accommodate the development; and 3. Is in position prior to the commencement of construction. <p>Limit subdivision and development in urban areas where existing three waters capacity and/or level of service is insufficient to service further development unless:</p> <p>-</p> <ol style="list-style-type: none"> 1. It can be demonstrated there is an alternative solution to avoid or mitigate any adverse effects on the three waters infrastructure network and the health and wellbeing of water bodies and freshwater ecosystems; and 2. The additional demand generated will not necessitate additional unplanned public investment in, or expansion of, the three waters infrastructure network or compromise its ability to service other activities permitted within the zone.
<p><u>THW-Px</u></p>	<p><u>Alternative infrastructure options for urban development</u></p> <p><u>Provide for subdivision and development in urban areas where existing three waters capacity and/or level of service is insufficient if:</u></p> <ol style="list-style-type: none"> 1. <u>It can be demonstrated there is an alternative solution to avoid or mitigate any adverse effects on the three waters infrastructure network and the health and wellbeing of water bodies and freshwater ecosystems; and</u> 2. <u>The additional demand generated will not necessitate additional unplanned public investment in, or expansion of, the three waters infrastructure network or compromise its ability to service other activities permitted within the zone; or</u> 3. <u>The additional capacity and/or level of service can be provided and funded by alternative means or through a change to growth sequencing to allow for significant urban development opportunities.</u>

Appendix B – Section 32AA assessment

Having regard to section 32AA, the following is noted:

Table 1: Flood hazard maps as non-statutory maps outside of the District Plan

Effectiveness and efficiency	<ul style="list-style-type: none"> • Flood hazard maps outside of the Plan can be more responsive to up-to-date information and updated modelling, making it a more effective tool to ensure management of hazards is adequately addressed. • Updates to flood hazard maps outside of a District Plan can be undertaken more efficiently than otherwise would occur through a standard Schedule 1 process. • Flood hazards can be defined in the Plan, ensuring a clear link through to the rules.
Costs/Benefits	<ul style="list-style-type: none"> • Flood hazard maps outside of the Plan can be more responsive to managing effects from flood hazards, and more information becomes available. • Flood maps can be readily updated to account for improvements to the infrastructure network, where these changes alter the flood hazard profile of an area. • Flood maps can be easily accessible on the Council’s GIS mapping viewer. • Landowners can provide technical expert reports and information to help inform the accuracy of the maps. • Updating flood hazard maps outside of a Schedule 1 RMA process can create a degree of uncertainty. • The participation process would likely differ, with formal right of submissions and appeal (the latter not available in the current proceedings) being unlikely to form part of the process outside of a Schedule 1 process. • There would be additional costs for the Council to undertake a Plan Change to reflect updated modelling information which may occur on a regular basis in response to updated national direction or new technical advice and data.
Risk of acting or not acting	<ul style="list-style-type: none"> • The risk of not acting is that flood hazard information is based on incomplete or outdated data that does not accurately reflect the hazard profile of the site.
Decision about more appropriate action	<ul style="list-style-type: none"> • The recommended amendments as set out in my evidence are considered to be more appropriate in achieving the purpose of the RMA.

Table 2: Amedments to the Natural Hazard and Coastal Environment (Natural Hazard) provisions

Effectiveness and efficiency	<ul style="list-style-type: none"> • The proposed revisions would provide clarity to Plan users in terms of the format, layout and useability of the Natural Hazard Chapter. • The proposed revision would also clarify the consent status of alterations to buildings as well as additions. • The revisions provide a clearer, and therefore more effective, framework against which development proposals will be considered.
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Costs/Benefits	<ul style="list-style-type: none"> • The changes are consistent with the wider PDP approach, structure and framework. • There are no costs associated with the amendments recommended as they will improve implementation and Plan useability and interpretation.
Risk of acting or not acting	<ul style="list-style-type: none"> • I consider that the appropriateness of adopting the relief sought must be considered in the context of the format and structure of the entire PDP, inconsistency and a lack of clarity can lead to confusion and misinterpretation for Plan users. • The risk of not acting in relation to inclusion of ‘alterations’ for Policy CE-P14 and Rule CE-R18 is a lack of consenting pathway for alterations and inconsistency with the approach to alterations in other Plan Chapters.
Decision about more appropriate action	<ul style="list-style-type: none"> • The recommended amendments to the Natural Hazard Chapter structure are therefore considered to be more appropriate in achieving the purpose of the RMA. • The recommended amendment to Policy CE-P14 and CE-R18 are appropriate to achieve the purpose of the RMA.

