

***Proposed Wairarapa Combined District Plan***  
**Decision Report pursuant to Clause 10 of the First  
Schedule  
of the Resource Management Act 1991**

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**Subject: Chapter 14 - Natural Hazards**

**In Reference to:**

- ***Natural Hazard Provisions 14.1 – 14.4***
- ***District Wide Rules 21.1.16 – 21.1.18***
- ***Assessment Criteria 22.1.11 and 22.1.12***

#### **14.0 General**

#### **Submission Summary**

<b>Submitter Number</b>	<b>Submitter Name</b>	<b>Further Submitter Name and Number</b>	<b>Further Submission Support/Oppose</b>
273.32	Tomlinson & Carruthers Surveyors Ltd	FS112 D Riddiford FS85 Federated Farmers of NZ (Inc) FS31 Adamson Land Surveyors	Support Support Support
247.4	D Freeman	-	-

#### **Discussion**

**Tomlinson & Carruthers Surveyors Ltd** (273.32) seeks that District Council's in assessing applications take into account mitigation measures to reduce the risk of inundation. **D Riddiford, Federated Farmers of NZ (Inc)** and **Adamson Land Surveyors** support this submission.

**D Freeman** (247.4) seeks rules that encourage the mitigation of natural hazards, and flood maps be updated immediately once a natural hazard has been mitigated.

#### **Evidence Heard**

**Tomlinson & Carruthers Surveyors Ltd** (273.32) spoke in support of their submission seeking Council take into account mitigation measures to reduce the risk of inundation when assessing resource consent applications.

**Federated Farmers of NZ (Inc)** spoke in support of their further submission.

## Commissioners' Deliberations

The Commissioners note the general support from submitters in relation to providing rules that encourage the mitigation of natural hazards, and that mitigation measure be taken into account when assessing resource consent applications, and concur with the Section 42A Report recommendation for retaining the existing provisions.

The Commissioners note the Discretionary status for any subdivision within a Flood Hazard Area or Erosion Hazard Area and that when assessing applications Council's do take account of measures to reduce the risk of inundation. In respect of the updating of flooding maps, the Commissioners note that the Flood Hazard Areas and Flood Alert Areas are based on the most accurate and up-to-date information available. The flood areas shown on the Planning Maps will continue to be refined overtime, as new information becomes available, and new flood protection works are undertaken. As such, the Commissioners do not consider it is the most efficient or effective approach to add text to the Plan to give effect to the submissions as the existing text is appropriate.

## Decision: 14.0 General

Submission Reference:

247.4	Accept in part
273.32	Accept in part
FS112	Accept in part
FS85	Accept in part
FS31	Accept in part

## Reasons

This decision is made for the following reasons:

- The provisions are consistent with the purpose of the Act, and the function of territorial authorities in respect of the control of any actual or potential effects of the use, development, or subdivision of land, including for the purpose of the avoidance or mitigation of natural hazards.
- The provisions are considered the most efficient and effective methods of managing the risks in respect of natural hazards.
- The Flood Hazard Areas and Flood Alert Areas are based on the most accurate and up-to-date information available at the time, and would be refined as new information becomes available.

## 14.1 Introduction

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.61	Department of Conservation	FS85 Federated Farmers of NZ (Inc)	Oppose
		FS90 Wellington Regional Council	Support
		FS75 K & M Williams	Oppose

		FS112 D Riddiford	Oppose
524.50	Federated Farmers of NZ (Inc)	FS89 Wellington Regional Council FS155 K Reedy FS157 J Diederich FS52 Horticulture NZ	Oppose Support Support Support
526.47	Wellington Regional Council	-	-
461.1	Java Trust Ltd	FS75 K & M Williams	Support
472.1	D and R Broadmore	-	-

## Discussion

**The Department of Conservation** (525.61) and **Greater Wellington Regional Council** (526.47) seek the Introduction be amended by adding reference to the provisions relating to coastal hazards in the New Zealand Coastal Policy Statement. Greater Wellington Regional Council seek that a statement be included in the first sentence of paragraph 4 of the Introduction advising that the Principles and Policies of the New Zealand Coastal Policy Statement must be given effect too, and the Department of Conservation seek the addition of three paragraphs to Introduction 14.1. **Greater Wellington Regional Council** support the submission of the Department of Conservation. **Federated Farmers of NZ (Inc), K & M Williams** and **D Riddiford** oppose the submission of the Department of Conservation.

**Federated Farmers of NZ (Inc)** (524.50) seek that either reference to Flood Hazard Areas and Erosion Hazard be deleted or, alternatively, during 2007, Councils' conduct a comprehensive assessment to identify the Flood Hazard Area and Erosion Area applying consistent criteria and with due consultation with landowners and the wider community, and to notify a Variation to the Plan incorporating the results of the above assessment with amended Objectives, Policies and Methods. **Horticulture NZ, K Reedy, and J Diederich** support this submission. **Greater Wellington Regional Council** oppose this submission.

**Java Trust Ltd** (461.1) and **D and R Broadmore** (472.1) seek 14.1 be amended to recognise that further development or forms of activities which do not create unacceptable risks to property and lives are permitted activities. **K & M Williams** support the submission by Java Trust Ltd.

## Evidence Heard

**The Department of Conservation** (525.61) spoke in support of their submission seeking a more comprehensive introduction to natural hazards, particularly where that will support the issues, objectives and policies sought by the Department.

**Greater Wellington Regional Council** (526.47) spoke in support of their submission and noted their acceptance of the Section 42A report' recommendation in relation to inserting the reference to policies. In respect of their further submission FS90, **Greater Wellington Regional Council** noted their acceptance of the Section 42A recommendation to reject submission 525.61 (Department of Conservation). In respect of their further submission FS89, **Greater Wellington Regional Council** noted their acceptance of the Section 42A recommendation to reject submission 524.50 (Federated Farmers of NZ Ltd).

**Federated Farmers of NZ (Inc)** (524.50) spoke in support of their submission and request that Council's undertake in meaningful discussion with affected landowners to ensure that hazard area are ground truthed, take site specific factors into account and landowners understand the impact that these areas will have on their farming practices. **Federated**

**Farmers of NZ (Inc)** noted their support of the Section 42A recommendation to reject submission 525.61.

In respect of their further submission FS75, **K & M Williams** noted their acceptance of the Section 42A recommendation to reject submission 525.61, and the Section 42A recommendation to accept submission 464.1 in respect of amending paragraph 5 of '14.1 Introduction'.

**Java Trust Ltd** (461.1) agree with the Section 42A Report recommendation supporting their submission.

### **Commissioners' Deliberations**

The Commissioners note the comments made in the Section 42A Report relating to the level of detail provided and required in the Introduction under Section 14.1. The Commissioners support the amendment to the first sentence of paragraph 4 of '14.1 Introduction, to make it clear that it is a statutory requirement to recognise and plan for the effects of natural coastal hazards.

With respect to the submission seeking that either reference to Flood Hazard Areas and Erosion Hazard be deleted or, alternatively, comprehensive assessment and consultation be undertaken, the Commissioners concur with the recommendation of the Section 42A Report to reject the submission. As noted in the Section 42A Report, the identified Flood Hazard Areas and Erosion Hazard Areas in the Plan are based on data relating to the overtopping of banks from previous flood events and modelling from Wellington Regional Council. In addition, data held by Councils in relation to localised stormwater flooding that has occurred in the past due to the inability of stormwater catchments to handle the stormwater run-off from the storm event is also used. Where new information becomes available that differs from that identified, such a change would be the subject of a future plan change.

In relation to the submissions relating to permitted activities, the Commissioners concur with the recommendation to add a sentence to paragraph 5 of the Introduction to recognise that activities that do not create unacceptable risk to life and property are permitted. The amendments are consistent with the District Wide 'Rule 21.1.17 Flood Hazard Area and Erosion Hazard Area'.

### **Decision: 14.1 Introduction**

Submission Reference:

525.61	Reject
FS85	Accept
FS90	Reject
FS75	Accept
FS112	Accept

526.47	Accept
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524.50	Reject
FS89	Accept
FS155	Reject
FS157	Reject
FS52	Reject

461.1	Accept
FS75	Accept

472.1 Accept

## Decision Amendment: 14.1 Introduction

Amend the first sentence of paragraph 4 of '14.1 Introduction' as follows:

*Principles for the management of coastal hazards **and policies which must be given effect to**, are set out in the New Zealand Coastal Policy Statement. The Civil Defence and Emergency Management Act 2002 sets out the functions and powers of various agencies....."*

Amend paragraph 5 of '14.1 Introduction' as follows:

*Where it is not possible to avoid or mitigate the risk, some activities may not be appropriate and should be prevented. **Conversely, activities that do not create unacceptable risk to life and property are permitted.***

## Reasons

This decision is made for the following reasons:

- The Flood Hazard Areas and Flood Alert Areas are based on the most accurate and up-to-date information available at the time, and would be refined as new information becomes available.
- The amendments relating to permitted activities clarify the nature of activities that are permitted and provide consistency between provisions of the District Plan.
- The existing Introduction efficiently and effectively describes the basis for managing the risks from natural hazards, and the requirement to manage land use and subdivision to avoid and mitigate the effects of natural hazards.

### 14.1.1 Flooding

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.62	Department of Conservation	FS 85 Federated Farmers of NZ (Inc) FS 90 Wellington Regional Council FS 112 D Riddiford	Oppose  Support  Oppose
524.51	Federated Farmers of NZ (Inc)	-	-
461.1	Java Trust Ltd	FS75 K & M Williams FS 85 Federated Farmers of NZ (Inc) FS 112 D Riddiford	Support Support Support
24.3	M Taylor	FS105 B Hagger	Support

472.1	D and R Broadmore	FS 85 Federated Farmers of NZ (Inc) FS 112 D Riddiford	Support  Support
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## Discussion

**Federated Farmers of NZ (Inc)** (524.51) seek '14.1.1 Flooding' be retained.

The **Department of Conservation** (525.62) seek that the Title of 14.1.1 be amended to 'Flooding and Watercourse Erosion', and that a new paragraph be added to the explanation as set out in the above Table. **Greater Wellington Regional Council** support this submission. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose this submission.

**Java Trust Ltd** (461.1) and **D and R Broadmore** (472.1) seek that the second and third sentence of paragraph 2 of '14.1.1 Flooding' be deleted.

**K & M Williams**, **Federated Farmers of NZ (Inc)** and **D Riddiford** support the submission of Java Trust Ltd.

**Federated Farmers of NZ (Inc)** and **D Riddiford** support the submission of D and R Broadmore.

**M Taylor** (24.3) seeks that the provisions be reviewed and that if the citizens as a whole want it then let them buy it and not steal the land from the owner. **B Hagger** supports the submission of M Taylor.

## Evidence Heard

The **Department of Conservation** (525.62) expressed their support and acceptance of the Section 42A report recommendations in respect of their submission points.

**Federated Farmers of NZ (Inc)** (524.51) noted their support for the retention of 14.1.1 as recommended in the Section 42A Report.

**Greater Wellington Regional Council** (FS90) spoke in support of the Section 42A Report recommendation for the modification of the title of 14.1.1 and addition to the explanatory text and acceptance of submission 525.62.

**K & M Williams** (FS75) noted their acceptance of the Section 42A report recommendation for the retention of 14.1.1, in that their concerns are met with the amendment to 14.1 Introduction.

**Java Trust Ltd** (461.1) maintains but has no further submission to make on its submission which the Section 42A Report recommended be rejected. The real issue is the method used to implement the statement in issue.

## Commissioners' Deliberations

The Commissioners note the submissions from submitters requesting various amendments, we well as the retention of 14.1.1.

