

**Masterton, Carterton and South
Wairarapa District Councils**

Proposed Wairarapa Combined District Plan

Decisions of the Hearings Panel

Decision Report 9

**Hearing Stream 9: Contaminated Land, Hazardous
Substances, and Natural Hazards**

8 October 2025

This report contains the Panel's decisions on submissions addressed as part of **Hearing Stream 9**, namely those submissions on the following chapters in **Part 2** of the Proposed Plan:

- **Contaminated Land Chapter**
 - i. Provisions contained within the Contaminated Land Chapter
 - ii. Definitions relating contaminated land
- **Hazardous Substances Chapter**
 - i. Provisions contained within the Hazardous Substances Chapter
 - ii. Definitions relating to the Hazardous Substances
- **Natural Hazards Chapter**
 - i. Provisions contained within the Natural Hazards Chapter
 - ii. Fault Hazard Areas map overlay
 - iii. Flood Hazard Areas map overlay
 - iv. Flood Alert Area map overlay
 - v. Possible Liquefaction Prone Areas map overlay
 - vi. Subdivision within a Natural Hazard overlay
 - vii. Definitions relating to Natural Hazards.

This report contains the following appendices:

Appendix 1: Schedule of attendances

Appendix 2: Summary table of decisions on each submitter point

Appendix 3: Amendments to the Proposed Plan – Tracked from notified version (provisions not subsequently renumbered)

Appendix 4: Amendments to the Proposed Plan provision wording – Accepted (provisions renumbered as they will appear in the Decisions Version of the Plan)

This report should be read in conjunction with the **Index Report**.

The Hearings Panel for the purposes of **Hearing Stream 9** comprised Commissioners, David McMahon (Chair), Kereana Sims, Craig Bowyer, Brian Deller, Brian Jephson.

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1 Introduction

Report outline and approach

- 1.1 This is **Decision Report 9** of twelve Decision Reports prepared by the Hearings Panel appointed to hear and make decisions on submissions to the Proposed Wairarapa Combined District Plan (PDP).
- 1.2 This report contains the Panel's decisions on submissions addressed as part of Hearing Stream 9, namely those submissions on the following chapters in Part 2, 'Hazards and Risks' of the Proposed Plan, but also the relevant parts of Part 1:
 - a. Contaminated Land chapter
 - b. Hazardous Substances chapter
 - c. Natural Hazards chapter
 - d. Sections of the Subdivision chapter relevant to the Natural Hazards overlays
 - e. Definitions relevant to the Hazards and Risks chapters
 - f. The spatial extent of the relevant Natural Hazards overlays identified on the Planning Maps.
- 1.3 Based on the above, we have structured our discussion for these chapters as follows:
 - a. **Section 2** addresses those submissions on the Contaminated Land Chapter provisions and associated definitions and relevant subdivision provisions.
 - b. **Section 3** addresses those submissions on the Hazardous Substance provisions and associated definitions.
 - c. **Section 4** addresses those submissions on the Natural Hazards Chapter, associated schedules, mapping overlays, definitions and relevant subdivision provisions.
- 1.4 In each case, **Sections 2 to 4**:
 - a. Outlines the relevant higher order direction;
 - b. provide a summary of the relevant provisions;
 - c. provide a brief overview of submissions received on the topic;
 - d. sets out the uncontested amendments the Panel adopts; and
 - e. evaluate the key issues remaining in contention and set out our decisions.
- 1.6 Section 5 provides an overall set of conclusions on matters addressed as part of Hearing Stream 9.

1.7 This Decision Report contains the following appendices:

- a. **Appendix 1: Schedule of attendances** at the hearing on the relevant topics. We refer to the parties concerned and the evidence they presented throughout this Decision Report, where relevant.
- b. **Appendix 2: Summary table of decisions on each submission point.** For each submission point and further submission point we provide a decision as to whether it should be accepted or rejected.
- c. **Appendix 3: Amendments to the Proposed Plan – Tracked from notified version.** This sets out the final amendments we have determined to be made to the PDP provisions relating to the relevant topics. The amendments show the specific wording of the amendments we have determined and are shown in a 'tracked change' format showing changes from the notified version of the PDP for ease of reference.

Where whole provisions have been deleted or added, we have not shown any consequential renumbering, as this method maintains the integrity of how the submitters and s42A Report authors¹ have referred to specific provisions, and our analysis of these in the Decision Reports. New whole provisions are prefaced with the term 'new' and deleted provisions are shown as struck out, with no subsequential renumbering in either case. The colour coding used for the different rule status has not been changed. In this version where a list is included within a particular whole provision, and items have been added or deleted from a list the numbering does, however, run as sequential.

- d. **Appendix 4: Amendments to the Proposed Plan provision wording - Accepted.** This accepts all the changes we have determined to the provision wording from the notified version of the PDP as shown in **Appendix 3** and includes consequential renumbering of provisions to take account of those provisions that have been deleted and new provisions we have added. **Appendix 4** does not include updates to the mapping layer, which can be found in the Decisions Version of the Plan Map Viewer.

1.5 The requirements in clause 10 of the First Schedule and section 32AA of the Act are relevant to our considerations of the submissions to the PDP provisions. These are outlined in full in the **Index Report**. In summary, these provisions require among other things:

- a. our evaluation to be focused on changes to the proposed provisions arising since the notification of the PDP and its s32 reports;
- b. the provisions to be examined as to whether they are the most appropriate way to achieve the objectives;
- c. as part of that examination, that:
 - i. reasonable alternatives within the scope afforded by submissions on the provisions and corresponding evidence are considered;

¹ For the purposes of Hearing 3, these were Mr Horrell, consultant planner, and Ms Chambers, agribusiness and environmental consultant.

- ii. the efficiency and effectiveness of the provisions is assessed;
 - iii. the reasons for our decisions are summarised; and
 - iv. our report contains a level of detail commensurate with the scale and significance of the changes decided.
- 1.6 We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of the Reporting Officers, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments contained within the relevant s42A Reports, Summary Statements and/or Reply Statements and may also include the s32 or s32AA assessments provided by submitters where Reporting Officers rely on those. Those reports are part of the public record and are available on the webpage relating to the PDP hearings: <https://www.wairaraplan.co.nz/hearings>
- 1.7 Where our decisions differ from the recommendations of Reporting Officers, we have incorporated our s32/s32AA evaluation into the body of our report as part of our reasons for the decided amendments, as opposed to including this in a separate table or appendix.
- 1.8 A fuller discussion of our approach in this respect is set out in the **Index Report**.

2 Contaminated Land

Higher Order direction

- 2.1 As set out in the Index Report, District Plans must be consistent with National Environmental Standards (NES).
- 2.2 Whilst these standards will usually override provisions in a district or regional plan, the Act enables provisions in a plan or a resource consent to prevail in relation to certain uses and where expressly enabled by a particular NES.
- 2.3 The Contaminated Land Chapter has been prepared in line with the approach to the NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS); without duplicating rule framework contained in the NES-CS but provides objective and policy direction for the assessment of any resource consent applications required under the NES-CS in accordance with the requirements of section 104 of the RMA.

