

**Before the Hearings Panel
At Porirua City Council**

Under	Schedule 1 of the Resource Management Act 1991
In the matter of	the Proposed Porirua District Plan
Between	Various Submitters
And	Porirua City Council Respondent

**Council Reply on Natural Hazards and Coastal Environment - Hearing Stream 3
- Torrey James McDonnell on behalf of Porirua City Council**

Date: 22 December 2021

INTRODUCTION:

- 1 My full name is Torrey James McDonnell. I am employed as a Principal Policy Planner for Porirua City Council.
- 2 I have read the evidence and tabled statements provided by submitters relevant to matters addressed in the Section 42A Report – Part B Natural Hazards and the Section 42A Report – Part B Coastal Environment.
- 3 I have prepared this reply statement on behalf of the Porirua City Council (Council) in respect of matters raised through Hearing Stream 3, which was heard between 3 and 10 December 2021.
- 4 Specifically, this statement of evidence relates to the matters in the above Section 42A reports.
- 5 I am authorised to provide this evidence on behalf of the Council.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

- 6 Appendix C of the Section 42A reports set out my qualifications and experience.
- 7 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2014.

SCOPE OF REPLY

- 8 Minute 2 allows for a Council Reply to Hearing Stream 3 by 22 December 2021¹.
- 9 The main topics addressed in this reply include:
 - Flood hazards;
 - Fault hazards;
 - Policy approach in medium and high-hazard areas;
 - Coastal Environment Inland Extent;
 - Amendments sought to coastal hazard maps;

¹ Para 70, page 16

- Policies;
- GIS mapping issues; and
- Appendix 10.

10 I have broadly followed the structure of the Section 42A Reports in this reply as I address the above matters. I deal with matters addressed by the Section 42A – Part B Natural Hazards first.

11 If I have not addressed a matter in this reply that was raised by a submitter throughout the hearings process, I have no further reply to add to what I have set out in the Section 42A reports or other evidence given on behalf of Council.

12 Appendix 1 of this reply contains a list of materials provided by submitters including expert evidence, legal submissions, submitter statements etc. This information is all available on the PDP (Proposed District Plan) hearings web portal at <https://pdpportal.porirua.govt.nz>.

13 Appendix 2 contains recommended amendments to PDP provisions, with updated recommendations differentiated from those made in Appendix A of the Section 42A reports.

14 Appendix 3 has an updated table of recommended responses to submissions and further submissions, with updated recommendations differentiated from those made in Appendix B of the s42A report.

15 For ease of reference, I have shown any changes proposed through this right of reply as follows:

s42A Report	deletions / <u>insertions</u>
Right of Reply version	deletions / <u>insertions</u>

16 Other appendices are used for analysis of specific topics addressed in the body of this report.

Flood hazards

17 In regard to the issue of incorporating flood maps into the PDP, I have not changed my position from that set out in section 3.5 of the Section 42A – Part B Natural Hazards.

18 Through Minute 16 dated 13 December 2021, the Panel requested that the following issues be addressed in relation to flood mapping:

We were left unclear as to whether all parts of the District are the subject of flood hazard notations where applicable. Please advise whether, if some parts of the District are yet to be modelled, where those parts are;

19 The PDP planning maps show which parts of the City are subject to flood hazard provisions. The majority of the urban environment has been mapped in the PDP with respect to the flood hazard overlay, with the exception of Whitby, Pukerua Bay and the harbourside catchments of Mana to Aotea. Figure 1 below shows urban areas where the flood hazard has yet to be mapped in the PDP.