In respect of the submission seeking amendment of the title of 14.1.1 and additions to the explanatory text, the Commissioners concur with the Section 42A report which supports these amendments. The amendment to the title to include River Bank Erosion better reflect the subject matter in accompanying explanatory text. The addition to the explanatory text adds context to the Introduction in respect of flooding as a natural hazard.

In respect of the submissions seeking the removal of the second and third sentence from paragraph 2 of 14.1.1, the Commissioners concur with the Section 42A report recommending

the retention of the existing provisions. As noted in the Section 42A Report, “The above provisions are consistent with the statutory provisions of the Act, the New Zealand Coastal Policy Statement and good resource management practice to avoid, remedy or mitigate adverse environmental effects of activities. It is a function of District Council’s under section 31(1)(b)(i) of the Act to avoid or mitigate natural hazards.... Section 55 of the Act requires a local authority to amend a Plan to give effect to a provision of a National Policy Statement. The New Zealand Coastal Policy Statement contains Principle 3.3 Adoption of a Precautionary Approach to Activities with Unknown but Potentially Significant Adverse Effects (with two supporting Policies), and Principle 3.4 Recognition of Recognition of Natural Hazards and Provision for Avoiding or Mitigating Their Effects (with six supporting Policies).

Section 106 of the Act also provides for subdivision consent to be declined where the land or any structure on the land is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source.”

The Commissioners concur with this assessment and consider that amendments to 14.1 in relation to permitted activities provide direction as to the acceptable activities in context of the hazard risk. The Flood Hazard Area does not prevent land which is valuable for primary production from being used for that purpose but it is appropriate that the location of structures and buildings, in particular habitable buildings, be controlled in these areas to provide for people’s wellbeing and safety. The provisions do not preclude resource consent applications for structures and buildings in these areas which would be subject to rigorous assessment as to location, floor levels, effects of buildings on the flood extent (e.g. buildings obstructing the flood path can change the extent of the flow path), and so forth. Therefore, it is decided to retain the second and third sentences of paragraph 2 of ‘14.1.1 Flooding’ as currently worded.

### **Decision: 14.1.1 Flooding**

#### Submission Reference:

524.51	Accept
525.62	Accept
FS 85	Reject
FS 90	Accept
FS 112	Reject
461.1	Reject
FS75	Reject
FS 85	Reject
FS 112	Reject
472.1	Reject
FS 85	Reject
FS 112	Reject
24.3	Reject
FS105	Reject

### **Amendment Decision: 14.1.1 Flooding**

Amend the Title of 14.1.1 as follows:

#### ***14.1.1 Flooding and River Bank Erosion***

Amend 14.1.1 by adding the following text at the end of the third paragraph:

***“.....erosion on an ongoing basis. Stop-banks and river modification to control flooding and erosion, such as hard protection works (e.g. groynes, straightening etc) can have adverse environmental impacts on the river environment and on aquatic wildlife. Where they exist, people have been able to build within hazard zones. However, where this infrastructure is not currently required and flooding is accepted, it is preferable not to increase or create a need for protection works, by placing people and property in locations which would be at risk of flooding or threatened by bank erosion from unstable watercourses.*”**

### **Reasons**

This decision is made for the following reasons:

- The amendments assist in user interpretation and provide greater details on the impacts of stream and river bank erosion.
- The retention of paragraph 2 is consistent with the statutory provisions of the Act, the New Zealand Coastal Policy Statement and good resource management practice to avoid, remedy or mitigate adverse environmental effects of subdivision, use and development.

### **14.1.2 Coastal Erosion and Inundation**

#### **Submission Summary**

<b>Submitter Number</b>	<b>Submitter Name</b>	<b>Further Submitter Name and Number</b>	<b>Further Submission Support/Oppose</b>
525.63	Department of Conservation	FS 85 Federated Farmers of NZ (Inc) FS 112 D Riddiford	Support in part  Support
526.48	Wellington Regional Council	-	-

### **Discussion**

The **Department of Conservation** (525.63) seek that information be provided about what erosion events are likely to occur and that if there is currently no information available then this should be clearly stated, and for the plan to indicate that there is a need to take a precautionary approach and follow this up with an appropriate policy. **D Riddiford** support this submission. **Federated Farmers of NZ (Inc)** support this submission in respect of the request that information be provided about what erosion events are likely to occur.



**Greater Wellington Regional Council** (526.48) seek 14.1.2 be amended to include the estimated probability of return periods for tsunami events.

### Evidence Heard

The **Department of Conservation** (525.63) noted their support of the intent of the acceptance in part of their submission, but suggest two changes including the placement of the text at the end of section 14.1.2 as this ensures the text also clearly applies in relation to tsunamis; and that the word erosion be replaced with hazard.

**Federated Farmers of NZ (Inc)** presented evidence at the hearing stating they do not support the Section 42A Report recommendation to add the sentence to 14.1.2. The hearing evidence provides that “in our opinion restrictions on land use to control adverse environmental outcomes must be appropriate, able to be justified and supported by scientific data”.

**Greater Wellington Regional Council** (526.48) spoke in support of their submission requesting paragraph 3 is replaced with text that better portrays the seriousness of tsunamis and include estimates of the probability of the return period for tsunami events on the Wairarapa Coast.

### Commissioners’ Deliberations

The Section 42A Report recommends the following addition to 14.1.2: *“Specific detailed information on the extent of coastal erosion is not available but the Plan adopts a precautionary approach to avoid or reduce the potential adverse effects on development from the natural processes of the coast.”* The precautionary approach adopted in the plan is supported and considered appropriate. The general support by the original submitter for this amendment is noted. However the Commissioners agree with the hearing evidence provided by the Department of Conservation for the placement of the text at the end of section 14.1.2 as this ensures the text also clearly applies in relation to tsunamis. With respect to the request that the word erosion be replaced with hazard, the Commissioners consider the presence of both words provides clarity on the intent of the sentence.

The Commissioners note the submission and hearing evidence from Greater Wellington Regional Council for the amendment to paragraph 3. The Commissioners concur with the Section 42A Report that the current wording in the explanation of 14.1.2 adequately identifies the potential hazard of tsunami events on the Wairarapa Coast. The information provided by Greater Wellington Regional Council is an estimate only and the Commissioners do not consider the suggested amendment better describes or provides any greater level of information as to the hazard issue.

### Decision: 14.1.2 Coastal Erosion and Inundation

Submission Reference:

525.63    Accept in part  
FS 85     Accept in part  
FS 112    Accept in part

526.48    Reject

### Decision Amendment: 14.1.2 Coastal Erosion and Inundation

Amend 14.1.2 by adding the following sentence at the end of the existing text as follows:

*The difficulties in managing risk include the relative infrequency of such events, and the speed by which many can occur.*

***Specific detailed information on the extent of coastal erosion and hazards is not available, but the Plan adopts a precautionary approach to avoid or reduce the potential adverse effects on development from the natural processes of the coast.***

## Reasons

This decision is made for the following reasons:

- The amendment highlights the precautionary approach adopted in the Plan in relation to coastal hazards.
- The provisions are considered to be consistent with the Act and identify and describe the risks associated with tsunamis.

### 14.1.3 Earthquakes

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.49	Wellington Regional Council	-	-

## Discussion

**Greater Wellington Regional Council** (526.49) seek paragraphs 1, 3 and 4 of '14.1.3 Earthquakes' be amended as the submitter considers that these sections could be better expressed.

## Evidence Heard

**Greater Wellington Regional Council** (526.49) noted their support for the Section 42A report recommendation for amendments to paragraphs 1, 3 and 4 of 14.1.3.

## Commissioners' Deliberations

The Commissioners note the support from the submitter in relation to the amendments to paragraphs 1, 3 and 4 of 14.1.3. The amendments contain additional description and details of attributes that contribute to the severity of the effects of earthquakes, and this additional information is considered beneficial in terms of explaining the nature of the hazard.

## Decision: 14.1.3 Earthquakes

Submission Reference:

526.49 Accept in part

### Decision Amendment: 14.1.3 Earthquakes

Delete paragraph 1 and replace it with the following:

~~There are many active faults .....in areas with sediment and high groundwater tables.~~

**There are many known active fault lines in the Wairarapa. An earthquake on a fault may cause extensive ground shaking, particularly in areas with soft sediments and high groundwater tables, as well as rupture of the fault at the ground surface with permanent ground deformation.**

Replace the first sentence of paragraph 3 as follows:

~~The amount of ground shaking (amplification) experienced in an area during an earthquake will depend on the ground materials, as well as the severity and location of the earthquake.~~

**The intensity of ground shaking experienced in an area during an earthquake will depend on the ground materials, as well as the magnitude (size) and location of the earthquake.**

Delete paragraph 4 and replace it with the following:

~~Apart from the problems.....buried by recent deposits.~~

**Apart from the problems in determining the frequency and magnitude of earthquakes, it can also be difficult to accurately identify the location of active fault lines. This issue is particularly so for fault lines whose scarps have been eroded or covered by younger sediments, and which are most likely to be less active faults that have not ruptured for a considerable length of time (i.e. several thousand years).**

### Reasons

This decision is made for the following reasons:

- The amendments contain additional description and details of attributes that contribute to the severity of the effects of earthquakes, and this additional information is considered beneficial in terms of explaining the nature of the hazard.

### 14.1.4 Hill Country Erosion

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.50	Wellington Regional Council	-	-

239.4	S Scott	-	-
238.4	R Scott	-	-

## Discussion

**S Scott** (239.4) and **R Scott** (238.4) request provision 14.1.14 be retained.

**Greater Wellington Regional Council** (526.50) seek a new paragraph be added to '14.1.4 Hill Country Erosion' to identify that soil stability can also be affected by land use activities such as earthworks, formation/construction of tracks, and development of building platforms.

## Evidence Heard

**Greater Wellington Regional Council** (526.50) noted their support for the Section 42A report recommendation for amendments to the explanation paragraph of 14.1.4 and acceptance in part of their submission.

## Commissioners' Deliberations

The Commissioners note the general support from submitters in relation to the existing provisions and the suggested amendment which adds clarity to the Introduction.

## Decision: 14.1.4 Hill Country Erosion

Submission Reference:

526.50	Accept in part
239.4	Accept
238.4	Accept

## Decision Amendment: 14.1.4 Hill Country Erosion

Amend the explanation paragraph of 14.1.4 as follows:

*Hill country slipping normally results from heavy rainfall on steep land, which is unprotected by extensive vegetation cover. Human activity, such as vegetation removal and steep roadside cuttings, can exacerbate erosion risks. **Soil stability can also be affected by land use activities such as earthworks, formation and construction of tracks, and development of building platforms. In some areas these activities can remobilise an existing instability, such as by removing soil from the toe of a slip, or uncovering ground which has an underlying geotechnical instability that becomes obvious once development commences. This hazard is mainly....***

## Reasons

This decision is made for the following reasons:

- The amendment adds clarity to the Introduction.

## 14.1.5 Climate Change

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.66	Department of Conservation	-	-
524.52	Federated Farmers of NZ (Inc)	FS 52 Horticulture NZ FS 89 Wellington Regional Council FS155 K Reedy FS157 J Diederich	Support Oppose  Support Support
498.7	Wairarapa Public Health	-	-

### Discussion

**The Department of Conservation** (525.66) and **Wairarapa Public Health** (498.7) support 14.1.5.

**Federated Farmers of NZ (Inc)** (524.52) seeks '14.1.5 Climate Change' be deleted in its entirety or, alternatively that paragraph 3 be deleted. **Horticulture NZ**, **K Reedy**, and **J Diederich** support this submission. **Greater Wellington Regional Council** opposes this submission.

### Evidence Heard

**The Department of Conservation** (525.66) did not provide evidence specifically on this point, rather commented on new Policy 14.3.2. However in evidence presented at the hearing they requested the insertion of an additional sentence after the first sentence of 14.1.5 as follows: "For the coast, there is also the change in sea level – the ongoing and accelerating sea level rise as sea water expands and land ice melts with global warming."