Summary of the relevant notified provisions

- 2.4 As set out above, the PDP Contaminated Land Chapter (CL Chapter) only provides objective and policy direction, with the introductory section of the chapter setting out the relationship between the provisions of the NES-CS and the CL Chapter direction.
- 2.5 The CL Chapter contains a single objective (**CL-01: Identification and management of contaminated land**), to ensure that contaminated land is identified and managed to ensure it is safe for human health.
- 2.6 The policy framework (**Policies CL-P1-P2**) supporting the objective seeks to:
 - i. Identify contaminated and potentially contaminated land; and
 - ii. Manage subdivision and land use of contaminated land

Overview of submissions

- 2.7 A total of 17 original submission points were received on the Contaminated Land Chapter of the PDP, and one further submission. Of the submissions, 12 supported specific provisions, three supported in part and two opposed in part. One submission was received on the definitions relating to Contaminated Land.

Recommended amendments that the Panel adopts

- 2.8 On the basis of the Panel's careful review of both the s42A Report and Hearing Summary Statements, we adopt the Reporting Officer's recommendations for amendment and their accompanying reasoning and s32AA evaluations as follows:
 - a. Amend **Policy CL-P1: Identification of contaminated land and potentially contaminated land** to change reference to "sites" under clause (b) to "land".²

² For the reasons set out in paras 87-93 and associated s32AA evaluation at para 94, Officer's Section 42A Report – Contaminated Land,

- b. Amend of **Policy CL-P2: Management of *contaminated land*** to change reference from "sites" to "land" and amending a minor grammatical error "ensuring" to "Ensuring".³

Decisions on key issues remaining in contention

- 2.9 Prior to the hearing, the wording in relation to **Objective CL-01** and **Policy CL-P2** remained in contention, and we make our evaluation on these two provisions below.
- 2.10 Submissions received in relation to **Objective CL-01** were largely supportive, however; Fulton Hogan⁴ opposed this objective and sought amended wording, in particular, seeking that the objective remove the reference to 'human health'.
- 2.11 In her s42A Report, the Reporting Officer, Ms Falloon, recommended the rejection of the deletion of the words 'human health' from the objective citing that a key reason for contaminated land to be managed through the District Plan is to manage potential effects on human health and therefore the retention of "human health and its intended use" is appropriate.
- 2.12 In light of Ms Falloon's initial recommendation in respect to Fulton Hogan's relief sought, Ms Caley responded to this matter in a letter tabled on behalf of Fulton Hogan and offered further alternative wording for the objective that provides a better link to the level of human health protection to the intended use.⁵
- 2.13 Ms Falloon's Summary statement responded to the alternative wording put forward by Ms Caley but concluded that it did not make the objective more useful or achievable and maintained her s42A position that the notified wording be retained.⁶
- 2.14 No further evidence was provided at the hearing by Fulton Hogan and Ms Falloon maintained her original position on the matter in her Reply Statement.
- 2.15 The Panel accepts and adopts Ms Falloon's reasons and recommendation to retain Objective CL-01 as notified and subsequently rejects Fulton Hogan's submission on this matter as set out in her Reply Statement.⁷
- 2.16 As a consequence of Ms Falloon's rationale for rejecting the changes sought to Objective CL-01, Ms Falloon also recommended the rejection of the changes sought to Policy CL-P2 that Fulton Hogan continued to seek through their original submission and tabled hearing letter on the basis that the policy unnecessarily repeats CL-01.
- 2.17 The Panel agrees and accepts Ms Falloon's recommendation that no further wording changes are required to those already adopted by the Panel in para 2.8 above.

dated 3 March 2025

³ For the reasons set out in paras 87-93 and associated s32AA evaluation at para 94, Officer's Section 42A Report – Contaminated Land, dated 3 March 2025

⁴ S122.017

⁵ Section 2, letter from Fulton Hogan to the Planning Team, dated 17 March 2025

⁶ Paras 12-15 Summary Statement – Contaminated Land, dated 27 March 2025

⁷ Paras 8-9 Reply Statement – Contaminated Land, dated 23 April 2025

3 Hazardous Substances Chapter

Higher Order direction

- 3.1 The use of hazardous substances in New Zealand is primarily managed by the Hazardous Substances and New Organisms Act 1996 (HSNO Act), the Health and Safety at Work 2015 (HSW Act) and relevant regulations and controls. Under HSNO Act and HSW Act, these regulations and controls cannot be negated or reduced by District Plan requirements nor should they duplicate the requirements set out in the HSNO and HSW Acts.

Summary of the relevant notified provisions

- 3.2 The PDP Hazardous Substance Chapter (HAZ Chapter) introductory section provides an explanation of what hazardous substances are and sets out the relationship between the provisions of the HSNO Act and the HSW Act and explains what the PDP provisions of HAZ chapter are designed to manage the effects of use, storage, or disposal of hazardous substances, only to the extent that those effects are not within the ambit of existing legislation and regulations.
- 3.3 The HAZ Chapter contains two objectives (**HAZ-01: Significant hazardous facilities** and **HAZ-02: Sensitive activities**), to ensure the risks of the use, storage and disposal of hazardous substances are managed appropriately and in particular that 'unacceptable risk' to people, property and the environment from significant hazardous facility are minimized and avoided. In relation to established significant hazardous facilities, the objective aims to ensure that these are not compromised by sensitive activities.
- 3.4 The policy framework (**Policy HAZ-P1: Significant hazardous facilities** and **Policy P2: Sensitive activities**) supporting the objectives seeks to:
- a. Minimise the risk of any new or additions to existing Significant hazardous substances, particularly avoiding these where the risk is unacceptable and the location is not in proximity to sensitive activities or within a medium or high hazard area; and
 - b. Ensure that the level of risk exposure is not unacceptable and avoid or mitigate reverse sensitivity between sensitive activities and significant hazardous facilities.
- 3.5 The corresponding rules (**HAZ-R1: Significant hazardous facilities, including additions to significant hazardous facilities** and **R2: Sensitive activities**) provide for significant hazardous facilities, including additions to significant hazardous facilities as a discretionary activity in the General Industrial and General Rural Zone only where they meet the relevant criteria. Where they do not meet the Discretionary activity criteria or are located in any other zone, they are a non-complying activity.

- 3.6 The PDP also provided the following relevant definitions associated with the HAZ Chapter:
- a. Hazardous substances
 - b. Sensitive activities
 - c. Significant Hazardous Facilities
 - d. Hazard areas

Overview of submissions

- 3.7 A total of 33 submission points and one further submission were received on the Hazardous Substances topic, as set out in further detail in the s42A Report⁸.
- 3.8 The majority of the submission points were in support of provisions, with only one submission seeking amendments to Objective HAZ-01 and one submission on Rule HAZ-R2.
- 3.9 Seven submissions were also received in relation to definitions related to Hazardous Substances.