Table 3: Amendments to the Earthworks Policy EW-P3 and Standard EW-S2

Effectiveness and efficiency	<ul style="list-style-type: none"> • The proposed changes to the Earthworks chapter will ensure that the issues relevant to earthworks are clearer and more refined, thereby improving the effectiveness in delivering the planned urban built form outcomes for the differing residential zones.
Costs/Benefits	<ul style="list-style-type: none"> • The recommended amendments will still allow for consideration of the adverse effects of earthworks against assessment criteria which is not overlay prescriptive. • There are no costs associated with the amendments which seek only to improve interpretation of the Earthworks chapter by Plan users and ensure assessment of effects can be appropriately commensurate to the scale of the activity.
Risk of acting or not acting	<ul style="list-style-type: none"> • The risk of not acting is that the provisions, as proposed within the PDP, create an expectation around the level of adverse effects which may be considered acceptable or inappropriate. • Not acting will be contrary to the overall intent of the PDP and NPS-UD.
Decision about more appropriate action	<ul style="list-style-type: none"> • The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA.

Table 4: Amendments to the Subdivision Objectives, Policies and Rules

Effectiveness and efficiency	<ul style="list-style-type: none"> • The proposed revisions to the objectives and policies in the Subdivision chapter ensure that the issues relevant to subdivision are clearer and more refined, thereby improving the effectiveness in delivering the planned urban built form outcomes for the differing residential zones.
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	<ul style="list-style-type: none"> The proposed revisions to SUB-S6 through the application of a shape factor standard will ensure vacant lots created through subdivision are usable, and support the integrated, liveable and sustainable communities envisaged by the PDP for residential zones in the City.
Costs/Benefits	<ul style="list-style-type: none"> The benefits of the recommended change to SUB-S6 is that it will allow for flexibility of lot size, while including a minimum shape factor will ensure the standards appropriately give effect to the PDP objectives and the NPS-UD. Most subdivision will require a resource consent regardless, so costs arising from the proposed changes are likely to be similar. The proposed changes will still ensure that development providing the amenity outcomes as set out by the MDRS are achieved. There are no costs associated with the recommended amendments to the objectives or standards and it will improve implementation of the PDP and NPS-UD.
Risk of acting or not acting	<ul style="list-style-type: none"> Both the PDP Objectives and the NPS-UD require a range of housing types and sizes to meet the needs of the community, and the outcomes are clearly articulated through policies and PDP matters of discretion. The relief sought must therefore be considered in light of the controls already within the PDP to manage planned urban form outcomes. The risk of not acting is that there is a lack of flexibility which recognises modern design principles and the potential to create high quality living environment in a range of dwelling sizes, while ensuring that vacant lots are developable. This is particularly important given the absence of a minimum lot size in the residential zones of the PDP.
Decision about more appropriate action	<ul style="list-style-type: none"> The recommended amendments to the subdivision chapter are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP or the proposed changes set out in the section 42A report.

Table 5: Amendment to the Three Waters Policy THW-P4

Effectiveness and efficiency	<ul style="list-style-type: none"> The proposed revisions to policy THW-P4 in the Three Waters chapter will provide greater clarity for Plan users and decision makers by establishing a pathway to enable development through out of sequence Council investment if it is a good urban development outcome for the City.
Costs/Benefits	<ul style="list-style-type: none"> The proposed changes will enable decision makers to consider alternative solutions to Council investment if appropriate. There are no costs associated with the recommended amendments to the policy framework and it will improve implementation of the PDP and NPS-UD.
Risk of acting or not acting	<ul style="list-style-type: none"> The risk of not acting is that there is a lack of flexibility for development in the City and that the Plan provisions are inconsistent with strategic and regional direction.
Decision about more	<ul style="list-style-type: none"> The recommended amendments to the Three Waters chapter are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP or the proposed changes set out in the section 42A report.