**Federated Farmers of NZ (Inc)** (524.52) spoke in support of their submission requesting the deletion of paragraph 3 of 14.1.5. In its hearing evidence, Federated Farmers of NZ (Inc) stated "In our opinion it is inappropriate and an unnecessary duplication to use the resource consent process to meet the council obligations for assessing the effects of climate change. An assessment of the impact of climate change will have been incorporated into the mapping of areas at risk from natural hazards such as flooding or coastal erosion. As such Council has met its section 7(i) obligations with the identification and related land use controls over Flood Hazard Areas, Erosion Hazard Areas and the Foreshore Protection Area." The following wording (or words to this effect) are suggested to replace paragraph 3: "Assessment of climate change has been considered during the mapping of Natural Hazard areas".

**Greater Wellington Regional Council** (FS89) spoke in support of the Section 42A Report recommendation for the retention of 14.1.5 and rejection of submission 524.52.

### Commissioners' Deliberations

The Commissioners note the general support from Department of Conservation and Wairarapa Public Health in relation to 14.1.5.

The Commissioners have considered the points raised by Federated Farmers of NZ (Inc) and further submitters requesting the deletion of paragraph 3. However, the Commissioners concur the assessment in the Section 42A report, and consider it appropriate that the paragraph remain. As noted in the Greater Wellington Regional Council hearing evidence, the effects of climate change are a Section 7 matter in the RMA. Section 7 provides:

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to (i) the effects of climate change.*

The Commissioners consider that where a proposed development has potential to be adversely affected by the effects of climate change (e.g. by locating development in areas potentially adversely affected by natural hazards such as in the Flood Hazard Area and Erosion Hazard Area, or where climate change could affect natural coastal processes such as in the Foreshore Protection Area) or the development itself will adversely contribute to climate change, then it is appropriate that this matter be analysed in the Assessment of Environmental Effects with the resource consent application for the proposed development. Such inclusion provides the mechanism for mitigation measures to be adopted where appropriate.

The Commissioners concur with the Greater Wellington Regional Council hearing evidence which provides that while there is a debate about the extent of climate change, there is now agreement within the scientific community that climate change variability will be more marked and that adaption as well as mitigation will be required.

The Commissioners do not believe the sentence relating to sea level is necessary as sea level changes form part of climate change and this is adequately addressed in the plan.

Therefore, for the above reasons it is decided to retain '14.1.5 Climate Change' in its entirety.

## **Decision: 14.1.5 Climate Change**

### **Submission Reference:**

525.66	Accept in part.
498.7	Accept
524.52	Reject
FS 52	Reject
FS 89	Accept
FS155	Reject
FS157	Reject

## **Reasons**

This decision is made for the following reasons:

- The effects of climate change are central to the principles of sustainable management including planning for how communities can adapt to the effects of climate change.
- Where a proposed development has potential to be adversely affected by the effects of climate change or the development itself will adversely contribute to climate change, it is appropriate that this be included in the Assessment of Environmental Effects with the resource consent application for the proposed development.

## 14.2 Significant Resource Management Issues: Issue 5

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.53	Federated Farmers of NZ (Inc)	FS 89 Wellington Regional Council FS155 K Reedy FS157 J Diederich	Oppose  Support Support

### Discussion

**Federated Farmers of NZ (Inc)** (524.53) seek Significant Resource Management Issue 5 be deleted. **K Reedy** and **J Diederich** support this submission. **Greater Wellington Regional Council** oppose this submission.

### Evidence Heard

**Federated Farmers of NZ (Inc)** (524.53) spoke in support of the Section 42A Report recommendation for the amendment of 14.2 Significant Resource Management Issues: Issue 5, and partial acceptance of their submission 524.53.

**Greater Wellington Regional Council** (FS89) spoke in support of the Section 42A Report recommendation for the amendment of 14.2 Significant Resource Management Issues: Issue 5, and partial acceptance of submission 524.53.

### Commissioners' Deliberations

The Commissioners note the general support from submitters in relation to the following amendment to 14.2 Significant Resource Management Issues: Issue 5:

*The frequency and intensity of natural hazards ~~to likely to increase~~ **may change** as a result of the effects of climate change.*

The Commissioners concur with the recommendation and consider it appropriate the reference to climate change be retained subject to the modification identified above.

### Decision: Significant Resource Management Issues: Issue 5

Submission Reference:

524.53	Accept in part
FS 89	Accept in part
FS155	Accept in part
FS157	Accept in part

### Decision Amendment: Significant Resource Management Issues: Issue 5

Amend Significant Resource Management Issues: Issue 5 as follows:

*The frequency and intensity of natural hazards ~~is likely to increase~~ **may change** as a result of the effects of climate change.*

## Reasons

This decision is made for the following reasons:

- The effects of climate change are central to the principles of sustainable management including planning for how communities can adapt to the effects of climate change.

## 14.2 Significant Resource Management Issues: Add a New Issue

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.64	Department of Conservation	FS 85 Federated Farmers of NZ (Inc) FS 112 D Riddiford	Oppose  Oppose

### Discussion

The **Department of Conservation** (525.64) seek that a new Significant Resource Management Issue be added that addresses the impact of hazard protection works on natural values. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose this submission.

### Evidence Heard

The **Department of Conservation** (525.64) spoke in support of their submission and requests further amendment to the issue to read:

*“Hard engineering works to protect property and land from natural hazards have the potential to adversely affect the natural environment and weaken existing natural defences to natural hazards. However, alternative soft options such as dune restoration and beach nourishment, which can enhance amenity values, natural defences and biodiversity, are increasingly being used along part of the New Zealand coastline as an effective coastal hazard response.”*

### Commissioners’ Deliberations

The Commissioners note the Section 42A report recommended the addition of a new Significant Resource Management Issue 6 as follows:

*The environmental effects from works associated with protecting property and land from natural hazards has the potential to adversely affect the natural environment and weaken existing natural defences to natural hazards.*

The hearing evidence provided by the Department of Conservation accepts this recommendation, but suggests further amendment to the issue so as to better clarify and refine the issue, and make the plan more coherent. This suggested amendment is provided above.

The Commissioners consider the amendment put forward by the Development better explains the types and resulting effects of protection works on the natural environment and is consistent with the New Zealand Coastal Policy Statement.



## Decision: 14.2 Significant Resource Management Issue: Add a New Issue

Submission Reference:

525.64 Accept in part  
FS 85 Reject  
FS 112 Reject

## Decision Amendment: 14.2 Significant Resource Management Issue: Add a New Issue

Add a new Significant Resource Management Issue 6 as follows:

***Hard engineering works to protect property and land from natural hazards have the potential to adversely affect the natural environment and weaken existing natural defences to natural hazards. However, alternative soft options such as dune restoration and beach nourishment, which can enhance amenity values, natural defences and biodiversity, are increasingly being used along part of the New Zealand coastline as an effective coastal hazard response.***

## Reasons

This decision is made for the following reasons:

- In promoting the sustainable management of the natural and physical resources, the District Council's must balance the need to avoid and mitigate the effects of natural hazards on people and property and protect the natural character and systems of the coastal environment.

### 14.3.1 Objective NH1 – Areas at Significant Risk from Natural Hazards

## Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.51	Wellington Regional Council	-	-

## Discussion

**Greater Wellington Regional Council** (526.51) seek Objective 14.3.1 and the supporting Policies in 14.3.2 and the Explanation in 14.3.3 be amended so that there is the ability to manage risk from hazards in all areas, as opposed to the Proposed Plan which manages significant risk in identified areas. It is not always known where the risks exist (not identified) and further, whether they are significant (especially if they are not known). For the Wairarapa situation, it may be useful to ask for earthquake geotechnical information and soil stability information as part of the consent process and this may reveal risk in areas not previously identified as at risk from natural hazards.

## Evidence Heard

**Greater Wellington Regional Council** (526.51) noted their acceptance of the Section 42A Report recommendation for the rejection of their submission and retention of the status quo.

## Commissioners' Deliberations

The Commissioners note the acceptance by the submitter of the Section 42A report which recommends the rejection of the submission and retention of the status quo.

As noted in the Section 42A Report, it is considered that the Proposed Plan adopts a responsible approach by managing risk from identifiable significant hazards. If the potential risk from a natural hazard is low or cannot be identified it is not considered to be sustainable management to adopt an approach that would impose requirements or restrictions on land owners on the basis that because a hazard is not known or identified that the site should still be treated as being potentially at risk from a natural hazard. The current approach does not restrict the Council's ability to request information for a specific issue, assessed on a case by case basis.

The Commissioners concur with this assessment and therefore, it is decided to not amend Objective 14.3.1 or the supporting Policies and Explanation to change the approach of the Plan from managing the risks of significant identifiable natural hazards to a more general approach of treating all sites as being at risk from natural hazards.

### Decision: 14.3.1 Objective NH1 – Areas at Significant Risk from Natural Hazards

Submission Reference:

526.51      Reject

### Reasons

This decision is made for the following reasons:

- The Plan adopts a responsible approach by managing risk from identifiable significant hazards. The current wording does not restrict the ability of Councils to request information where a risk is suspected, in order to assess its significance for any proposed land use.

### 14.3.2 NH1 Policies: Policy (a)

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.54	Federated Farmers of NZ (Inc)	FS 89 Wellington Regional Council  FS155 K Reedy FS157 J Diederich	Oppose  Support Support
526.52	Wellington Regional Council	-	-

### Discussion

**Greater Wellington Regional Council** (526.52) seeks Policy (a) be retained.

**Federated Farmers of NZ (Inc)** (524.54) seek that either reference to Flood Hazard Areas and Erosion Hazard Areas be deleted or, alternatively, during 2007 conduct a comprehensive assessment to identify the Flood Hazard Area and Erosion Hazard Area applying consistent criteria and with due consultation with landowners and the wider community, and to notify a Variation to the Plan incorporating the results of the above assessment with amended Objectives, Policies and Methods. **K Reedy** and **J Diederich** support this submission. **Greater Wellington Regional Council** oppose this submission.

## Evidence Heard

**Greater Wellington Regional Council** (526.52) noted their support for the Section 42A Report recommendation for the acceptance of their submission and retention of the status quo. Support for the Section 42A Report recommendation for the rejection of submission 524.54 and acceptance of their further submission opposing submission 524.54 is also noted.

**Federated Farmers of NZ (Inc)** (524.54) spoke on this issue in respect of their submission (Plan provision 14.1 Introduction) requesting that the Council's undertake meaningful discussion with affected landowners to ensure that hazard areas are ground truthed, take site specific factors into account and landowners understand the impact that these areas will have on their farming practices.

## Commissioners' Deliberations

The issue raised by Federated Farmers of NZ (Inc) requesting the reference to Flood Hazard Areas and Erosion Hazard be deleted or, alternatively, comprehensive assessment and consultation be undertaken, has been addressed under Section 14.1 Introduction, of this report. As noted in the Section 42A Report, the identified Flood Hazard Areas and Erosion Hazard Areas in the Plan are based on data relating to the overtopping of banks from previous flood events and modelling from Wellington Regional Council, and from data held by Councils in relation to localised stormwater flooding that has occurred in the past due to the inability of stormwater catchments to handle the stormwater run-off from the storm event. The Flood Hazard Areas and Erosion Hazard Areas in the Plan are therefore based on factual data of areas that are subject to potential flood and erosion hazard. It is therefore not necessary to undertake a further assessment. Where new information becomes available either from future flood events, from future modelling, or from future physical mitigation measures, and which shows that the flood or erosion extent has changed (increased or reduced), any such change would be incorporated into the Plan provisions and be the subject of a future Plan Change.