Recommended amendments that the Panel adopts

- 3.10 On the basis of the Panel's careful review of the s42A Report and Hearing Summary Statements, we adopt the Reporting Officer's recommendations for amendment and their accompanying reasoning and s32AA evaluations as follows:
- a. Correction of formatting errors to **definition of Significant Hazardous Facility**⁹
- 3.11 This was the only recommended change made by the Reporting Officer prior to the hearing.
- 3.12 The Panel also thoroughly evaluated the issues raised where the Reporting Officer did not recommend any further changes in light of submissions and where these were not contested any further at the hearing, we accept and adopt the retention of the notified provisions accordingly.¹⁰

Decisions on key issues remaining in contention

- 3.13 We now turn to our evaluation of the key matters in contention prior to and during the hearing, which we set out in more detail on the following:

i. Definitions

ii. Rule HAZ-R1 and R2

⁸ para 54-56, Officer's Section 42A Report – Hazardous Substances, 3 March 2025

⁹ Including the reasons set out in para 66-67 and 88-91 Officers s42A Report – Hazardous Substances, dated 3 March 2025 and the s32AA evaluation at para 68

¹⁰ Including the reasons set out in para 78-86, Officers 42A Report Hazardous Substances, dated 3 March 2025

Definitions

- 3.14 Whilst the Panel adopts the changes made to the definition of Significant Hazardous Facilities as set out above in paras 3.10, at the hearing, we posed several questions to Ms Falloon, which were a matter of clarification and context as opposed to matters raised by submitters in relation to the following definitions:

Significant Hazardous Facilities

- a. Where have the listed activities under the definition been derived? In addition, how has the tank threshold been set?*
- b. Compare the definition and listed activities to other similar District Plans within the Greater Wellington Region.*
- c. If changes are proposed to the definition or listed activities, confirm there is scope through decisions sought by submissions.*

Sensitive Activities

- d. Where had the definition of 'Sensitive Activities' been derived from*

- 3.15 Ms Falloon provided responses to questions a.-d. above in her Reply Statement.
- 3.16 In response to question a. regarding the definition for 'Significant Hazardous Facilities' and the tank threshold, Ms Falloon stated that the definition was based on the definition used in other recently prepared District Plans (e.g. New Plymouth, Napier, Timaru) and the consent trigger for hazardous substances of 100,000L of petrol or 50,000L of diesel underground storage was derived from the MfE guidance.¹¹
- 3.17 Ms Falloon stated that the definition for 'Sensitive Activities' was developed based on the intent of the term and how it is used in the PDP and based on other similar definitions adopted in other District Plans and provided a tabular comparison of the definition of Sensitive Activity from both the Operative Wellington City District Plan and the Proposed Porirua District Plan.¹²
- 3.18 Ms Falloon also stated that she did not consider there to be scope to change the activities listed in this definition in the decisions sought by submissions.
- 3.19 Overall, as a result of answering the Panel's questions, Ms Falloon did not recommend any further changes to the definition or provisions as a result.¹³
- 3.20 The Panel are satisfied that both the tank thresholds and list of sensitive activities are appropriate and accepts Ms Falloons recommendation that no further amendments are required from what the Panel already adopted above in para 3.10.

¹¹ Paras 6-10 Reply Statement – Hazardous Substances, dated 23 April 2025

¹² Paras 12 Reply Statement – Hazardous Substances, dated 23 April 2025

¹³ Paras 6-10 Reply Statement – Hazardous Substances, dated 23 April 2025

Rules HAZ-R1 and HAZ-R2: Sensitive activities

- 3.21 There were eight submission points in relation to the rules, with the majority being in support of the notified provisions and only one submitter¹⁴ seeking an amendment in relation to the setback distance required for a sensitive activity.
- 3.22 Enviro NZ Services Ltd¹⁵ sought that Rule HAZ-R2, increase the required setback from 250m to 500m from a significant hazardous facility to qualify the activity as a non-complying activity.
- 3.23 Ms Falloon initially recommended the rejection of this submitter's relief, on the basis that 250m setback distance was based on other Council's rules and furthermore the submitter has not provided any evidence that a 500m setback is more appropriate. She did record however that if the submitter provided evidence as to why they consider the 250m setback is inappropriate to manage risk from a Significant Hazardous Facility, she would be open to consider such evidence.¹⁶
- 3.24 The submitters evidence stated that "*The recommendation by the reporting planner is that the submission point be rejected given that 500m is a considerable distance that would reduce options on where sensitive activities could be located and may be disproportionate to the level of risk from the hazardous facility. facilities. In some cases, this would mean an otherwise permitted dwelling in the General Residential Zone would need a resource consent as a non-complying activity.*"¹⁷
- 3.25 The Panel discussed whether a graduated approach is appropriate in giving effect to the 500m buffer as sought by the submitter, reducing the activity status for the current rule. For example, within 250m being a Non-Complying Activity and within 250-500m being a Restricted Discretionary or Discretionary Activity.¹⁸
- 3.26 The Panel also sought that the Reporting Officer confer with the submitter as to whether such an approach might be acceptable and within scope in terms of the intent of their original relief sought.¹⁹
- 3.27 Although no response was received from the submitter, the Panel reviewed the additional material from the Reporting Officer in support to retain the 250m setback distance, in addition to the Statement of Evidence provided at the New Plymouth District Council Hearing on the Hazardous Substance provisions.
- 3.28 In addition, the Panel also raised the question whether the word 'existing' should be added to Rules HAZ-R1(1)(d) and HAZ-R2 to clarify that the rules relate to an existing activity rather than a future activity. Ms Falloon responded to this matter in her Reply Statement and considered the Panel's suggestion to be entirely appropriate in that it would provide greater clarity to the rules.
- 3.29 Furthermore, she considered this change to be minor in nature, with the alteration of minor effect therefore provided for under section 16(2) of Schedule 1 (Resource Management Act, 1991).

¹⁴ Enviro NZ Services Ltd (S247.018)

¹⁵ S247

¹⁶ para s 97-98, Officers 42A Report Hazardous Substances, dated 3 March 2025

¹⁷ Paragraph 4.3, Statement of Evidence by Karen Rosser on behalf of Enviro NZ, dated 17 March 2025

¹⁸ Para 15, Officer Reply Statement – Hazardous Substances, dated 23 April 2025

¹⁹ Para 15, Officer Reply Statement – Hazardous Substances, dated 23 April 2025

- 3.30 To assist in the Panel deliberations on this matter, we sought further clarification on this matter. In particular, we sought further consideration of two matters:
- a. Is there an unattended consequence of Rule HAZ-R2 that extinguishes permitted activity rights which are within 250m of an existing sensitive activity?*
 - b. Is there a disconnect between Rule HAZ-R2, which sets a Non-Complying Activity as the entry-level status, and the Objective/Policy direction?*²⁰
- 3.31 Ms. Falloon responded to these matters in her Supplementary Reply Statement.²¹ In response to matter a. above, Ms. Falloon was of the opinion that Rule HAZ-R2 does not unintentionally remove permitted activity rights of activities within 250m of a significant hazardous facility and also considered the Non-Complying Activity appropriate and consistent with the direction of policy HAZ-P2, reflecting a precautionary approach to avoid risk and reverse sensitivity.²²
- 3.32 We also acknowledge that Ms. Falloon provided an updated spatial map of Significant Hazardous Facilities for Masterton showing the Masterton Wastewater Treatment Plant that was inadvertently left off the original mapping.²³
- 3.33 Therefore, the Panel accepts the recommended amendments to Rule HAZ-R1 and HAZ-R2 to include the word 'existing' as set out in the Reply Statement and subsequently adopt Ms Falloon's s32AA evaluation.²⁴

²⁰ Email from Panel Chair to Reporting Officer, dated 7 June 2025

²¹ Supplementary Reply Statement – Hazardous Substances, dated 12 June 2025

²² Para 9, Supplementary Reply Statement – Hazardous Substances, dated 12 June 2025