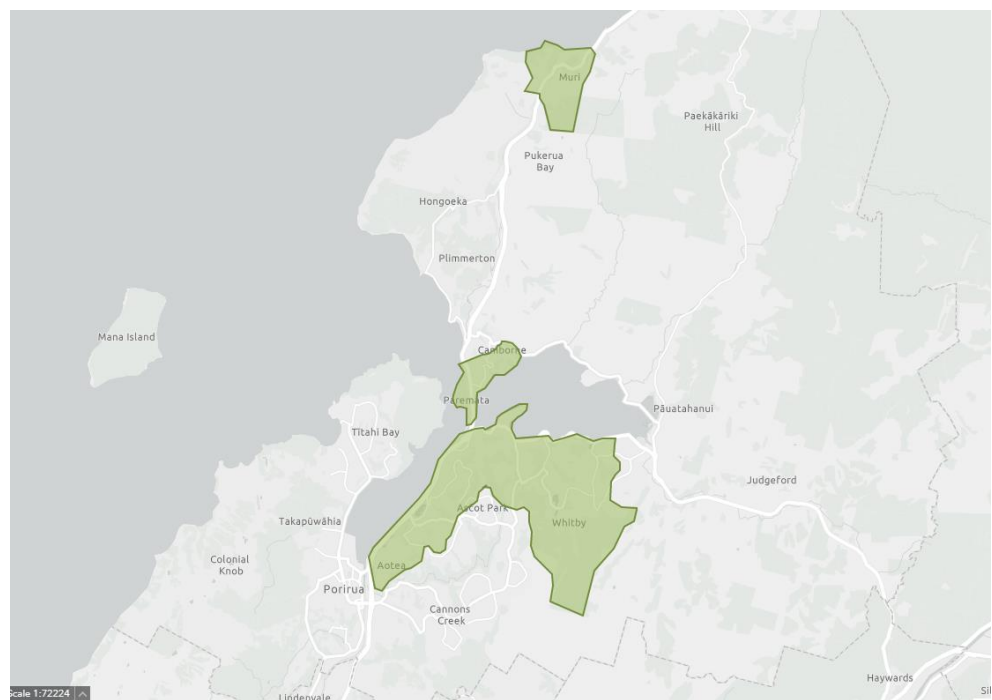


Figure 1: Areas in the urban environment without flood maps in the PDP

20 Flood hazard modelling is expensive and time-intensive. Wellington Water has developed a staged programme for the modelling of catchments across the Region. Council directed Wellington Water to prioritise flood modelling and mapping for suburbs that are considered

most prone to such hazards, such as Plimmerton, Titahi Bay and Eastern Porirua.

- 21 Wellington Water is currently relatively advanced in terms of modelling the catchments from Mana to Aotea (see Figure 2 below). These maps were consulted on with the community from October to November 2021². Council intends to include these maps in a variation to the PDP along with other changes in response to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act.



Figure 2: Areas recently consulted with on flood hazard mapping (Camborne, Mana, Paremata, Papa kowhai and Aotea)

- 22 This would leave Pukerua Bay and Whitby as the only remaining suburbs where flood hazards are yet to be mapped in the PDP. The flood models for these catchments are in the early stages of being built by Wellington

² <https://www.wellingtonwater.co.nz/your-water/stormwater/working-towards-resilience-rainfall-flood-risks-in-porirua/>

Water. The resulting flood maps would need to be added to the PDP through a plan change.

- 23 Council holds other, earlier, flood hazard information from a 2013 study for Whitby and Pukerua Bay. Council also holds information from flood studies in the rural Kakaho and Horokiri catchments (the latter undertaken by Waka Kotahi as part of the design of Transmission Gully). As this information is held by Council, it will be relevant for any subdivision and development proposal through sections 104 and 106 of the RMA, and the building consent process.

Is the GIS mapping of flood hazards at a scale that gives an appropriate level of information to individual property owners?

- 24 Yes, the mapping is completed at a site/property scale, so that there is an appropriate level of accuracy for landowners.

If the PDP provisions related to flood hazards were limited to rules specifying, for instance, the 1/100 AEP flood hazard as a rule trigger without accompanying maps (as Kāinga Ora suggested), would that rule meet the standard test of being objectively ascertainable by Plan users – specifically, are there elements of expert opinion/judgement required to identify where there is a 1/100 AEP flood hazard, and what scope is there for material differences of view in relation to the resolution of such elements (if any) as they apply to a specific site?

- 25 In my view, the relief sought by Kāinga Ora would introduce a large degree of uncertainty, as landowners would be able to seek their own expert opinions on flood hazard risk in order to determine activity status.
- 26 As outlined by Dr Iain Dawe on behalf of the GWRC in his presentation, there are a number of methods to hydraulically model flood hazards that range in detail and quality. There are basic one-dimensional models, through to dynamic models such as that developed by Wellington Water.
- 27 Understanding the complexity of a catchment and how it responds during a flood is important to convert model outputs to flood risk. This requires undertaking a detailed hazard assessment that is not possible

for most users of the PDP and certainly not lay people. Numerous inputs are needed to accurately model flood hazards, including climate data, topography and information on network performance (e.g. pump station performance and likely culvert blockages). Wellington Water has invested millions of dollars in the development of these models, which have been separately peer reviewed.

- 28 My understanding of the approach sought by Kāinga Ora is that someone could determine if they are affected by the rules in the Chapter by either looking at non-statutory flooding maps or by obtaining a separate flood hazard assessment. This could result in a situation where the non-statutory flooding maps identify a property being subject to flood risk, but a developer submits their own assessment saying it is not. This would result in uncertainty and additional costs for reviews to occur to determine if a property is subject to flood risk or not. It is also unclear what the situation would be if a property was identified in the non-statutory flooding maps as being a flood risk, but a property owner simply stated it was not.
- 29 I acknowledge that the regulatory method sought by Kāinga Ora is an available option, and that there is no *vires* issue in relation to the relief. However, I do not consider that this proposed approach would be the most appropriate way to give achieve the objectives of the PDP. By adopting a regulatory method that allows plan users to undertake their own separate flood hazard assessments there would be increased uncertainty as to the planning response required across the District, and potential inefficiencies as there could be disputes as to the outcome of the separate assessments, and peer reviews required through the consenting process resulting in additional costs.
- 30 As outlined in section 3.5 of the Section 42A – Part B Natural Hazards, I consider that including planning maps in the PDP is in line with national best practice and should be preferred. Dr Iain Dawe echoed this view in his presentation to the Panel. It provides regulatory certainty to plan

users and landowners, and in my view is therefore the most efficient way to achieve the objectives.