The Commissioners concur with the recommendation of the Section 42A Report to reject submission 525.54.

## Decision: 14.3.2 NH1 Policies: Policy (a)

Submission Reference:

526.52	Accept
524.54	Reject
FS 89	Accept
FS155	Reject
FS157	Reject

## Reasons

This decision is made for the following reasons:

- The Flood Hazard Areas and Flood Alert Areas are based on the most accurate and up-to-date information available at the time, and will continually be refined as new information becomes available.

### 14.3.2 NH1 Policies: Policy (b)

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.55	Federated Farmers of NZ (Inc)	-	-
526.52	Wellington Regional Council	-	-
523.15	K and M Williams	FS 52 Horticulture NZ FS 85 Federated Farmers of NZ (Inc) FS 112 D Riddiford	Support Support Support

#### Discussion

**Federated Farmers of NZ (Inc)** (524.55) and **Greater Wellington Regional Council** (526.52) support Policy (b). (The concern of Federated Farmers regarding Rule 21.1.17 will be commented on in their submission on Rule 21.1.17.)

**K and M Williams** (523.15) seeks Policy (b) be amended so that it does not apply to low risk everyday farming and domestic activities in the Flood Hazard Area, or amend the rules applying to the mapped Flood Hazard Area. **Horticulture NZ, Federated Farmers of NZ (Inc)** and **D Riddiford** support this submission.

#### Evidence Heard

**Federated Farmers of NZ (Inc)** (524.55) spoke in support of their submission noting their general support for policy 14.3.2(b). In the hearing evidence, Federated Farmers of NZ (Inc) note “Federated Farmers supports the intent of this provisions however we submit that council has not ranked the identified areas of risk and as such has not given itself the ability to differentiate between significant risk or otherwise.” Concerns with Rule 21.1.17(a) are identified later. No alternative relief is sought in the hearing evidence in relation to Policy (b).

**Greater Wellington Regional Council** (526.52) noted their support for the Section 42A Report recommendation for the acceptance of their submission and retention of the status quo.

**K and M Williams** (523.15) noted their support for the Section 42A Report recommendation that the policy remains unchanged, provided the associated Rules (21.1.17) are modified in accordance with their submission. The hearing evidence states “the wording of these policies is appropriate where it relates to high risk activities such as locating new dwellings or subdivisions in flood zones, but where they relate to everyday farming activities they are overly and unfairly restrictive. As acknowledged in our submission, it is probably most appropriate that the relief sought is by way of a significant overhaul of the Rules (21.1.17)

relating to these policies, rather than the policies themselves. However, it is important to keep in mind that these are policies with which a resource consent will be assessed against to determine its suitability.”

## Commissioners’ Deliberations

The Commissioners note the general support from submitters in relation to retaining Policy (b). As discussed in the Section 42A Report recommendation, it is appropriate that the location of structures and buildings, in particular habitable buildings, be controlled in the Flood Hazard areas to provide for people’s wellbeing and safety. The provisions do not preclude resource consent applications for structures and buildings in these areas which would be subject to rigorous assessment as to location, floor levels, effects of buildings on the flood extent (e.g. buildings obstructing the flood path can change the extent of the flow path), and so forth. The matter of normal farming activities in the Flood Hazard Area are evaluated in submissions on Rule 21.1.17. Therefore, it is decided to retain Policy (b) as currently worded.

### Decision: 14.3.2 NH1 Policies: Policy (b)

Submission Reference:

524.55 Accept  
 526.52 Accept  
 523.15 Reject  
 FS 52 Reject  
 FS 85 Reject  
 FS 112 Reject

## Reasons

This decision is made for the following reasons:

- It is appropriate that the location of structures and buildings, in particular habitable buildings, be controlled in Flood Hazard Areas and Erosion Hazard Areas to provide for people’s wellbeing and safety.

### 14.3.2 NH1 Policies: Policy (c)

## Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
523.15	K and M Williams	FS 52 Horticulture NZ FS 85 Federated Farmers of NZ (Inc) FS 112 D Riddiford	Support Support Support

## Discussion

**K and M Williams** (523.15) seeks Policy (c) be amended so that it does not apply to low risk everyday farming and domestic activities in the Flood Hazard Area, or amend the rules applying to the mapped Flood Hazard Area. **Horticulture NZ, Federated Farmers of NZ (Inc)** and **D Riddiford** support this submission.

## Evidence Heard

**K and M Williams** (523.15) noted their support for the Section 42A Report recommendation that the policy remains unchanged, provided the associated Rules (21.1.17) are modified in accordance with their submission. The hearing evidence states "the wording of these policies is appropriate where it relates to high risk activities such as locating new dwellings or subdivisions in flood zones, but where they relate to everyday farming activities they are overly and unfairly restrictive. As acknowledged in our submission, it is probably most appropriate that the relief sought is by way of a significant overhaul of the Rules (21.1.17) relating to these policies, rather than the policies themselves. However, it is important to keep in mind that these are policies with which a resource consent will be assessed against to determine its suitability."

## Commissioners' Deliberations

As discussed in the Section 42A Report recommendation, it is appropriate that the location of activities and development, be controlled in these areas to provide for people's wellbeing and safety. The provisions do not preclude resource consent applications for new activities and development in these areas which would be subject to rigorous assessment as to location, floor levels, effects of buildings on the flood extent (e.g. buildings obstructing the flood path can change the extent of the flow path), and so forth. The matter of normal farming activities in the Flood Hazard Area are evaluated in submissions on Rule 21.1.17. Therefore, it is decided to retain Policy (c) as currently worded.

## Decision: 14.3.2 NH1 Policies: Policy (c)

Submission Reference:

523.15	Reject
FS 52	Reject
FS 85	Reject
FS 112	Reject

## Reasons

This decision is made for the following reasons:

- It is appropriate that the type, location and design of new activities and development be controlled in Flood Hazard Areas and Erosion Hazard Areas to provide for people's wellbeing and safety.

## 14.3.2 NH1 Policies: Policy (e)

## Submission Summary

Submitter	Submitter	Further Submitter Name and	Further Submission
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Number	Name	Number	Support/Oppose
524.56	Federated Farmers of NZ (Inc)	FS155 K Reedy FS157 J Diederich	Support Support
523.15	K and M Williams	FS 52 Horticulture NZ FS 85 Federated Farmers of NZ (Inc) FS 112 D Riddiford	Support Support Support

## Discussion

**Federated Farmers of NZ (Inc)** (524.56) seek that Policy (e) be deleted and strongly oppose it. **K Reedy** and **J Diederich** support this submission.

**K and M Williams** (523.15) seeks Policy (e) be amended so that it does not apply to low risk everyday farming and domestic activities in the Flood Hazard Area, or amend the rules applying to the mapped Flood Hazard Area. **Horticulture NZ, Federated Farmers of NZ (Inc)** and **D Riddiford** support this submission.

## Evidence Heard

**Federated Farmers of NZ (Inc)** (524.56) spoke in support of their submission for the deletion or amendment of Policy (e). The amendment recommended in the Section 42A report is noted and the submitter notes that the amended wording more accurately reflects the land use activity which Council wishes to control. However concerns remain that the storage of hazardous substance used in farming practice would still be captured by this policy and therefore the submitter submits that Policy 14.3.2(e) be amended to read:

*Control the ~~location and presence~~ storage of hazardous substances in areas subject to natural hazards to ensure there is no increase in the effects of the natural hazard or risk to the community from hazardous substances. This policy does not relate to the storage of hazardous substances used from primary production (or words to that effect).*

**K and M Williams** (523.15) noted their support for the Section 42A Report recommendation that the policy remains unchanged, provided the associated Rules (21.1.17) are modified in accordance with their submission. The hearing evidence states "the wording of these policies is appropriate where it relates to high risk activities such as locating new dwellings or subdivisions in flood zones, but where they relate to everyday farming activities they are overly and unfairly restrictive. As acknowledged in our submission, it is probably most appropriate that the relief sought is by way of a significant overhaul of the Rules (21.1.17) relating to these policies, rather than the policies themselves. However, it is important to keep in mind that these are policies with which a resource consent will be assessed against to determine its suitability."

## Commissioners' Deliberations

The Commissioners understand the concerns raised by submitters in relation to the application of the policy in respect of farming practices and it is acknowledged that the use and storage of hazardous substances is a common part of normal farming practice. The Section 42A Report recommendation recognised that the intent of Policy (e) is not to prevent the use or storage of hazardous substances used in farming practice, and a recommendation was made to amend the wording so as to control the storage of hazardous substances and not their use or presence.

We consider the thresholds applied for the use, storage transportation and production applied in the Hazardous Substances chapter are appropriate, with no specific or different thresholds for areas subject to natural hazards. However, if resource consent was required based on the thresholds for the quantity of hazardous substance used, stored, transported or disposed of, the assessment of the resource consent application would include consideration that the area was subject to a natural hazard.

As discussed in the Chapter 15 Hazardous Substances Decision Report, we consider the use and storage of hazardous substances is a normal part of farming practice, and that the policies and rules should provide for this activity. To avoid duplication, the management of hazardous substances is not required under Rule 21.1.17.

Accordingly, Policy (e) is amended to reflect the consistent approach for hazardous substances, and that their use, storage, transportation and disposal would be considered if the permitted activity thresholds were exceeded. In addition, a consequential change is required to Chapter 15 recognising the consistent approach.

Amendments to Rule 21.1.17 are discussed later in this report.

### **Decision: NH1 Policies: Policy (e)**

Submission Reference:

524.56	Reject
FS155	Reject
FS157	Reject
523.15	Accept in part
FS 52	Accept in part
FS 85	Accept in part
FS 112	Accept in part

### **Decision Amendment: NH1 Policies: Policy (e)**

Amend Policy 14.3.2 (e) as follows:

*(e) ~~Control~~ **Manage** the location and presence use, storage, transportation and disposal of hazardous substances in areas subject to natural hazards to avoid, remedy or mitigate adverse effects from hazardous substances to the environment, and to the health and safety of people. ensure there is no increase in the effects of the natural hazard or risk to the community from hazardous substances.*

### **Consequential Change: Decision Amendment: NH1 Policies: Policy (e)**

Delete the following text from 15.3.3 Explanation:

*~~The use, storage, transportation and disposal of hazardous substances within natural hazard areas require specific controls to minimise the risks arising from the disruption of the normal control and management of hazardous substances during a natural disaster: for example, during a flood, large quantities of hazardous substances could be discharged accidentally.~~*

### **Reasons**

This decision is made for the following reasons:



- A consistent approach is applied to managing the use, storage, transportation and disposal of hazardous substances to ensure the adverse effects to the environment, and the health and safety of people are avoided, remedied or mitigated.
- The resource consent application process provides an effective approach for assessing the adverse effects for hazardous substances, in particular, in locations which are subject to natural hazards.

### 14.3.2 NH1 Policies: Add New Policies

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.66	Department of Conservation	-	-
525.67	Department of Conservation	FS 90 Wellington Regional Council FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Support Oppose Oppose
525.68	Department of Conservation	FS 90 Wellington Regional Council FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Support Support Support
525.69	Department of Conservation	FS75 K & M Williams	Oppose

#### Discussion

The **Department of Conservation** (525.66) seek that the following new Policies and Explanation to address Climate Change be added to '14.3.2 NH1 Policies' as follows:

*“Ensure that all development takes into account long term shifts in climate and the likelihood of sea level rise by ensuring that a precautionary approach is applied for all new development.”*

*“Allow for the future likely need for retreat of natural systems and existing and new development in relation to climate changes.”*

*“Identify areas at risk (including natural areas) from sea level rise and provide ‘retreat’ buffer areas where future development will be restricted.”*

*“Explanation*

*Sea level rise will result in a retreat of natural coastal systems (dunes, estuaries, salt marsh). Unless coastal ‘retreat’ areas are left around important natural areas these ecosystems are likely to be lost, or squeezed out by developed areas inland.”*

The **Department of Conservation** (525.67) seeks that four new Policies and guidance from the Wairarapa Coastal Strategy be added to '14.3.2 NH1 Policies'. **Greater Wellington Regional Council** supports this submission. **D Riddiford** and **Federated Farmers of NZ (Inc)** oppose this submission.