²³ Para 4, Supplementary Reply Statement – Hazardous Substances, dated 12 June 2025

²⁴ Para 25-27, Reply Statement – Hazardous Substances, dated 23 April 2025

4 Natural Hazards Chapter

Application of the higher order policy framework

- 4.1 The Proposed National Policy Statement for Natural Hazard Decision-making (NPS-NHD) was released for public consultation on 18 September 2023, which was prior to the public notification of the PDP on 11 October 2023.
- 4.2 The NPS-NHD aims to direct how decision-makers consider natural hazard risk in planning decisions relating to development under the RMA. However, as the NPS-NHD is only proposed, no weight can be given to this document.
- 4.3 Change 1 to the RPS also provided for a change in direction relevant to Natural Hazards, which generally strengthens the existing direction in the RPS to further align with the direction signaled by the NPS-NHD. Of particular relevance are Objective 19, 20 and 21.
- 4.4 Therefore, the Panel were mindful that the PDP needs to be generally aligned with the direction of the RPS, particularly in terms of identifying hazard sensitive activities and how those activities should be able to establish in areas at risk of natural hazards.

Summary of the relevant notified provisions

- 4.5 The purpose of the Natural Hazards (**NH**) Chapter is to take a risk based approach to natural hazards with the hazard risks categorised in relation to the hazard type, as set out below in **Table 1**.

Table 1: Notified NH-1: Hazard risk categories

Hazard category	Hazard type
High hazard area	Flood hazard – river corridors
Moderate hazard area	Flood hazard – overland flow path
Low hazard area	Flood hazard – ponding Possible liquefaction-prone area

- 4.6 The notified PDP mapping spatially identifies the following natural hazards:

- a. Flooding*
 - i. Flood Hazard Areas
 - ii. Flood Alert Areas
- b. Fault rupture*
 - i. Fault Avoidance Zone
 - ii. Fault Awareness Area
- c. Liquefaction*
 - i. Possible liquefaction-prone areas
- d. Coastal inundation* (including tsunami)
- e. Coastal erosion.*

- 4.7 The coastal hazard provisions (coastal inundation and erosion) are addressed in the Coastal Environment chapter of the PDP, refer to **Report 6** for the Panel's decisions on those provisions.

- 4.8 The introductory section of the **NH** Chapter, as notified, sets out an explanation of the risk based approach taken and how to assist in determining consequences. This included the categorisation of the following, which duplicates the Definitions as set out in Part 2:
- i. Hazard sensitive activities
 - ii. Potentially hazard sensitive activities
 - iii. Less hazard sensitive activities
- 4.9 The NH Chapter contains two objectives, firstly **Objective NH-01: Risk from natural hazards** that sets out the overarching direction not to increase the risk and consequences from natural hazards on people, property and infrastructure. Secondly, **Objective NH-02: Natural features** provides the direction that natural features are used to reduce susceptibility from natural hazards.
- 4.10 The policy framework (**Policies NH-P1-P13**) supports the objectives and seeks to:
- Identify and map areas affected by natural hazards
 - Avoid locating hazard sensitive activities and potentially hazard sensitive activities within high hazard areas
 - Only allow hazard sensitive activities and potentially hazard sensitive activities within moderate hazard areas
 - Provide for hazard sensitive activities and potentially hazard sensitive activities within low hazard areas
 - Allow less hazard sensitive activities within all hazard areas
 - Discourage new buildings in flood alert areas
 - Provide for buildings and structures in fault hazard areas where risk to life is avoided or mitigated
 - Allow for the upgrade of existing infrastructure, and only allow new infrastructure to be established in hazard areas where criteria is met
 - Provide for earthworks in flood hazard areas
 - Enable natural hazard mitigation works
 - Allow hazard sensitive activities and potentially hazard sensitive activities within flood alert areas where risks are mitigated and not increased
 - Discourage new buildings in flood alert areas
- 4.11 The corresponding rule framework provides for the following activities as either permitted or restricted discretionary activities where permitted criteria are not met:
- NH-R1: Flood mitigation or stream or river management works undertaken by a statutory agency or their nominated agent within any of the flood hazard areas
 - NH-R2: Less hazard sensitive activities within all hazard areas
 - NH-R3: Any potentially hazard sensitive activity and associated buildings within moderate hazard areas and low hazard areas
 - NH-R4: Additions to buildings within all hazard areas
 - NH-R5: Earthworks within flood hazard areas

4.12 The following activities are provided for as restricted discretionary activities and where compliance is not achieved, a discretionary activity status is triggered:

- NH R3: Any potentially hazard sensitive activity and associated buildings within moderate hazard areas and low hazard areas
- NH-R6: New buildings and structures in Fault Hazard Area
- NH-R7: Any new potentially hazard sensitive activity or hazard sensitive activity and associated buildings within flood alert areas
- NH-R8: Infrastructure within hazard areas

4.13 Rule NH-R10: Any hazard sensitive activity or potentially hazard sensitive activity and associated buildings within high hazard areas is a non-complying activity.

Overview of submissions

4.14 A total of 226 submission points and 117 further submission points were received on the Natural Hazards topic.²⁵

4.15 Whilst there was general support for the overall risk-based approach to natural hazards, the majority of submitters sought amendments to the provisions, associated definitions and mapped hazard areas.

Recommended amendments that the Panel adopts

4.16 There were a substantial number of recommended changes made by the Reporting Officer to the Natural Hazard Chapter as a result of initial submissions prior to the hearing, set out in detail in the S42A Report.

4.17 There were also a smaller number of further amendments of a lesser extent recommended in the Summary Statement, prior to the hearing on the basis of the pre-circulated evidence of submitters.

4.18 The quantum of the recommended changes resulted in the submitters' issues being largely addressed with very little issues remaining in contention at the hearing.

4.19 We would like to commend both the submitters and the Reporting Officer for their thorough assessment of the matters raised and how they have been addressed.

4.20 In addition to the recommended changes as set out in the list further below, several provisions were recommended to be retained as notified by the Reporting Officer, which the Panel also deliberated. We agree and accept the reasons as set out in s42A Report and Summary Statement that the following provisions be retained as notified:

- Policy NH-P1: Identification of *natural hazards*** ²⁶
- Policy NH-P11: Precautionary approach** ²⁷
- Rule NH-R5: Earthworks within flood hazard areas** ²⁸

²⁵Para 104, Officer's Section 42A Report – Natural Hazards 3 March 2025

²⁶ Including reasons set out in paras 193-197 Officer's Section 42A Report – Natural Hazards 3 March 2025

²⁷ Including reasons set out in paras 230-233 Officer's Section 42A Report – Natural Hazards 3 March 2025

²⁸Including reasons set out in paras 391-395 Officer's Section 42A Report – Natural Hazards 3 March 2025