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Appendix C – Amended Table assessing Council’s qualifying matter evaluation for natural hazards and associated provisions.

Section 77J Requirements in relation to an evaluation report	Narrative	Section 32 Evaluation	Section 42A Report	Supplementary Evidence	Kāinga Ora planning Assessment
<p>...</p> <p>(3) The evaluation report must, in relation to the proposed amendment to accommodate a qualifying matter,—</p> <p>(a) demonstrate why the territorial authority considers—</p>					
<p>(i) that the area is subject to a qualifying matter; and</p>	<p>Natural hazards is listed in the NPS-UD as a qualifying matter by virtue of being a s6 matter.</p> <p>Detailed technical reports exist for all of the natural hazards flooding, fault rupture, liquefaction, coastal inundation and tsunami inundation) managed by the district plan that address the likelihood and consequences of a hazard event, and determine the extent of the various hazard overlays contained in the PDP.</p> <p>In summary, the identification of natural hazard and coastal hazard overlays in the PDP are considered to:</p> <ul style="list-style-type: none"> • be s6(h) matters, or meet s31 requirements • give effect to the NZCPS and RPS • reflect the likelihood and consequence of natural hazard events on people, property and infrastructure <p>demonstrating that these overlays as QFM able to be used to modify the MDRS to the extent necessary to accommodate each of the individual QFM.</p> <p>See technical reports at: Plans, policies and bylaws – Proposed District Plan – Supporting documents – Planning for Natural Hazards</p>	<p>Identified in:</p> <p>7.0 Overview of Proposal 8.0 Qualifying Matters</p> <p>See s32 report at: Plans, policies and bylaws – Proposed District Plan – section 32 reports</p>	<p>See Error! Reference source not found. through Error! Reference source not found. of this report for a Section 77J evaluation of s42A report recommendations.</p> <p>No new areas are proposed to be identified within a natural hazard or coastal hazard overlay based on s6 QFM grounds, however certain proposed amendments to the associated plan provision alter how QFM modify the MDRS.</p>	<p>N/A</p>	<p>Section 6(h) is for the “management of significant risk from natural hazards” [emphasis added].</p> <p>Council does not appear to have considered whether hazard risks which are identified as low are appropriately assessed as a section 6(h) matter in relation to qualifying matters.</p> <p>Flood hazard inundation areas are inundation from streams and rivers rather than coastal inundation and therefore it does not appear the NZCPS is directly applicable to these areas, although sea level rise and the effects of climate change may exacerbate the risk of inundation.</p> <p>Although I note that Council’s right of reply for Hearing Stream 1 included a table detailing qualifying matters identified in clause 3.32 of the NPS-UD. This table referred to inundation areas as part of the management of significant risks from natural hazards.</p>