The **Department of Conservation** (525.68) seek that three new Policies to address hill country erosion be added to '14.3.2 NH1 Policies' as follows:

*"Work with the Regional Council to encourage and support landowners to consider different land use in areas of excessive erosion, or set aside by reserve or covenant, steep, slip prone areas and gullies and streams."*

*"Ensure hazard prone areas are not developed in any way that would exacerbate the hazard."*

*"Promote the protection and restoration of areas prone to severe erosion where subdivision and development of these areas occurs."*

**Wellington Regional Council, Federated Farmers of NZ (Inc)** and **D Riddiford** support the submission of the **Department of Conservation** (525.68).

The **Department of Conservation** (525.69) seek greater Policy guidance and explanatory text relating to the NZ Coastal Policy Statement and Wairarapa Coastal Strategy issues, including the need to 'avoid' placing people and property in hazard areas. **K & M Williams** oppose this submission.

## **Evidence Heard**

The **Department of Conservation** spoke in support of their submission (525.66) seeking new policies and explanation. The Department does not consider the general and non-specific policy wording recommended in the Section 42A report provides adequate policy guidance and the Department requests the recommendation be set aside and amendments be made.

The **Department of Conservation** spoke in support of their submission (525.67) and (525.69) and seek the Planning Recommendation be set aside and new policies be added, and an explanation to address the new coastal hazard policy be added as a separate paragraph.

The **Department of Conservation** spoke in support of their submission (525.68) and seek the Planning Recommendation be set aside and new policies be added. The Department does not consider that other policies plus the modified policy recommended in the Planning Report properly address the specific issue and the desirability of specific policy guidance to promote sustainable management of erosion prone hill country.

**Greater Wellington Regional Council** noted their acceptance of the Section 42A report in respect of submissions (525.67) and (525.68) by the Department of Conservation.

**K & M Williams** (FS75) commented that the Planning report overlooked their further submission on submission 525.69. However, the submitter notes that the recommended additional paragraphs relate to sea level rise and are of no concern. As such the submitter accepted the Section 42A recommendation provided the wording does not deviate from that recommended in the Section 42A Report.

## Commissioners' Deliberations

The Commissioners considered the submission and hearing evidence in relation to submission 525.66 seeking policy guidance to address climate change effects, and further considered the recommendation of the Section 42A Report. The Commissioners recognise Council has a duty under section 7(i) in Part II of the Act to have particular regard to the effects of Climate Change, and provisions of the New Zealand Coastal Policy Statement are also relevant. The Commissioners concur with the Section 42A Report that it is appropriate to focus attention in the Natural Hazards Chapter on a precautionary approach in relation to the potential effects of natural hazards arising from climate change in regard to effects for both the natural environment and development. The amendment recommendations of the Section 42A Report are supported by the Commissioners. These include a new policy (h) and a new paragraph between existing paragraph 5 and 6 of '14.3.3 Explanation'.

*Policy (h) Ensure a precautionary approach is taken in relation to planning for and adapting to the effects of natural hazards caused by long term shifts in climate and the possibility of sea level rise on both the natural environment and existing and future development.*

Add a new paragraph between existing paragraph 5 and 6 of '14.3.3 Explanation' as follows:

*The possibility of sea level rise may result in a retreat of natural coastal systems (dunes, estuaries, salt marsh). Planning for and adapting to the effects caused by long term shifts in climate need to consider both the natural environment (including effects on natural ecosystems), and existing and future development.*

The Department of Conservation have responded with amended suggested policies (as follows):

*Ensure that all development take into account long term shifts in climate and the likelihood of accelerating sea level rise by ensuring that a precautionary approach is applied for all new development.*

*To address sea level rise, and other potential climate change effects, make provision wherever practicable for the future landward migration of natural coastal features (such as beaches, dunes, estuaries and salt marsh) when considering proposals for new development and there-development of existing development.*

*As resources allow, proactively identify area (including natural areas) as risk from sea level rise and the landward migration of natural coastal features, so that there is increased certainty for the community and landowners over future development will be restricted.*

*Explanation:*

*Sea level rise will result in a landward migration of natural coastal features (such as beaches, dunes, estuaries, and salt marsh). Unless coastal buffers are left to enable such important natural coastal features to migrate landward, these ecosystems are likely to be lost over time – squeezed out by developed areas inland ('coastal squeeze').*

The Commissioners are of the opinion that the Section 42A policy and explanation effectively address the matters raised above. The suggested third policy above is addressed under Policy 14.3.4(b), and the suggested second policy above is addressed in the recommended Precautionary Policy of the Section 42A Report. As noted in the Section 42A Report, it is considered that having regard to the duration of the Proposed Plan (some 10 years) that the adoption of a precautionary approach as stated will enable this matter to be considered in the assessment of applications for development where relevant, and would also enable future studies to be undertaken on this matter where appropriate.

In regard to adding four new Policies, and guidance from the Wairarapa Coastal Strategy, the Commissioners noted the Section 42A Report recommended the insertion of policy (o) and (p) as follows:

(o) *Where existing subdivision, use or development is threatened by a coastal hazard, coastal protection works should be permitted only where they are the best practicable option for the future. The abandonment or relocation of existing structures should be considered among the options. Where coastal protection works are the best practicable option, they should be located and designed so as to avoid adverse environmental effects to the extent practicable.*

(p) *The ability of natural features such as beaches, sand dunes, wetlands and barrier islands, to protect subdivision, use, or development should be recognised and maintained, and where appropriate, steps should be required to enhance that ability.*

The Section 42A report also recommended to add new text to the end of paragraph 5 of '14.3.3 Explanation' as follows:

*.....By controlling the location and type of land use in natural hazard areas, the future losses experienced and the cost of response and recovery from natural disasters can be reduced. **Buildings and structures need to be managed in Hazard zones as they may be endangered and require ongoing protection work. Small scale or intensive subdivision or land use within a hazard zone would mean that even if houses were not in the hazard zone, land and infrastructure (trees, swimming pools, fences) could be and attempts would generally be made by landowners to use hard protection structures to retain these features, especially if land is at a premium (for example, coastal land). Even for relatively large scale 'lifestyle block' subdivision around a stream or river, consideration needs to be given to the likelihood of the stream moving and flooding so that landowners do not degrade the stream environment through flood and erosion protection works in the future. A riparian buffer and setback large enough to accommodate natural movement of waterbodies and the coast is often the most practical solution.***

The Department of Conservation hearing evidence request the Section 42A report recommendation be set aside and the following be inserted:

*14.3.2(a) For natural hazards other than coastal erosion, coastal inundation and tsunamis:*

*(i) (text from policy (a))*

*(ii) (text from policy (b))*

*(iii) (text from policy (c))*

*14.3.2(b) For the Coastal hazards of coastal erosion, coastal inundation and tsunamis (to take account of the Wairarapa Coastal Strategy 2004 and particular climate change effects on the coastal environment; and to give effect to the NZ Coastal Policy Statement) adopt the following coastal hazard response hierarchy:*

*(i) Identify where coastal hazards exist, with priority given to coastal areas with existing development and areas identified for future growth.*

*(ii) Promote awareness of natural coastal processes, the different coastal hazards they create, and the levels of hazard risk.*

*(iii) Locate and design subdivision, use and development so that coastal hazards are not increased and the need for hazard protection works is avoided.*

*(iv) Where existing development is threatened by a coastal hazard (e.g. coastal erosion) avoid 'hard' protection measures that will have adverse effects on the coastal environment unless all other options have been exhausted. This shall include trialling practicable options*

*that will maintain or enhance the special qualities of the Wairarapa coast (e.g. dune restoration).*

*(v) Where hard coastal hazard protection works form part of the best practicable response option, they should be located and designed so as to avoid adverse environmental effects to the extent practicable.*

*(vi) Retain, protect and restore natural coastal hazard defences, especially sand dunes, beaches, estuaries, saltmarshes, barrier island and sand spits.*

*Explanation*

*The coastal hazards of coastal erosion, coastal inundation and tsunami require particular treatment because of the particular effects of climate change on the coastal environment, and because they have been particularly addressed in both a national policy statement and the Wairarapa Coastal Strategy 2004. The RMA requires that this plan give effect to the NZ Coastal Policy Statement. The coastal hazard policy addresses the NZCPS concern that property protection works to mitigate coastal hazards can have significant adverse effects on the environment and amenity values (e.g. the loss of beaches and other natural coastal features, with consequent effects on matters of national importance including the natural character of the coastal environment and public access to and along the coastal marine area).*

In respect of the above submitted policies and explanation, the Commissioners make the following comments:

Submitted Policy (i) places an onerous requirement on Council to identify where coastal hazards exist. This issue is already effectively addressed under the existing policy (a).

Submitted Policy (ii) is already effectively addressed under the existing policy (g).

Submitted Policy (iii) is already effectively addressed under the existing policy (c)

Submitted Policy (iv) and (v) is already effectively addressed under the existing method (I).

Suggested Policy (vi) imposes a duty on Councils to not only retain and protect natural hazard defences but also to restore them. This Policy may have significant financial implications for Council and such considerations should involve assessment of best practicable options. That is quite different to Policy 3.4.3 of the New Zealand Coastal Policy Statement which requires the ability of natural features to protect development be recognised and maintained, and where appropriate steps can be taken to enhance that ability. The Commissioners support the addition of Policy 3.4.3 of the New Zealand Coastal Policy Statement as a new Policy to 14.3.2 of the Plan as it effectively and efficiently addresses covers the matters to be considered.

In terms of new Policies to address hill country erosion, the Commissioners note the recommended policy (q) in the Section 42A Report is an error and the recommended policy (o) relates to submission 525.67 and not 525.68.

The Department of Conservation hearing evidence request the Section 42A report recommendation is set aside and the following policies be inserted:

*Encourage and support landowners to consider different land uses in areas of excessive erosion, and/or to be set aside (be reserve or covenant) steep and slip-prone areas, gullies and streams.*

*Ensure hazard prone hill country areas are not developed in any way that would exacerbate the hazard.*

*Promote the protection and restoration of hill country areas prone to severe erosion where subdivision and development of these areas occurs.*

The Commissioners concur with the analysis provided in the Section 42A Report. The Commissioners do not believe the content of the first requested Policy above is subject material for a Policy, it contains initiatives or methods amongst others that Council's could use to avoid, remedy or mitigate adverse effects of activities on erosion prone hill country, and it is also considered that the examples provided could already occur under the provisions in '14.3.4 Methods to Implement Natural Hazards Policies'. Therefore, it is decided to not add the first of the requested new Policies.

In respect of the second and third submitted policies, the Commissioners concur with the Section 42A Report that given these issues are addressed in 14.3.2 NH1 Policies (a) (b) and (c), it is not considered effective to add a specific Policy for hill country erosion. The Policies in 14.3.2 apply to all hazards in the Wairarapa and do not single out one specific natural hazard over another.

For the reasons above, the Commissioners concur with the analysis and recommendations provided in the Section 42A Report.