- 4.21 As a result, and after careful consideration of the review of the recommended changes contained in the s42A Report and the Summary Statement, and accompanying s32AA evaluations, we accept and adopt the following amendments and make no further evaluation of these:
- a. Amend **Table NH-1: Hazard risk categories** redefining the high, moderate and low hazard areas with return periods and level of certainty of constraints, and corresponding explanatory text in the introduction and consequential update to the definition of *Hazard Areas*²⁹
 - b. Amend the **definitions** for:
 - i. **Hazard sensitive activities** to delete service stations;³⁰
 - ii. **Less hazard sensitive activities** to include structures, infrastructure and any other activities not defined as hazard sensitive activities or potentially hazard sensitive activities;³¹
 - c. Insert paragraph to **Introduction** text explaining that telecommunications network utility structures and activities do not apply to this chapter³²
 - d. Amend **Objective NH-O2** to be renamed from Natural features to Natural measures and list them within the objective³³
 - e. Amend **Policy NH-P2** to include activities that are appropriate in fault hazard areas³⁴
 - f. Amend **Policy NH-P7** to clarify the type of buildings and structures allowed and which should be avoided within fault hazard areas³⁵
 - g. Amend **Policy NH-P9** to provide for earthworks related to infrastructure within flood hazard areas³⁶
 - h. Amend **Policy NH-P10** to provide for clarity on natural hazard mitigation works³⁷

²⁹Including the reasons set out in para 152-156, Officer's Section 42A Report – Natural Character, 18 November 2024 and the s32AA evaluation at paras 162-164, based on recommended changes provided in evidence from Dr Litchfield dated 26 February

³⁰Including reasons set out in paras 138-139 and 145-146, Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 167-171

³¹ Including reasons set out in paras 147–159, Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 167-171

³²Including reasons set out in paras 162-163, Officer's Section 42A Report – Natural Hazards 3 March 2025 and further recommended changes and reasons set out in para 18-19 Summary Statement – Natural Hazards based on evidence and s32AA Evaluation of Mr Anderson evidence, paras 19-20, 17 March 2025

³³Including reasons set out in paras 179-186 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 187-189

³⁴ Including reasons set out in paras 198-205 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 238-243

³⁵Including reasons set out in paras 306-310 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 340-346, based on recommended changes provided in evidence from Dr Litchfield dated 26 February

³⁶ Including reasons set out in paras 355-359 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 419-425

³⁷ Including reasons set out in paras 361-364 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 419-425

- i. Amend **Policy NH-12 and Policy NH-P13** to be named vulnerability areas rather than alert areas and further clarification on the policy wording³⁸
- j. Amend **Rule NH-R1** to replace 'statutory agency' with 'public authority'³⁹
- k. Amend **Rule NH-R2** to refer to low hazard areas and an additional matter of discretion⁴⁰
- l. Amend **Rule NH-R3** to include additional sub-clauses to provide clarity on permitted building footprint areas, floor levels and include additional matters of discretion for fault hazard areas⁴¹
- m. Amend **Rule NH-R4** to rephrase the exceptions and refer to risk hazard categories rather than specific hazards and include additional exceptions to both restricted and discretionary activities⁴²
- n. Delete **Rule NH-R6** as a consequential change of including fault hazards into the high/moderate/low hazards areas⁴³
- o. Amend **Rule NH-P7** renaming it from Flood Alert Areas to Flood Vulnerability Areas and amend the restricted discretionary exceptions for clarity.⁴⁴
- p. Delete **Rule NH-R8** as consequential change of infrastructure be added to the list of less hazard sensitive activities.⁴⁵
- q. Amend **Rule NH-R9** to amend the activity status for hazard sensitive activities in low hazard areas and amend matters of discretion as a consequence.⁴⁶
- r. Amend **Rule NH-R10** to include potentially hazard sensitive activities as a Discretionary activity.⁴⁷
- s. Rename Flood Alert Area to Flood Vulnerability Area on the **Planning Maps**, including consequential renaming amendments to provisions.⁴⁸

³⁸ Including reasons set out in paras 373-383 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 419-425

³⁹ Including reasons set out in paras 384-390 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 419-425

⁴⁰ Including reasons set out in paras 246-251 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 298-303

⁴¹ Including reasons set out in paras 252-263 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 298-303

⁴² Including reasons set out in paras 264-280 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 298-303

⁴³ Including reasons set out in paras 311-315 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 341-346

⁴⁴ Including reasons set out in paras 396-405 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 341-346

⁴⁵ Including reasons set out in paras 153 and 289 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 167-171 and 298-303

⁴⁶ Including reasons set out in paras 290-293 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 298-303.

⁴⁷ Including reasons set out in paras 294-297 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 298-303

⁴⁸ Including reasons set out in paras 369-370 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 419-425

- t. Amend **Fault Hazard Area maps** to reflect the high/moderate/low fault hazard categories⁴⁹
- u. Amend the **Woodside fault area** to a class I <2000 recurrence interval (and consequently as a high hazard area).⁵⁰
- v. Amend the **Fault Hazard Area** for the Masterton Fault at **125 Te Ore Ore Road**⁵¹
- w. Amend the **Fault Hazard Area** for the possible fault east of Featherston at **80 Underhill Road**
- x. Amend the **Active Fault Lines overlay** to remove lines where they are not also covered by the High, Moderate and Low Fault Hazard Areas.⁵²
- y. Retain the **Fault Awareness Areas** that are currently an advisory layer only in a separate GIS viewer that sits outside the PDP.⁵³
- z. Amend **Policy SUB-P4** to remove the word significant and include infrastructure⁵⁴
- aa. Amend Subdivision **Rule SUB-R6** activity status from controlled to restricted discretionary⁵⁵

Decisions on key issues remaining in contention

- 4.22 The Panel acknowledges the additional assessment provided by the Reporting Officer in the Reply Statement, that the Panel sought at adjournment of the hearing. In particular, we acknowledge the information provided on the difference in the level of regulatory control for natural hazards between the Operative District Plan and the Proposed District Plan, specifically the use of active wording/direction used within the provisions such as avoid, discourage, manage etc.
- 4.23 The additional comparison tables provided in the Reply Statement⁵⁶ were of great assistance to the Panel during the deliberations.

⁴⁹ Including reasons set out in paras 115-128 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 167-171

⁵⁰ Including reasons set out in paras 328-332 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 340-346, which relies upon recommendations at paras 34-38, Statement of Tectonic Geomorphologist / Earthquake Geologist Evidence of Dr Nicola Litchfield, GNS Science, on behalf of CWDC, 26 February 2025

⁵¹ Including reasons set out in paras 320-322 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 340-346 and paras 34-38, which relies upon recommendations on page 30, Statement of Tectonic Geomorphologist / Earthquake Geologist Evidence of Dr Nicola Litchfield, GNS Science, on behalf of CWDC, 26 February 2025

⁵² Including reasons set out in paras 337-339 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 340-346 and Page 28, which relies upon recommendations on page 30, Statement of Tectonic Geomorphologist / Earthquake Geologist Evidence of Dr Nicola Litchfield, GNS Science, on behalf of CWDC, 26 February 2025

⁵³ Including reasons set out in paras 100-103 Officer's Section 42A Report – Natural Hazards 3 March 2025

⁵⁴ Including reasons set out in paras 439-443 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 451-454

⁵⁵ Including reasons set out in paras 446-450 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 451-454

⁵⁶ Table 1 and 2, Officer Reply Statement – Natural Hazards, 23 April 2025

4.24 The following matters were the only issues that remained in contention at the hearing, which we provide further evaluation of below:

- a. Lifeline infrastructure*
- b. Objective NH-O1: Risk from natural hazards*
- c. Definition of Hazard Sensitive Activities - Visitor Accommodation*
- d. Policies referring to Building Damage*
- e. Hazard Mapping*
 - i. Brookside Development, Featherston*
 - ii. Fault Hazard Mapping*

Lifeline infrastructure

4.25 The GWRC original submission supported Policy NH-P8: Infrastructure in hazard areas and sought to retain it as notified.