Section 77J Requirements in relation to an evaluation report	Narrative	Section 32 Evaluation	Section 42A Report	Supplementary Evidence	Kāinga Ora planning Assessment
<p>(ii) that the qualifying matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 for that area; and</p>	<p>The s32 report addressed natural hazards as a qualifying matter in the context of s77L.</p> <p>In so far as relates to the MDRS –</p> <p>The s32 report does not address proposed zoning as natural hazards are identified in the PDP as natural and coastal hazard overlays that apply in addition to the underlying zone, with no modification of the relevant zone rules in response to the natural or coastal hazard overlay.</p> <p>The s32 states that the most appropriate way to modify the MDRS is to limit the number of units within certain natural or coastal hazard overlays due to the direct correlation between the level of risk experienced by individuals and the impact from the natural hazard, and that the building height and form standards under the MDRS do not need to be modified in response to natural and coastal hazards. This is because from a natural and coastal hazard perspective, risk is largely a function of the number of residential units on a site, as opposed to the form of a residential unit.</p> <p>In so far as it relates to Policy 3 –</p> <p>For the purposes of urban non-residential zones, there is some limitation of the non-residential development that can occur within the following Natural Hazard and Coastal Hazard Overlays where they intersect with Mixed Use Zones, Neighbourhood Centres Zone, Metropolitan Centre Zone, and General Industrial Zone.</p> <ul style="list-style-type: none"> • Stream Corridor • High Coastal Hazard Area (Tsunami and inundation) • Wellington and Ohariu Fault Overlay • Medium Coastal Hazard Area • Overland Flowpath <p>The rationale for restricting non-residential development within these zones is the same as the rationale as outlined under Section 8.1 of the 32 report. Building</p>	<p>Section 10.0 (Evaluation of Reasonably Practicable Options and Associated Provision) identifies and evaluates why additional controls restricting the application of the MDRS are necessary to manage the qualifying matter.</p> <p>Identified in: 8.0 Qualifying Matters</p>	<p>See Error! Reference source not found. through Error! Reference source not found. of this report for a Section 77J evaluation of s42A report recommendations.</p>	<p>N/A</p>	<p>Section 8.1 (pages 63-65) of the Section 32 report addresses significant natural hazard risk as a qualifying matter for Residential Zones. The report states (on page 64):</p> <p><i>Under the PDP, the MDRS has been modified for the following hazards:</i></p> <p><u>No further development from the existing situation</u></p> <ul style="list-style-type: none"> • Stream Corridor • High Coastal Hazard Area (Tsunami and inundation) <p><u>One Residential Unit</u></p> <ul style="list-style-type: none"> • Wellington and Ohariu Fault Overlay • Medium Coastal Hazard Area (both sea level and tsunami) • Overland Flowpath <p>There is no reference to inundation areas despite the PDP making residential development (which is a hazard sensitive activity) less enabling than the MDRS by requiring resource consent as a Restricted Discretionary Activity.</p>

Section 77J Requirements in relation to an evaluation report	Narrative	Section 32 Evaluation	Section 42A Report	Supplementary Evidence	Kāinga Ora planning Assessment
	heights directed by policy 3(a)(c) and (d), are not directly modified by the presence of a natural hazard overlay.				
<i>(b) assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity; and</i>	This is addressed on a natural and coastal hazard wide basis (ie, grouped together). Impact on development capacity has been modelled, albeit not in time for the s32, but in time for hearings.	Wellington City Qualifying Matters Assessment November 2022 – Property Economics	See Error! Reference source not found. through Error! Reference source not found. of this report for a Section 77J evaluation of s42A report recommendations.	WCC Capacity modelling Natural and Coastal Hazards Memo June 2023 - Property Economics	It is assumed the ‘ponding overlay’ referred to in the Property Economics assessment of the development capacity modelling for qualifying matters is the same as the inundation areas. The report states that Property Economics has assessed an outcome where development in the ponding overlay is included but subject to additional costs (resource consent and floor level requirements).
<i>(c) assess the costs and broader impacts of imposing those limits.</i>	This is addressed in economic terms through the ‘Qualifying matters assessment November 2022’. Broader environmental, social and cultural costs and impacts are identified in Section 10.0 (Evaluation of Reasonably Practicable Options and Associated Provision) for the natural and coastal hazards provisions (which collectively limit development capacity).	Wellington City Qualifying Matters Assessment November 2022 – Property Economics See section 5.2 Natural and Coastal Hazards.	See Error! Reference source not found. through Error! Reference source not found. of this report for a Section 77J evaluation of s42A report recommendations.	N/A	
<i>(4) The evaluation report must include, in relation to the provisions implementing the MDRS,—</i>	The s32 report addressed natural hazards as a qualifying matter in the context of s77J. In so far as relates to the MDRS – The s32 report does not address proposed zoning as natural hazards are identified in the PDP as natural and coastal hazard overlays that apply in addition to the underlying zone, with no modification of the relevant zone rules in response to the natural or coastal hazard overlay. The s32 states that the most appropriate way to modify the MDRS is to limit the number of units within certain natural or coastal hazard overlays due to the direct correlation between the level of risk experienced by individuals and the impact from the natural hazard, and that the building height and form standards under the MDRS do not need to be modified in response to natural and coastal hazards. This is because from a natural and coastal hazard perspective, risk is largely a function of the number of residential units on a site, as opposed to the form of a residential unit.	Section 10.0 (Evaluation of Reasonably Practicable Options and Associated Provision) identifies and evaluates why additional controls restricting the application of the MDRS are necessary to manage the qualifying matter. Identified in: 8.0 Qualifying Matters	See Error! Reference source not found. through Error! Reference source not found. of this report for a Section 77J evaluation of s42A report recommendations.	N/A	I agree that the section 32 report addressed natural hazards as a qualifying matter, however, I consider that the report did not undertake a complete assessment of the effects of limiting development in inundation areas which are a low hazard risk and so arguably not a section 6(h) matter. The section 32 did not address the effect of requiring any new residential dwelling to obtain resource consent in the inundation area which is less enabling than the MDRS.