### **Decision: 14.3.2 NH1 Policies: Add New Policies**

Submission Reference:

525.66	Accept in part
525.67	Accept in part
FS 90	Accept in part
FS 112	Accept in part
FS 85	Reject
525.68	Accept in part
FS 90	Accept in part
FS 112	Accept in part
FS 85	Accept in part
525.69	Accept in part
FS75	Accept in part

### **Decision Amendment: 14.3.2 NH1 Policies: Add New Policies**

Add a new Policy 14.3.2 (h) as follows:

***(h) Ensure a precautionary approach is taken in relation to planning for and adapting to the effects of natural hazards caused by long term shifts in climate and the possibility of sea level rise on both the natural environment and existing and future development.***

Add a new paragraph between existing paragraph 5 and 6 of '14.3.3 Explanation as follows:

***The possibility of sea level rise may result in a retreat of natural coastal systems (e.g. dunes, estuaries and salt marsh). Planning for and adapting to the effects caused by long term shifts in climate need to consider both the natural environment (including effects on natural ecosystems), and existing and future development.***

Add a new Policy 14.3.2 (i) as follows:

*(i) Where existing subdivision, use or development is threatened by a coastal hazard, coastal protection works should be permitted only where they are the best practicable option for the future. The abandonment or relocation of existing structures should be considered among the options. Where coastal protection works are the best practicable option, they should be located and designed so as to avoid adverse environmental effects to the extent practicable.*

Add a new Policy 14.3.2 (j) as follows:

*(j) The ability of natural features such as beaches, sand dunes, wetlands and barrier islands, to protect subdivision, use or development should be recognised and maintained, and where appropriate, steps should be required to enhance that ability.*

Add new text to the end of paragraph 5 of '14.3.3 Explanation' as follows:

*.....By controlling the location and type of land use in natural hazard areas, the future losses experienced and the cost of response and recovery from natural disasters can be reduced. **Buildings and structures need to be managed in Hazard zones as they may be endangered and require ongoing protection work. Small scale or intensive subdivision or land use within a hazard zone would mean that even if dwellings were not in the hazard zone, land and infrastructure could be, and attempts would generally be made by landowners to use hard protection structures to retain these features. For subdivision and development around a stream or river, consideration needs to be given to the likelihood of the stream moving and flooding, so that landowners do not degrade the stream environment through flood and erosion protection works in the future. A riparian buffer and setback large enough to accommodate natural movement of waterbodies and the coast is often the most practical solution.***

## Reasons

This decision is made for the following reasons:

- The above amendments are considered the most effective and efficient policies for managing natural hazards.

## 14.3.3 Explanation

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.65	Department of Conservation	-	-
431.8	Wairarapa Branch and National Office of the NZ	FS 85 Federated Farmers of NZ (Inc) FS 112 D Riddiford	Support  Support

	Forest and Bird Society		
526.53	Wellington Regional Council	-	-

## Discussion

**The Department of Conservation** (525.65) seeks new text be added to '14.3.3 Explanation' describing the need to 'avoid' placing people and property in hazard areas.

The **Wairarapa Branch and National Office of the NZ Forest and Bird Society** (431.8) seek that the Explanation be amended to include a commitment (timeline, funding, staff time/capacity) to accurately define hazard zones. **Federated Farmers of NZ (Inc)** and **D Riddiford** support this submission.

**Greater Wellington Regional Council** (526.53) seek that text be added between paragraphs 2 and 3 of the Explanation advising that Greater Wellington Regional Council has provided extensive information on the fault lines of the Wairarapa which can be incorporated in the District Plan. This information details the main faults, but because the fault geology of the Wairarapa is complex, the location of minor fault lines is not always known exactly. In instances where development is proposed and there are known to be faults locally present, investigations should be conducted to more precisely locate the position of the fault trace.

## Evidence Heard

**Greater Wellington Regional Council** (526.53) accepts the Section 42A report recommending amendment to '14.3.3 Explanation between para 2 and para 3' and the part acceptance of their submission.

## Commissioners' Deliberations

The Commissioners note the general support from submitters in relation to the amendments to 14.3.3 Explanation, as provided in the Section 42A Report.

## Decision: 14.3.3 Explanation

Submission Reference:

525.65	Accept
431.8	Accept in part
FS 85	Accept in part
FS 112	Accept in part
526.53	Accept in part

## Decision Amendment: 14.3.3 Explanation

Add a new paragraph between the current paragraphs 2 and 3 of '14.3.3 Explanation' as follows:

***Greater Wellington has provided extensive information on the fault lines of the Wairarapa. This information details the main faults, recognising that the fault geology of the Wairarapa is complex. In instances where development is proposed and there are known to be faults locally***



***present, investigations should be conducted to more precisely locate the position of the fault trace.***

Add a new paragraph between existing paragraph 5 and 6 as follows:

***The possibility of sea level rise may result in a retreat of natural coastal systems (e.g. dunes, estuaries and salt marsh). Planning for and adapting to the effects caused by long term shifts in climate need to consider both the natural environment (including effects on natural ecosystems), and existing and future development.***

## Reasons

This decision is made for the following reasons:

- The provisions are consistent with the remainder of the Plan and Natural Hazards chapter.
- The methods are considered the most effective and efficient way to implement natural hazards policies.

### 14.3.4 Methods to Implement Natural Hazards Policies: Methods (c) – (f)

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
523.16	K and M Williams	-	-

## Discussion

**K and M Williams** (523.16) seeks Methods (c) – (f) be retained.

## Evidence Heard

**K and M Williams** (523.16) presented evidence that they accept the Section 42A Report recommendation for the retention of the above policies, as supported in their submission. The submitters state that these methods are appropriate and are strongly supported by their submission.

## Commissioners' Deliberations

The Commissioners note the support from the submitter in relation to methods (c) – (f). The Commissioners concur with the Section 42A Report recommendation for the retention of the above methods.

### Decision: 14.3.4 Methods to Implement Natural Hazards Policies: Methods (c) – (f)

Submission Reference:

523.16      Accept

## Reasons

This decision is made for the following reasons:

- The methods are considered the most effective and efficient way to implement natural hazards policies.

### 14.3.4 Methods to Implement Natural Hazards Policies: Method (j)

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.55	Wellington Regional Council	-	-

## Discussion

**Greater Wellington Regional Council** (526.55) seek Method (j) be deleted and a sentence be added to the Explanation about the ability to use section 106 if necessary.

## Evidence Heard

**Greater Wellington Regional Council** (526.55) accepts the Section 42A report recommending the retention of Method (j) and the rejection of their submission. Wellington comments that describing statutory mechanisms available to the Council's in the Explanation could equally be argued to provide the educative role.

## Commissioners' Deliberations

The Commissioners note the support from the submitter, as stated in their hearing evidence. The Commissioners understand that one of the purposes of identifying Methods in the Plan is to bring to the attention of landowners, subdividers and developers the methods and processes that Council will use to implement the Policies of the Plan. Most members of the public are not familiar with the statutory provisions of the Act and referring to it as one Method to implement the Policies of the Natural Hazards chapter of the Plan brings it to the attention of potential subdividers. Natural hazards that are site specific like localised geotechnical issues, slope instability, hill country erosion, localised stormwater catchment/flooding issues and so forth are not specifically identified on the Planning Maps. Section 106 of the Act provides the statutory mechanism for Council to be able to decline subdivision applications or impose conditions of consent to avoid, remedy or mitigate the effects of the natural hazard. The identification of this in Method (j) is considered effective to bring attention to it and to identify that it is one Method (provided by statute) that Council will use to avoid, remedy or mitigate the adverse effects of natural hazards. Therefore, it is decided to retain Method (j) and consequentially it is not necessary to add a sentence to the Explanation about the ability to use section 106 of the Act.

### Decision: 14.3.4 Methods to Implement Natural Hazards Policies: Method (j)

Submission Reference:

526.55 Reject

## Reasons

This decision is made for the following reasons:

- Section 106 of the Act provides the statutory mechanism for Council to be able to decline subdivision applications or impose conditions of consent to avoid, remedy or mitigate the effects of the natural hazard, and is appropriately identified in the Plan as a method that Council will use to avoid, remedy or mitigate the adverse effects of natural hazards.

### 14.3.4 Methods to Implement Natural Hazards Policies: Method (m)

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.56	Wellington Regional Council	-	-

## Discussion

**Greater Wellington Regional Council** (526.56) seek Method (m) be deleted and a sentence be added to the Explanation about the Building Act requirements,

## Evidence Heard

**Greater Wellington Regional Council** (526.56) accepts the Section 42A report recommending the retention of Method (m) and the rejection of their submission. Greater Wellington Regional Council comments that describing statutory mechanisms available to the Council's in the Explanation could equally be argued to provide the educative role.

## Commissioners' Deliberations

The Commissioners note the support from the submitter, as stated in their hearing evidence. The Commissioners concur with the valuation in the Section 42A Report that the identification of the Building Act provisions as a Method is considered useful to bring attention to it and to identify that it is one Method (provided by statute) that Council could use to avoid, remedy or mitigate the adverse effects of natural hazards.

Therefore, it is decided to retain Method (m) and consequentially it is not appropriate to add a sentence to the Explanation about the Building Act requirements

### Decision: 14.3.4 Methods to Implement Natural Hazards Policies: Method (m)

Submission Reference:

526.56 Reject

## Reasons

This decision is made for the following reasons:

- The provisions of the Building Act is one method that Council can use and is appropriately identified in the Plan as a method that Council will use to avoid, remedy or mitigate the adverse effects of natural hazards.

### 14.3.5 Principal Reasons for Adoption

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.58	Wellington Regional Council	-	-

#### Discussion

**Greater Wellington Regional Council** (526.58) support the inclusion of Flood Hazard Areas and Erosion Hazard Areas in the Plan but consider that the description of the Flood Hazard Area in this section (and in Rule 21.1.17) can be better expressed.

#### Evidence Heard

**Greater Wellington Regional Council** (526.58) request a further amendment to the wording recommended in the Section 42A Report so as to highlight that there are other areas which may have a similar hazard (as the Flood Alert Areas) but which have not been specifically identified or investigated. The suggested wording is as follows:

***“Flood hazard areas are shown on the Planning Maps, with the ‘Flood Hazard Area’ representing the area subject to a flood risk with a 50-year flood return period, and the ‘Flood Alert Area’ having a 100-year flood return period identified by Greater Wellington Regional Council and the District Councils as at risk from flood events up to a 50 year return period. The ‘Flood Alert Area’ gives information on a few specific areas vulnerable to floods beyond the Flood Hazard Area, where events have occurred or a development has been proposed. There are other areas which may have a similar hazard but which have not been specifically identified or investigated.”***

#### Commissioners’ Deliberations

The Commissioners note the recommended amendment made in the Section 42A Report, in accordance with the amendment sought by Wellington Regional Council. In evidence provided at the hearing, the Regional Council requested a further amendment on the basis that *“at present it could be interpreted that the Flood Alert Area covers all areas which are vulnerable to floods up to the 100 year return period. The Flood Alert Areas identified in the plan represent some additional areas for which Greater Wellington has flood information because of a flood event or a development proposal. There are other areas which may have a similar hazard but which have not been identified or investigated”*.

The Commissioners support the further amendment as it provides further description relating to the ‘Flood Alert Area’.

### Decision: 14.3.5 Principal Reasons for Adoption

Submission Reference:

526.58      Accept in part

### Decision Amendment: 14.3.5 Principal Reasons for Adoption

Amend the first sentence of paragraph 2 of '14.3.5 Principal Reasons for Adoption' as follows:

*Flood hazard areas are shown on the Planning Maps, with the 'Flood Hazard Area' representing the area subject to a flood risk with a 50-year flood return period, and the 'Flood Alert Area' having a 100-year flood return period identified by Greater Wellington Regional Council and the District Councils as at risk from flood events up to a 50 year return period. The 'Flood Alert Area' gives information on a few specific areas vulnerable to floods beyond the Flood Hazard Area, where flood events have occurred or been investigated. There are other areas which may have a similar hazard but which have not been specifically identified or investigated.*

### Reasons

This decision is made for the following reasons:

- The amendment better clarifies the Flood Alert Area and its application.