4.26 However, based on other submissions by Wellington Fish and Game Council⁵⁷ and Transpower⁵⁸ Ms Linkhorn recommended that Policy NH-P8 be amended to enable existing infrastructure to be operated, maintained and upgraded within hazard areas but also provided for new infrastructure where it has an operational or functional need or is designed to be maintained during or re-instated after a natural hazard event.⁵⁹

4.27 In response to Ms Linkhorn's amendment to Policy NH-P8, the pre-circulated evidence on behalf of KiwiRail Holdings Limited⁶⁰ sought the word 'repair' also be added to Policy NH-P8. Ms Linkhorn accepted this further amendment as set out in her Summary Statement.⁶¹

4.28 However, the Panel sought further assessment of this matter at the hearing and whether a definition for 'repair' was needed and whether there was scope for such.

4.29 Ms Linkhorn returned to this matter in her Reply Statement, concluding that on review of the original and further submissions, there is no scope to include "repair" in Policy NH-P8, and consequently no scope to include a definition of repair. Therefore, Ms Linkhorn reversed her Summary Statement recommendation in that she no longer recommend that "repair" is included in Policy NH-P8.⁶²

4.30 While GWRC's evidence stated that "*Greater Wellington is comfortable with the wording changes to NH-P8 that have been proposed in s42A report. An alternative would be to list infrastructure as a potentially hazard sensitive activity, and bring it into that policy framework.*"⁶³ based on the "*fact that infrastructure provides critical lifelines utilities and support in a natural disaster*"⁶⁴

4.31 This matter remained in contention at the hearing and the Panel directed Ms Linkhorn and Mr Dawe for GWRC to clarify how critical lifeline infrastructure should be

⁵⁷S186.022

⁵⁸S218.043

⁵⁹ Including reasons set out in paras 222-229 Officer's Section 42A Report – Natural Hazards 3 March 2025 and the s32AA Evaluation at paras 238-243

⁶⁰S218.043

⁶¹ Para 27 and 302, Summary Statement – Natural Hazards, 27 March 2025

⁶² Para 32-34, Reply Statement – Natural Hazards, 23 April 2025

⁶³ Para 32, Evidence of Iain Dawe on behalf of GWRC, dated 14 March 2025

⁶⁴ Para 3, Evidence of Iain Dawe on behalf of GWRC, dated 14 March 2025

managed in the Natural Hazards chapter.

- 4.32 Ms Linkhorn addressed this matter in her Reply Statement after conferring with Mr Dawe and as a result, Ms Linkhorn recommend including further amendments to Policy NH-P8 and concluded that no further changes to the corresponding rule framework were necessary, which has been accepted by the Panel. However, Ms Linkhorn did recommend a definition of lifeline infrastructure also be included as follows:

"Lifeline infrastructure has the same meaning as lifeline utility in section 4 of the Civil Defence Emergency Management Act 2002"

- 4.33 However, the Panel does not accept Ms Linkhorn's s32AA rationale that the addition of a definition for lifeline infrastructure assists with plan interpretation and is more appropriate way to achieve the purpose of the RMA compared to the notified version of the PDP⁶⁵
- 4.34 As such, the Panel rejects the need for a definition for 'lifeline infrastructure' on the basis that there is no rule framework that refers to 'lifeline infrastructure' and it is neither effective nor efficient to repeat definitions in the District Plan that are contained in higher order documents, namely, Civil Defence Emergency Management Act 2002.
- 4.35 In addition, the recommended inclusion of infrastructure to the 'less hazard sensitive activities' definition provides for activity status of lifeline infrastructure being permitted in low hazard areas and that **Policy NH-P8: Infrastructure in hazard areas**, which includes 'lifeline infrastructure' is also added as a matter of discretion for **Rule NH-R2: Less hazard sensitive activities within all hazard areas**.
- 4.36 Therefore, on the above basis, the Panel rejects both the submitters' relief sought and Ms Linkhorn recommended change to include a definition for 'Lifeline Infrastructure'.

Objective NH-O1: Risk from natural hazards

- 4.37 The majority of the submissions in relation to Objective NH-O1 supported the notified version. However, both Toka Tū Ake EQC⁶⁶ and GWRC⁶⁷ sought amended wording that read *"The risk and consequences from natural hazards on people, property, infrastructure, and the environment are reduced or not increased."*⁶⁸
- 4.38 Initially Ms Linkhorn disagreed with the relief sought and recommended that the objective be retained as notified citing that the notified wording aligns better with the Strategic Direction CCR-03.⁶⁹
- 4.39 Mr Dawe responded to this matter in his statement of evidence, stating the direction to minimise is also strongly promoted in the natural hazard provisions of RPS Change 1 and a definition has subsequently been added through the submissions process to read: *"Reduce to the smallest amount reasonably practicable"* and stated that.

⁶⁵ Para 20-23, Officer Reply Statement – Natural Hazards, 23 April 2025

⁶⁶S90.004, FS77.003

⁶⁷S94.072

⁶⁸Para 175-176, Officer's Section 42A Report – Natural Hazards 3 March 2025

⁶⁹ Para 178, Officer's Section 42A Report – Natural Hazards 3 March 2025

- minimised, minimizing and minimisation have the corresponding meaning.⁷⁰
- 4.40 On this basis, Mr Dawe considered that the Objective NH-O1 should read
- "The risk and consequences from natural hazards on people, property, infrastructure, and the environment are minimised or not increased."*⁷¹
- 4.41 Ms Linkhorn agreed with Mr Dawe's evidence in her Summary Statement and recommended that Objective NH-O1 be amended as sought by Mr Dawe's evidence.⁷²
- 4.42 However, at the closing of the hearing the Panel sought further clarification on the inclusion of the word 'minimise' suggesting that it broadens the scope of GWRC initial request, which was to 'reduce' rather than the defined meaning of minimise being "reduced to the smallest degree possible".
- 4.43 Ms Linkhorn responded to this question in her Reply Statement confirming that GWRC original submission sought the word "reduced" whereas the GWRC evidence sought the word 'minimise' which by definition means "reduce to the smallest amount reasonably practicable". Ms Linkhorn stated that *"Mr Dawe considers that while it does appear that 'minimise' creates a higher bar than 'reduce', this is not the intention of how it is meant to be applied in risk management."*⁷³
- 4.44 Ms Linkhorn considered that the addition of "minimise" would account for the subdivision, use or development in natural hazard areas where the increased risk is minimized to an acceptable level and that it improves the effectiveness of the objective, as it aligns with the language in Policy NH-P3, Policy NH-P4, Policy NH-P5 and Policy NH-P12, which achieves this objective and maintained her recommendation as set out in her Summary Statement that the word 'minimised or' should be added to Objective NH-O1.
- 4.45 The Panel have considered both the submission and evidence of GWRC and the recommended changes and associated s32AA of Ms Linkhorn. However, the Panel consider that there is not sufficient scope to amend the initial relief sought from 'reduced' to 'minimised' as it broadens the scope of the initial request, as the word 'minimise' creates a higher bar than the word 'reduce'.
- 4.46 Therefore, the Panel rejects both GWRC submission, evidence and Ms Linkhorn's recommended amendment to Objective NH-O1 and that it should be retained as notified.

