

Speaking notes

Kate Searle on behalf of CentrePort Ltd

Hearing Stream 5: Natural Hazards and Coastal Hazards

Relationship between the Natural Hazards and Coastal Hazards, and Infrastructure chapters as they relate to operational port activities

CentrePort made a number of submission points that sought to clarify the relationship between the natural hazard/coastal environment and infrastructure chapter provisions for operational port activities. There are currently provisions in all three chapters that appear to apply to CentrePort's activities. My primary statement of evidence sought the removal of the port-specific provisions from the natural hazard/coastal environment chapters.

Mr Sirl has clarified in his rebuttal that there is a statement at the front of the overall infrastructure chapter which states that the infrastructure chapter does not apply to airport operations, operational port activities and rail activities. This is useful clarification although not something that a plan user might pick up if they were just looking at a specific sub-section of the infrastructure chapter.

Mr Sirl's rebuttal (paras 18-20) really clearly articulates the scattered nature of the objectives, policies and rules that relate to natural hazards and coastal hazards for operational port activities and for infrastructure more broadly.

In my opinion it would be clearer if the port/rail/airport-specific provisions could be shifted into the infrastructure chapter, rather than addressed outside of it – I can understand the benefit of retaining these provisions but consider that their location within the plan is the cause of confusion.

I support with Mr Sirl's comments that it would be appropriate to consider these matters as part of the Infrastructure chapter, so that the integration of provisions either within the Infrastructure chapters, or the links with other chapters, can be clearly addressed.

Operational port activities provisions – general comments

With the minor amendments which have been incorporated into Mr Sirl's rebuttal recommendations, I generally support the provisions that apply to operational port activities – the outstanding issues above relate to structure, rather than substance of provisions.

In particular, I support:

- The amendments to the Natural Hazards objectives NH-O1 to NH-O5, which seek to minimise risk from natural hazards in low- and medium-risk areas, rather than to 'not increase' risk. This better reflects a risk-based approach and provides a higher tolerance for development in low- and medium-hazard areas than for high-hazard areas.

- Recognition in Policy NH-P2 of functional or operational need for a building to locate in a high hazard risk area.
- Amendments to provisions that relate to hazard mitigation works in Policies NH-P16 and NH-P17. These better clarify who can undertake works in accordance with these policies and the corresponding rules. My evidence notes a consequential amendment to Rule CE-R17 but I understand that there may not be scope to amend this.
- In Policy NH-P14, I support the removal of the requirement for a building in the Wellington Fault Overlay (for port, rail and airport activities) to 'continue to operate following an earthquake'. As outlined in my evidence the basis for and application of that requirement was unclear, and the amended policy in Mr Sirl's rebuttal evidence would likely provide the same outcome without getting caught up in the semantics of when an activity might need to return to operation, how well it needs to operate, what magnitude earthquake might apply. I support the amended wording in Mr Sirl's rebuttal evidence.

Out of scope matters – Policy CE-P12

This is a matter that we picked up when reviewing the amendments to the chapter and the s42A report. In particular, CentrePort is looking at commercial development opportunities on the finger wharves at the northern end of the Waterfront Zone – these opportunities would not be within the scope of 'operational port activities'.

Policy CE-P12 includes an 'avoid' clause for subdivision, use and development within the high hazard area of Coastal Hazard overlays, unless there is functional or operational need and the building incorporates mitigation measures to minimise the risk to people, property and infrastructure. Most of the Waterfront Zone is located in the high hazard – tsunami area.

There is an exception to this part of the policy for activities in the City Centre Zone, which presumably recognises that there are activities in the CCZ that would not meet the functional and operational need test.

However, there is no exception for the Waterfront Zone. There are a range of activities in the Waterfront Zone that wouldn't meet that 'functional or operational need' test, but that are otherwise consistent with the direction of the policy framework in the Waterfront Zone and also consistent with the Wellington Waterfront Framework which I understand is a non-statutory document that continues to guide development on the waterfront.

Examples are visitor accommodation and community facilities, which would be non-complying under Rule CE-R27 and would therefore be subject to a very challenging consenting pathway. The implications of this are much broader than just CentrePort's interests.

It's unclear whether this is intentional or oversight during the plan drafting phase. Again to be clear CentrePort doesn't have scope for this matter but I understand the Panel can consider matters outside the scope of submissions.