## Chapter 14: Additional Matter – Recent Fault Location Information

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.59	Wellington Regional Council	-	-

### Discussion

**Greater Wellington Regional Council** (526.59) seeks that a Plan Change be initiated to incorporate the information contained in the two reports *Wairarapa Fault Trace Project 2006* (URS Ltd, Auckland) and *Martinborough Fault Project 2006* (GNS Science Consultancy Report 2006/91, GNS Science Lower Hutt), and that in the interim use the information in the reports for resource consent applications until the Plan Change takes effect.

### Evidence Heard

**Greater Wellington Regional Council** (526.59) accepts the Section 42A report to accept in part their submission.

### Commissioners' Deliberations

The Commissioners note the support from the submitter in respect of the Section 42A report which recommends the retention of the status quo.

As noted in the Section 42A Report, this information is being used by Councils when providing advice to land owners/resource users and in the assessment of applications. The Commissioners accept the reasoning provided in the Section 42A Report that there will at some time make a decision on incorporating this information into the Plan.

## Decision: Chapter 14: Additional Matter – Recent Fault Location Information

Submission Reference:

526.59 Accept in part.

### Reasons

This decision is made for the following reasons:

- The present practice is considered the most efficient and effective approach until such time as a plan change is initiated.

## Chapter 21: District Wide Land Use Rules: 21.1.16 Faultline Hazard Area

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
264.34	D Riddiford	-	-

### Discussion

**D Riddiford** (264.34) identifies in his submission that he will submit in further detail on Rule 21.1.16.

### Evidence Heard

No specific evidence was provided at the hearing.

### Commissioners' Deliberations

The Commissioners note that the submission does not state the relief sought or reasons for the submission on Rule 21.1.16 but that this will be submitted on in further detail. The submission states in respect of 'Chapter 14 Natural Hazards' that *"Care must be taken to avoid an unnecessarily prescriptive approach with Farmers, who are in the best position to balance risk."*

As no reasons are provided on specific relief sought stated in respect of Rule 21.1.16, the Commissioners have no reasons or information on which to make an amendment to Rule 21.1.16.

### Decision

Submission Reference:

264.34 Reject

## Reasons

This decision is made for the following reasons:

- As no reasons are provided or relief sought stated in respect of Rule 21.1.16, the Commissioners have no reasons or information on which to make an amendment to Rule 21.1.16.

## Chapter 21: District Wide Land Use Rules: 21.1.17 Flood Hazard Area and Erosion Hazard Area

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
280.1	Baird & Henderson Contracts Ltd	-	-
525.91	Department of Conservation	FS34 Adamson Land Surveyors	Oppose
524.71	Federated Farmers of NZ (Inc)	FS52 Horticulture NZ FS155 K Reedy FS157 J Diederich	Support Support Support
464.1	Java Trust Ltd	-	-
368.7	Oops!! Ltd	-	-
522.57	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS52 Horticulture NZ FS102 Windy Peak Trust	Oppose Oppose
526.100	Wellington Regional Council	FS52 Horticulture NZ	Support
24.4	M Taylor	-	-
176.2	N McLaren	-	-
264.35	D Riddiford	-	-
314.1	P & B Nicol	-	-
390.3	M & S Guscott	-	-
475.1	D and R Broadmore	-	-
490.3	N McDonald and S Kingsford	FS 5 B & M Opie	Support
523.29	K and M	FS54 NZ Winegrowers	Support

	Williams		
492.27	Horticulture NZ	FS 112 D Riddiford FS85 Federated Farmers of NZ (Inc)	Support Support
229.5	A Barton	-	-

## Discussion

**Baird and Henderson Contracts Ltd** (280.1), **N McLaren** (176.2), and **M Taylor** (24.4) oppose Rule 21.1.17.

**Federated Farmers of NZ (Inc)** (524.71) seek that Rule 21.1.17 be deleted or, alternatively, exempt normal farming activities. **Horticulture NZ**, **K Reedy** and **J Diederich** support this submission.

**K and M Williams** (523.29) seeks that Rule 21.1.17 be deleted or replaced with a rule that only controls activities that will cause significant adverse effect. **NZ Winegrowers** supports this submission.

**D and R Broadmore** (475.1) and **Java Trust Ltd** (464.1) seek that 21.1.17 (i) & (iii) be deleted. **N McDonald and S Kingsford** (490.3) seek that 21.1.17(i) be deleted. **B & M Opie** supports the submission of N McDonald and S Kingsford. **Oops!! Ltd** (368.7) seek that 21.1.17(iii) be reviewed. **P & B Nicol** (314.1) seeks that 21.1.17 (i), (iii), (iv), and (v) be deleted.

**Horticulture NZ** (492.27) seeks that 21.1.17(v) be deleted and that a rule be developed to enable land owners in flood hazard areas to construct storage facilities for hazardous substances encompassing the flood risk. **D Riddiford** and **Federated Farmers of NZ (Inc)** support this submission.

**D Riddiford** (264.35) does not state the relief sought for 21.1.17.

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.57) seek that 21.1.17(iii) be amended to not apply to trees or shrubs, but to apply to shelterbelts and plantation forestry; and that a new clause be added to apply to the conversion of an existing building to a habitable use. **Horticulture NZ** and **Windy Peak Trust** oppose this submission.

**M & S Guscott** (390.3) seeks that 21.1.17(i)-(v) be amended.

The **Department of Conservation** (525.91) seeks that new rules be added to control structures and subdivision in the 1 in 100 year flood area. **Adamson Land Surveyors** oppose this submission.

**Greater Wellington Regional Council** (526.100) seek that 21.1.17 (i), (iii) & (v) be amended to better reflect flood mitigation and avoidance of hazard; that Exception (i) be amended to include riparian enhancement programmes; and that Note 1 be amended to better describe the Hazard Alert Area. **Horticulture NZ** support this submission.

**A Barton** (229.5) requests deferment of the Proposed Plan until proper consultation has been completed with landowners.

## Evidence Heard

**N McLaren** (176.2) spoke in support of his submission seeking the deletion of section 21.1.17.

**Federated Farmers of NZ (Inc)** (524.71) spoke in support of their submission seeking amendments to Rule 21.1.17(a), or the rule be deleted. **Federated Farmers of NZ (Inc)**



believe the proposed wording of Rule 21.1.17(a) is activity based and needs to be revisited. Concerns are raised with the structure of the rules section and the onerous nature of the rule. Support is expressed in part, for the recommended amendments. However, concerns remain.

**K and M Williams** (523.29) spoke in support of their submission. The hearing evidence states that “If adopted, the recommended amendments will satisfy some of our concerns, while other concerns remain due to ambiguity in the new wording, and apparent silence on some parts of the rule”. Further amendments are sought. Acceptance of the recommended amendments in the Section 42A Report are made, subject to further amendments.

**Java Trust Ltd** (464.1) presented written evidence in support of their submission and provided comments on Rule 21.1.17 and the recommended amendments. Java Trust Ltd maintain the position the proposed rule as notified was so unjustifiable, it should be deleted. This position is maintained until such time as there is a decision on the submissions. The recommended amendments remedy a major deficiency in the Rule notified, subject to the minor amendments required as noted in the hearing evidence.

The **Department of Conservation** (525.91) spoke in support of their submission noting that the amendments recommended in the Section 42 Report do not address the Department’s concerns. Amendments to Rule 21.1.17 are requested.

**Greater Wellington Regional Council** (526.100) acknowledges that the Section 42A Report has recommended accepting much of the relief sought (in their submission) but there are still some difficulties in the emphasis of the Rule and interpretation. Amendments are sought in line with their submission.

## **Commissioners’ Deliberations**

The Commissioners note that it is a function of District Council’s under section 31(1)(b)(i) of the Act to control the use and development of land for the avoidance or mitigation of natural hazards. Therefore, it is decided to retain Rule 21.1.17 as the purpose of the Rule is to manage activities and development to avoid and/or mitigate the risks to people and property from potential flood and erosion hazard, and to avoid adverse environmental effects from activities in the Flood Hazard Area and Erosion Hazard Area.

In response to submitters concerns that Rule 21.1.17 is overly onerous, restricts the reasonable use of land, and captures activities that should not be an issue in the Flood or Erosion Hazard Areas, such as normal farming practices and riparian planting, the Commissioners note the recommended amendments in the Section 42A Report. While a number of submitters concern have been met following the recommended amendments in the Section 42A Report, the Commissioners acknowledge that there are outstanding concerns regarding Rule 21.1.17. In response, a number of changes are proposed to Rule 21.1.17(a). The Commissioners believe the amendments provide a balance between activities permitted in the Flood Hazard Area and Erosion Hazard Area while not increasing the risk to people and property or the adverse effects of flooding or erosion.

The modifications are discussed in turn.

### **Proposed Exception (ii).**

The Commissioners have reviewed the submissions and Section 42A Report and believe the recommended exception in the Section 42A Report for primary production activities is unclear and confusing in its application. The specific reference to primary production activities is contrary to the effects based approach of the Plan and provides uncertainty as to whether Clauses in Rule 27.1.17(a) apply to primary production activities which are listed as an exception in the Section 42A report. As such, this exception has been removed. Consideration was given to making reference to primary production as a permitted activity,

subject to compliance with the Rule in 21.1.17(a). However this approach was not favoured as the listing of specific activities is contrary to the philosophy of the plan.

The Commissioners consider the exception proposed by Federated Farmers in their hearing evidence is more appropriately included as a note rather than an exception as it is of an informative nature. There also remains the issue as to the status of Rule 21.1.17(a) in relation to the proposed exception (as discussed above), and the ambiguity of the term “normal farm activities”.

#### **Rule 21.1.17(a)(i) and (iii)**

The Commissioners consider it appropriate to retain provisions covering the placement of buildings and structures in the Flood Hazard Area as non-habitable buildings and structures can affect the Flood Hazard Area as structures can impede or divert the flow path, and thereby change the course or extent of the flood plain. With respect to structures within the Flood Hazard Area and Erosion Hazard Area, the Commissioners note the concerns raised by submitters in relation to standard farming activities associated with primary production. The Commissioners have considered these concerns and have amended Rule 21.1.17 accordingly so as to allow for certain sized and types of structures as permitted. These include post and wire fence and gates not exceeding 1.2m in height; and non habitable structures up to 3m in height and 15m<sup>2</sup> gross floor area (GFA). These dimensions would provide a balance between activities permitted in the Flood Hazard Area and Erosion Hazard Area while not increasing the risk to people and property or the adverse effects of flooding or erosion.

The Commissioners concur with the hearing evidence provided by K and M Williams and Greater Wellington Regional Council for the insertion of the word “adversely” in Rule 21.1.17(a)(i) and (iii), as these amendments clarify the intent of the rule and the emphasis on adverse effects. While the term significantly is raised in the submission by Java Trust Ltd, this terminology is not supported by the Commissioners as it is considered subjective. Federated Farmers have requested Rule 21.1.17(a)(i) and (iii) be amended with the insertion of the words “to the extent that it causes an adverse effect” at the end of the sentence. While the insertion clarifies the intent and application of the rule, the wording proposed by K and M Williams is favoured as it focuses on obstruction which is adverse. The amendment allows for flow paths to be obstructed in some way, but only be controlled by resource consent if the obstruction causes adverse effects either on the property or on the neighbouring property.

#### **Rule 21.1.17(a)(ii)**

The Commissioners have deleted the reference to subdivision (Rule 21.1.17(a)(ii) as subdivision is addressed in Chapter 20.

#### **Rule 21.1.17(a)(iii)**

The Commissioners support the Section 42A Report recommendation to replace reference in 21.1.17(a)(iii) from ‘trees and shrubs’ to ‘orchards, shelter belts and plantation forestry’.