Definition of Hazard Sensitive Activities - Visitor Accommodation

- 4.47 The GWRC⁷⁴ submission initially supported the definition for Hazard Sensitive Activities. However, GWRC sought further amendments through Mr Dawe evidence to the definition to recognise visitor accommodation as a hazard sensitive activity⁷⁵
- 4.48 In response to the GRWC evidence, the Reporting Officer for Natural Hazards, Ms Linkhorn agreed with Mr Dawe and recommended adding visitor accommodation to

⁷⁰ Para 23, page 10, Evidence of Iain Dawe on behalf of GWRC, dated 14 March 2025

⁷¹ Para 24, page 10, Evidence of Iain Dawe on behalf of GWRC, dated 14 March 2025

⁷² Para 21-23, pages 4-5, Summary Statement – Natural Hazards, 27 March 2025

⁷³ Para 25, page 8, Reply Statement – Natural Hazards, 23 April 2025

⁷⁴S94.019

⁷⁵Para 3, Evidence of Iain Dawe on behalf of GWRC, dated 14 March 2025

the list of hazard sensitive activities (in the chapter and the definitions chapter).⁷⁶

- 4.49 However, at the hearing, the Panel queried whether there was scope within GWRC original submission that sought the further relief sought to include visitor accommodation as a hazard sensitive activity.
- 4.50 Ms Linkhorn responded to this matter in her Reply Statement, confirming that there is no scope in the submission from GWRC or any other submitter to make this amendment.⁷⁷
- 4.51 While the Panel agrees that there is merit in the relief sought by GWRC, and accepts there are valid reasons as set out in Ms Linkhorn s32AA evaluation provided in her Summary Statement recommendation, it is a matter of process and natural justice that recommended changes must be based on original or further submissions and not introduced through evidence. Irrespective of the merits of the recommended amendment, there is no scope for the amendment to be undertaken.
- 4.52 During Hearing Stream 14: General Matters and Integration, the Panel returned to this issue and sought further clarification on this matter, seeking confirmation whether visitor accommodation is a non-hazard sensitive activity.
- 4.53 Ms Linkhorn responded to this matter in her Addendum Reply Statement, stating "*The Proposed District Plan does not define "non-hazard sensitive activity". Rather, the Proposed District Plan, including the recommendations in my Section 42A report and reply statement, define Hazard sensitive activities, Potentially hazard sensitive activities and Less hazard sensitive activities. Activities which are not otherwise listed as Hazard sensitive activities or Potential hazard sensitive activities default to Less hazard sensitive activities.*"
- 4.54 On the basis of both the Reply Statement position and further clarification provided in the Addendum Reply Statement, the Panel accepts and agrees with Ms Linkhorn's amended position not to include visitor accommodation in the definition of hazard sensitive activities and is satisfied it is adequately provided for as a 'Less sensitive activity' as a default position.

Policies referring to Building Damage

- 4.55 There were no submissions on the reference in the subclauses to 'building damage' contained within Policies NH-P3, NH-P4, NH-P5 and NH-P12.
- 4.56 No changes were recommended to these policies in the s42A Report or Summary Statement by the Reporting Officer.
- 4.57 However, at her Reply Statement, Ms Linkhorn raised a concern that the sub-clause makes two references to building damage, requiring that building damage is low and also minimised. Ms Linkhorn considered deleting the first "building damage" removes duplication and does not change the meaning or application of these policies and therefore recommended this change is made to Policies NH-P3, NH-P4, NH-P5 and NH-P12 under Clause 16, Schedule 1 of the RMA as a correction.⁷⁸

⁷⁶ Para 17, Summary Statement – Natural Hazards, 27 March 2025

⁷⁷ Para 8, Summary Statement – Natural Hazards, 27 March 2025

⁷⁸ Para 35-39, Pages 9-10, Reply Statement – Natural Hazards, 23 April 2025

4.58 Whilst there were no submissions on this matter, the Panel accepts and adopts Ms Linkhorn's s32AA that the amended wording of these policies improves the readability and effectiveness of the policies and can be made under Clause 16.

Hazard Mapping – Brookside Development, Featherston

4.59 Four submitters⁷⁹ opposed the 'Flood Alert areas' and requested it be deleted from the Brookside Development in Featherston. Three further submissions in support were received and one in opposition.

4.60 The submitters rationale for deleting the 'Flood Alert areas' was that detailed flood modelling on their site has been undertaken and does not match the flood alert area maps.

4.61 However, and in response to the submissions, GWRC provided expert evidence on this matter and stated that Flood Alert Area is based on the best information available at this time. However, Ms Linkhorn acknowledged that GWRC are progressing detailed flood hazard mapping which at the time of authoring the s42A Report, was not available but was forecast to be available in mid-2025. On that basis she therefore considered the Flood Alert Area mapping is the best currently available information and should be adopted and used in the PDP.⁸⁰

4.62 Prior to the hearing, evidence was provided by two submitters in relation to the Brookside Development.⁸¹

4.63 The legal submissions submitted on behalf of Brookside clearly reiterated the relief sought by the submitter as:

*"remove the Overlay entirely, or to amend its coverage to reflect information provided to Council under the resource consent application 230176 (which includes the Second T+T Report)."*⁸²

4.64 Ms Linkhorn responded to this evidence in her summary statement reiterating her earlier position that until this detailed flood hazard mapping is available, she continued to recommend using the current flood hazard mapping provided by GWRC.⁸³

4.65 After the Hearing, we issued a Minute⁸⁴ requesting expert conferencing between the Reporting Officer, the Council's Technical Advisor(s), and Brookside Developments Technical Advisor on this matter to consider the appropriate extent and nature of the flood hazard overlay over the Brookside Development property.

4.66 At the time of authoring the Reply Statement, the expert conferencing had not taken place and therefore an Addendum to the Reply Statement was subsequently provided after the JWS⁸⁵ was provided.

4.67 In summary, the JWS concluded that:

⁷⁹S77, S320, S71 and S93

⁸⁰ Para 418, Officers s42A Report – Natural Hazards, 3 March 2025

⁸¹ Evidence of Ian McComb on behalf of Brookside Developments Featherston Limited (S95) and Alice Jane Blackwell on behalf of Garry Daniell (S205)

⁸² Para 30, Evidence of C Thomsen/K Simonsen, Counsel for Brookside Developments – Featherston Ltd, 26 March 2025

⁸³ Para 50, Summary Statement – Natural Hazards, 27 March 2025

⁸⁴ Minute 24, dated 5 April 2025

⁸⁵ Joint Witness Statement between planning and technical experts – flood mapping at Brookside Development Featherston Limited

- *"The site-specific modelling is more detailed than the vulnerability mapping however it has not been through any peer review or calibration process.*
- *The site-specific modelling contains proposed mitigation measures that may or may not be constructed in the future.*
- *The detailed GWRC modelling has been developed in accordance with GWRCs modelling standard developed specifically for district plan mapping which has included multiple peer review, community engagement and calibration stages as described on the GWRC website'⁸⁶*

4.68 On receipt of the JWS, Ms Linkhorn provided an Addendum Reply Statement and made the following assessment of the four following options:

- Option 1:** Retain the Flood Vulnerability Area mapping (i.e. the Regional Exposure Model)
- Option 2:** Adopt Tonkin + Taylor's site specific model into the Proposed District Plan Flood Vulnerability Area mapping or Flood Hazard Area mapping for the site
- Option 3:** Adopt GWRC's Detailed Model into the Proposed District Plan Flood Vulnerability Area mapping for the site
- Option 4:** Adopt GWRC's Detailed Model into the Proposed District Plan Flood Hazard Area mapping for the site

4.69 Ms Linkhorn position on the most appropriate flood mapping for the Brookside site was ultimately a balanced consideration between the following matters:

- Whether an amended flood hazard map would result in any consequential changes to objectives and policies
- The appropriateness of the resultant activity status
- The accuracy of the flood modelling
- The overall risk based approach
- The costs of and benefits to the land owner
- Where there was scope for change through the original submission.