Section 77J Requirements in relation to an evaluation report	Narrative	Section 32 Evaluation	Section 42A Report	Supplementary Evidence	Kāinga Ora planning Assessment
<i>(a) a description of how the provisions of the district plan allow the same or a greater level of development than the MDRS:</i>	N/A	N/A	N/A	N/A	N/A
<i>(b) a description of how modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and, in particular, how they apply to any spatial layers relating to overlays, precincts, specific controls, and development areas, including—</i>		Section 10.0 (Evaluation of Reasonably Practicable Options and Associated Provision) identifies and evaluates why additional controls restricting the application of the MDRS are necessary to manage the qualifying matter. Identified in: 8.0 Qualifying Matters	See Error! Reference source not found. through Error! Reference source not found. of this report for a Section 77J evaluation of s42A report recommendations.	N/A	As noted above there is no reference in the section 32 evaluation to the inundation area and the requirement for any dwelling to obtain resource consent as a Restricted Discretionary activity.
<i>(i) any operative district plan spatial layers; and</i>	N/A	N/A	N/A	N/A	N/A
<i>(ii) any new spatial layers proposed for the district plan.</i>	See response to 77J(3)(a)(i) and (ii)	Section 10.0 (Evaluation of Reasonably Practicable Options and Associated Provision) identifies and evaluates why additional controls restricting the application of the MDRS are necessary to manage the qualifying matter. Identified in: 8.0 Qualifying Matters	N/A	N/A	The flood hazard overlay is shown spatially and includes the inundation areas.
<i>(5) The requirements set out in subsection (3)(a) apply only in the area for which the territorial authority is proposing to make an allowance for a qualifying matter.</i>	See response to 77J(3)(a)(i) and (ii)	N/A	N/A	N/A	The restrictions on development apply only to the identified inundation area, although I could not find any publicly available reports to explain the extent of the inundation areas.
<i>(6) The evaluation report may for the purposes of subsection (4) describe any modifications to the requirements.</i>	N/A	N/A	N/A	N/A	N/A

Section 77L	Narrative	Section 32 Evaluation	Section 42A Report	Supplementary Evidence	Kāinga Ora planning Assessment
77L(a) <i>identifies the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area</i>					As the section 32 report does not directly refer to the inundation area and the PDP restrictions on MDRS it is not entirely clear why the specific characteristics of the inundation area make the level of development provided for by the MDRS inappropriate.
77L(b) <i>justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD</i>					I acknowledge the Council's Section 42A report for Natural and Coastal Hazards states that a Restricted Discretionary Activity status is appropriate for hazard sensitive activities to allow for consideration of the cumulative effects of water displacement from new buildings within the inundation area and the statement of evidence from Mr. Osborne on the need to manage the effects from inundation on damage to property. However, I do not consider the assessment goes far enough to explain and justify the limitation.
<i>77L(c) includes a site-specific analysis that:</i>					
<i>(i) identifies the site to which the matter relates</i>					The PDP includes a spatial layer to identify the inundation areas.
<i>(ii) evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter</i>					As noted above, the information provided and publicly available does not sufficiently explain the characteristics of the effects of development within the inundation area to clarify the geographic extent of the inundation area.
<i>(iii) evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics</i>					The section 32 report does not consider a range of options for development within the inundation areas.