#### **Rule 21.1.17(a)(iv)**

The Commissioners have reviewed Rule 21.1.17(a)(iv) and made reference to the term earthworks, that is defined in the Plan. The retention of an earthworks rule is considered appropriate as earthworks can have an impact on flood flow paths, and therefore the remainder of the rule is retained.

#### **Rule 21.1.17(a)(v)**

In respect of habitable buildings, the Commissioners support the rule as notified. It is considered effective that any new habitable activity, including that within an existing building,

require resource consent as the conversion of an existing building to a habitable use in a flood or erosion area needs to be avoided or carefully managed to ensure people's safety.

#### **Rule 21.1.17(a)(vi)**

As discussed above for the policies, a consistent approach to the use, storage, transportation and disposal of hazardous substances throughout the Wairarapa is considered the most efficient and effective method. Deleting Rule 21.1.17(a)(v) provides for the management of hazardous substances based on the type and quantity of substance, and the receiving environment (e.g. Environmental Zone). If resource consent was required based on the thresholds in Appendix 2, any risks from natural hazards would be assessed as part of the resource consent application. Therefore, this amendment would allow for the storage and use of hazardous substances normally associated with primary production activities.

#### **Exception (i)**

The amendment to Exception (i) and following Note as recommended in the Section 42A Report is supported by the Commissioners. It is noted that the submission by the Greater Wellington Regional Council received one submission in support.

The Department of Conservation seek new Rules be added controlling activities in the Flood Alert Area. In considering the submission and hearing evidence by the Department of Conservation, the Commissioners considered the basis and purpose of the Flood Alert Area. As this is only an alert area, the Commissioners do not believe the imposition of specific rules to be effective or efficient. It is considered that Rule 21.1.17 with the recommended amendments below satisfactorily avoids or mitigates the identified flood and erosion hazard.

In respect of the request by submitters for activities which infringe 21.1.17(a) be restricted discretionary activities, while the Commissioners note and support these reasons for this request as outlined in the hearing evidence, they believe the status of Discretionary activity is appropriate as this activity status allows for notification of the proposal. It is noted that a general amendment is made the Plan for the insertion of a non-notification provision for Restricted Discretionary Activities and therefore if an activity which did meet the rules of 21.1.17 was assessed as a restricted discretionary activity, Councils would not have the discretion to notify or seek written approval from potentially affected parties.

The Commissioners note that the submissions in relation to the extent of the Hazard Areas depicted on the Planning Maps is discussed in the Planning Map decision report.

### **Decision: 21.1.17 Flood Hazard Area and Erosion Hazard Area**

#### Submission Reference:

280.1	Accept in part
525.91	Reject
FS34	Accept
524.71	Accept in part
FS52	Accept in part
FS155	Accept in part
FS157	Accept in part
464.1	Accept in part
368.7	Accept in part
522.57	Accept
FS52	Reject
FS102	Reject
526.100	Accept in part

FS52	Accept in part
24.4	Accept in part
176.2	Accept in part
264.35	Reject
314.1	Accept in part
390.3	Accept in part
475.1	Accept in part
490.3	Accept in part
FS5	Accept in part
523.29	Accept in part
FS54	Accept in part
492.27	Reject
FS 112	Reject
FS85	Reject
229.5	Reject

### Decision Amendment: 21.1.17 Flood Hazard Area and Erosion Hazard Area

Amend 21.1.17(a)(i) as follows:

*(i) The erection, placement or extension of any structure **that adversely obstructs the flow of water, other than post and wire fencing and gates not exceeding 1.2m in height; or non-habitable structure no greater than 3 metres in height and with a gross floor area (GFA) of no greater than 15m<sup>2</sup>.***

Delete 21.1.17(a)(ii) as follows:

~~(ii) The subdivision of land;~~

Amend 21.1.17(a)(iii) as follows:

~~(iii) (ii) The planting of any trees or and shrubs, woodlots, shelterbelts, plantation forests, or orchards where they would adversely impede, obstruct or divert flood flow;~~

Amend 21.1.17(a)(iv) as follows:

~~(iv) (iii) The excavation, removal, shifting or depositing **Earthworks** of more than 20m<sup>3</sup> of topsoil, fill or other material within any twelve month period;~~

Amend 21.1.17(a)(v) as follows:

~~(v) The use, storage or production of hazardous substances.~~

Add a new clause (iv) to 21.1.17(a) as follows:

**(iv) The conversion of an existing building to a habitable use.**

Amend Exception (i) as follows:

*Soil conservation **works, riparian enhancement programmes** and river control works carried out or supervised by the Wellington Regional Council.*

Replace the second sentence of Note 1 with the following words:

***The 'Flood Alert Area' gives information on a few specific areas vulnerable to floods beyond the Flood Hazard Area, where flood events have occurred or been investigated. There are other areas which may have a similar hazard but which have not been specifically identified or investigated.***

## Reasons

This decision is made for the following reasons:

- The amendments provide a balance between activities permitted in the Flood Hazard Area and Erosion Hazard Area provided for the effective use of the land resource, while not increasing the risk to people and property or the adverse effects of flooding or erosion.
- The provisions are consistent with the effects based philosophy of the Plan and Resource Management Act 1991 and are considered the most efficient and effective rules in respect of controlling activities and structures in Flood Hazard Area and Erosion Hazard Areas.

### 21.1.18 Soil Conservation and River Control Works

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.101	Wellington Regional Council	-	-
192.3	A McLeod	-	-
230.6	R & A Boyne	-	-
233.2	A & F Warren	-	-
264.36	D Riddiford	-	-
278.4	G & C Tyer	-	-

## Discussion

**Greater Wellington Regional Council** (526.101) support 21.1.18 and seek that '*riparian protection schemes*' be added to the Rule.

**A McLeod** (192.3), **R & A Boyne** (230.6), **A & F Warren** (233.2), **D Riddiford** (264.36) and **G & C Tyer** (278.4) oppose Rule 21.1.18.

## Evidence Heard

**Greater Wellington Regional Council** (526.101) spoke in support of the Section 42A Report recommendation for the amendment to the rule and acceptance of their submission.

## Commissioners' Deliberations

The Commissioners concur with the comments in the Section 42A report that Greater Wellington Regional Council undertake riparian protection schemes to promote soil conservation and river control. The support from the submitter is noted and the Commissioner concur with the recommendation to amend the rule by inserting reference to '*riparian protection schemes*'

The Commissioners note Rule 21.1.18 relates to soil conservation and river control works undertaken by the Regional Council. The rule applies to the Regional Council and not individual landowners and therefore it is decided to retain the rule. The Rule does not provide for access onto private property.

## Decision: 21.1.18 Soil Conservation and River Control Works

Submission Reference:

526.101	Accept
192.3	Reject
230.6	Reject
233.2	Reject
264.36	Reject
278.4	Reject

## Decision Amendment: 21.1.18 Soil Conservation and River Control Works

Amend 21.1.18(a) as follows:

*(a) All soil conservation, flood protection, ~~and~~ river control works **and riparian protection schemes** carried out or supervised by the Wellington Regional Council.*

## Reasons

This decision is made for the following reasons:

- Soil conservation, riparian protection schemes and river control works are undertaken by the Regional Council and are effective mitigation works in flood and erosion hazard areas. Therefore it is appropriate these activities are provided for in the Plan.

## 22.1.11 and 22.1.12: Flood Hazard Area and Erosion Hazard Area

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
498.12	Wairarapa Public Health	-	-

466.1	Java Trust Limited	-	-
477.1	D & R Broadmore	-	-
525.103	Department of Conservation	-	-

## Discussion

**Wairarapa Public Health** (498.12) seek that 22.1.11(vi) be amended as follows:

(vi) Risks to occupants **and public health**.

**Java Trust Limited** (466.1) and **D & R Broadmore** (477.1) seek that 22.1.11 be amended by recognising existing activities and dwellings.

**Department of Conservation** (525.103) request criteria be added relating to whether alternative less damaging options are available, including retreat or relocation of development, and consideration of adverse effects on natural values and natural character.

## Evidence Heard

**Department of Conservation** (525.103) spoke in support of their submission seeking additional or amended criteria concerning the avoidance of hard protection works.

## Commissioners' Deliberations

The Commissioners note the three issues raised by submitters.

The first issue raised is for the insertion of a reference to *public health*. The Commissioners do not support such an insertion, for the reasons outlined in the Section 42A Report. These reasons are that this matter is addressed under the Assessment matter *Risks to occupants*; and that a reference to public health could place an onerous requirement on applicants to provide information with resource consent applications that are within the realm of the responsibility of other agencies.

The second issue raised by submitters is for an amendment to recognise existing activities and dwellings. The Commissioners note that each resource consent application would be assessed on a case-by-case basis, considering the circumstances of each proposal. It is not considered necessary to add specific criteria relating to whether a structure or activity is existing. When assessing a resource consent application, consideration of the existing environment, including structures, forms part of the assessment and it does not need to be specifically referred to.

The third issue relates to inserting criteria relating to whether alternative less damaging options are available, including retreat or relocation of development, and consideration of adverse effects on natural values and natural character. The Commissioners concur with the comments in the Section 42A Report that the Fourth Schedule of the Act sets out the contents of an Assessment of Environmental Effects which is to be submitted as part of a resource consent application. Clause (b) of the Fourth Schedule states:

*“(b) Where it is likely that an activity will result in any significant adverse effects on the environment, a description of any possible alternative locations or methods for undertaking the activity.”*

Therefore, alternatives are already considered as a standard matter in a resource consent application.

The criteria relate to activities in flood hazard or erosion hazard areas. There are other rules and criteria in the Proposed Plan which manage development, subdivision and use in relation to natural values and natural character.

For the above reasons, the Commissioners have not amended Assessment Criteria Sections 22.1.11 and 22.1.12: Flood Hazard Area and Erosion Hazard Area.

### **Decision: 22.1.11 and 22.1.12: Flood Hazard Area and Erosion Hazard Area**

Submission Reference:

498.12	Reject
466.1	Reject
477.1	Reject
525.103	Reject

### **Reasons**

This decision is made for the following reasons:

- The existing assessment criteria provided in Sections 22.1.11 and 22.1.12: Flood Hazard Area and Erosion Hazard Area are considered the most effective and efficient for managing the risks of natural hazards and the effects on natural hazards. The requested amendments are either already adequately covered in the assessment criteria, and/or already assessed as part of any resource consent application under the Act's requirements.

## **27 Definitions - Flood Hazard Area**

### **Submission Summary**

<b>Submitter Number</b>	<b>Submitter Name</b>	<b>Further Submitter Name and Number</b>	<b>Further Submission Support/Oppose</b>
526.114	Wellington Regional Council	-	-

### **Discussion**

**Greater Wellington Regional Council** (526.114) seek definitions be added for Flood Hazard Area, Flood Alert Area and Erosion Hazard Area.

### **Evidence Heard**

**Greater Wellington Regional Council** (526.114) spoke in support of the Section 42A Report recommendation for the retention of the status quo and rejection of their submission.

### **Commissioners' Deliberations**

The Commissioners note the support from the submitter in relation to the Section 42A Report recommendation to not provide definitions for Flood Hazard Area, Flood Alert Area and Erosion Hazard Area. The Commissioners concur with the recommendation. The Flood Hazard Area, Flood Alert Area and Erosion Hazard Area are defined on the Planning Maps



and are based on a number of information sources. Therefore, it is not deemed necessary to add a definition to the Chapter 27.

**Decision: 27 Definitions - Flood Hazard Area**

Submission Reference:

526.114    Reject

**Reasons**

This decision is made for the following reasons:

- The Flood Hazard Area, Flood Alert Area and Erosion Hazard Area are effectively and efficiently defined on the Planning Maps, therefore does not need specific reference in the Definitions Chapter.