4.70 The Panel would like to thank Ms Linkhorn for her assessment of the complexities of the matter and acknowledge it is a balanced approach and even though she considered that the most effective and efficient option for the matters listed in a.-e. is Option 4, the deciding factor was that there was no scope through the submission to make this amendment. Therefore, Option 3 was Ms Linkhorn's recommendation, which provides the best outcomes within the constraints of the relief sought by the submitter.

4.71 The Panel prepared a matrix to highlight Ms Linkhorn's assessment as shown below in **Table 1**

4.72 Therefore, the Panel accepts Ms Linkhorn's recommendation to adopt GWRC's detailed model into the Proposed District Plan Flood Vulnerability Area mapping for the site. In terms of a s32AA assessment, the Panel considers that **Table 1** below

⁸⁶ Page 10, Joint Witness Statement between planning and technical experts – flood mapping at Brookside Development Featherston Limited

sets out the relevant matters required for such an assessment that have been assimilated from Ms Linkhorn's Addendum Reply Statement.⁸⁷

Table 1: Assessment Matrix for Brookside flood mapping

Option	Result in consequential change to objectives/policies	Resultant Activity Status for new potentially hazard sensitive activity or hazard sensitive activities and associated buildings).	Modelling information - Conservative - Peer reviewed	Risk	Costs/Benefits	Submission Scope for Option
Option 1: Retain the Flood Vulnerability Area mapping (i.e. the Regional Exposure Model)- Notified	No	RDA	Conservative, doesn't use the most up to date modelling	Conservative approach using 'flood vulnerability' - less risk	Potential increased cost for consenting requirements	Scope to retain notified version
Option 2: Adopt Tonkin + Taylor's site specific model into the Proposed District Plan Flood Vulnerability Area mapping or Flood Hazard Area mapping for the site	No	Permitted	Not peer reviewed or calibrated, map shows consented flood mitigation measures have been constructed.	Modelling shows proposed mitigation measures that may or may not be constructed in the future.	Lower cost to owner as no consent triggered	No scope as submission
Option 3: Adopt GWRC's Detailed Model into the Proposed District Plan Flood Vulnerability Area mapping for the site	No	RDA	Detailed modelling, peer reviewed	Conservative approach using 'flood vulnerability' - less risk	Potential increased cost for consenting requirements	Yes, as retains notified 'Flood Vulnerability Area Mapping' using most up to date information
Option 4: Adopt GWRC's Detailed Model into the Proposed District Plan Flood Hazard Area mapping for the site	No	Provides for consent cascade depending on the risk hazard area	Detailed modelling, peer reviewed	Uses a corresponding risk-based approach	Provides for corresponding consenting costs depending on the risk areas	Submission does not provide scope to re-categorise this Site as Flood Hazard Area.

Hazard Mapping – Fault Hazard

- 4.73 A total of six submissions opposed⁸⁸ the fault hazard maps, with three further submissions in support⁸⁹ and one further submission in opposition⁹⁰ to the original submissions.
- 4.74 The submitters opposition were based on mapping errors/inaccuracies and lack of validation of mapping.⁹¹
- 4.75 Whilst Ms Linkhorn acknowledged the submitters concerns regarding the fault hazard shown on a planning maps, she remained reliant on the expert evidence of Dr Litchfield⁹², who also acknowledged the submitters request for the mapping to be verified. However, Dr Lichfield stated that this is not feasible across the whole District.⁹³

⁸⁷ Paras 8-22, Addendum Reply Statement – Natural Hazards, 6 June 2025

⁸⁸ S46, S59, S69, S83, S88 and S101

⁸⁹ FS46, FS19 and FS16

⁹⁰ FS90

⁹¹ Para 316, Officers s42A Report – Natural Hazards, 3 March 2025

⁹² Statement of Tectonic Geomorphologist / Earthquake Geologist Evidence of Dr Nicola Litchfield, GNS Science, on behalf of CWDC, 26 February 2025

⁹³ Para 39, Statement of Tectonic Geomorphologist / Earthquake Geologist Evidence of Dr Nicola Litchfield, GNS Science, on behalf of CWDC, 26 February 2025

- 4.76 Dr Litchfield provided specific recommendations to each of the submitter's request and on the basis of these recommendations, Ms Linkhorn recommended amended mapping for several of the submitters properties, which were not contested at the hearing, which the Panel accepted and adopted as set in above in para 4.21 u.-y.
- 4.77 However, the fault mapping identified on 16 Kaka Amu Road, remained in contest at the hearing by one submitter⁹⁴, who provided further geological engineering evidence, and submitted that they did not consider that there is any evidence to support the mapped active fault traces that cross the site.⁹⁵
- 4.78 However, the Council's expert, Dr. Litchfield disagreed with the conclusions drawn in the report provided by the submitter and considered that the notified classification of the property as 'possible active faults' is correct. Ms Linkhorn responded to this matter in her Summary Statement and on the basis of Dr Litchfield assessment, Ms Linkhorn did not recommend any changes to the fault hazard mapping for 16 Kaka Amu Road.
- 4.79 The Panel acknowledge that the submitter continued to seek that the fault hazard mapping filter out large recurrence interval faults or to include a reference table that links recurrence interval to building importance level and hence to any required action or lack thereof.⁹⁶
- 4.80 However, the Panel consider that the recommended amendments made to notified Rule NH-R9 (now Rule RH-R7), which provides for further clarity on activity status for a low fault hazard area will address the submitters concerns which are aligned with the relevant objective and policy direction.
- 4.81 The Panel therefore rejects the submission of Mr Duncan on this matter and accepts the subsequent amendments to Rule NH-R9.

⁹⁴ S59, Andrew Duncan

⁹⁵ Page 5, Fault Hazard assessment at 16 Kaka Amu Road, prepared by IRBA Geological Engineering Consultants, dated February 2025

⁹⁶ Hearing Presentation by Andrew Duncan, dated 31 March 2025

5. Overall Conclusions

- 5.1 For the reasons set out in the previous sections, we have determined the adoption of specific changes to the aforementioned chapters and provisions in the PDP.
- 5.2 Our amendments are shown in track change in the 'tracked' version of the provisions in **Appendix 3** and in 'clean' form in the 'accepted' version of the provisions in **Appendix 4**.
- 5.3 Overall, we find that these changes will ensure the PDP better achieves the statutory requirements and national policy directions and will improve its useability.