Fault hazards

31 At the hearing there was some confusion as to how the fault hazard rules were intended to be applied. In part that confusion may have been as a result of the terminology used. For the reasons set out below I propose that the fault hazard overlay (currently called the “Fault Rupture Zone” in the PDP planning map legend) be re-named as the “Fault Hazard Management Area”. To assist the Panel, I have also set out further explanation relative to the operation of these rules.

Terminology

32 The overlay shown on the notified PDP maps was incorrectly called the ‘Fault Rupture Zone’ and in my supplementary statement of evidence I recommended that it should have been called the ‘Fault Avoidance Zone’ to be consistent with the MfE’s 2003 guidance on faults³.

33 However, although the term ‘Fault Avoidance Zone’ is used in MfE’s guidance the term predates the *King Salmon* decision with regard to the use of the term avoid. For example, if a landowner within a Fault Avoidance Zone⁴ can demonstrate that part or all of their site is outside a 20m distance from a Fault Rupture Zone, they would be in a lower hazard area in APP10. The policy approach in this area is not ‘avoid’ but a ‘provide for’ direction under NH-P4 and NH-R6.

34 To remove confusion, I consider that a new term is needed to be used instead of ‘Fault Avoidance Zone’ for the overlay in the planning maps. I suggest that using the term ‘Fault Hazard Management Area’ would be more appropriate as it would remove the terms ‘avoid’ and ‘zone’. The

³ Kerr et al (2003) Planning for Development of Land on or Close to Active Faults: A guideline to assist resource management planners in New Zealand GNS Client Report 2002.124, prepared for the Ministry for the Environment (ME Report 483).

⁴ Noting this is incorrectly labelled in the notified PDP planning map legend as ‘Fault Rupture Zone’

latter term is also used in Fault Rupture Zone and could possibly cause confusion to users of the PDP.

- 35 To avoid further confusion, throughout the commentary below I will use the term Fault Hazard Management Area to refer to the hazard overlay in the PDP.
- 36 In regard to the presentation from Heriot Drive Ltd and Raiha Properties Ltd, my position has broadly not changed from that outlined in my Statement of Supplementary Planning Evidence dated 1 December 2021 (Supplementary Statement). However, I consider some further wording changes are required to ensure the intent of the provisions is clear, particularly in relation to APP10.
- 37 I recommend that amendments are made to APP10 to align with those recommended in my Supplementary Statement for the planning map legend and NH-R6. APP10 uses the term 'Fault Rupture Zone' incorrectly.
- 38 Dr Litchfield provided a clear description of how fault rupture zones are mapped. She outlined how fault hazards are generally characterised as zones of deformation known as fault rupture zones, rather than being a single linear feature. Fault rupture zones range in width from several metres to hundreds of metres. Structures sited directly across a fault rupture zone, or near to a fault rupture zone, are in a potentially hazardous area and could be damaged in the event of a fault rupture.
- 39 The Fault Hazard Management Areas have been mapped for all known active faults in Porirua. This involved identifying the likely fault rupture areas, and then applying a 20m buffer either side of that area. This buffer is considered necessary to regulate land use within the areas adjacent to the fault rupture area through more restrictive provisions. The reason for this is that these areas are typically subject to deformation and secondary ruptures as a result of primary fault movement within the fault rupture zone.

- 40 Mapping of the Fault Hazard Management Areas was based on the best available information⁵. Some parts of the Fault Rupture Zones, including those that have been subject to historical fault ruptures, are either clearly visible in the surface geology, or have had more detailed investigations of sub-surface geology through geotechnical techniques such as trenching or seismic surveying.

Operation of the rule framework

- 41 It has always been anticipated that a consent applicant may be able to gather more detailed information through site-specific investigations, which could demonstrate that the hazard risk for their site (and proposed activity) should be altered. In such cases, the area outside the 20m buffer from the Fault Rupture Zone that remains within the Fault Hazard Management Area will have a lower hazard rating in Table 3 and a different activity status under the Rule.
- 42 If no further information has been gathered that would justify any altering of the hazard rating, the higher hazard rating in Table 3 applies. This is not explicitly stated in APP10, but it would not be possible to demonstrate the lower hazard ranking applies to a site without gathering this further information to demonstrate that a lower rating is warranted. This is consistent with higher order direction which requires a precautionary approach be taken to natural hazard management.
- 43 I also consider that an advice note would be useful similar to the explanation in the above paragraphs, including a paragraph on what happens if an applicant cannot demonstrate they are in a lower hazard area.
- 44 I consider that these changes can be made as consequential changes in response to the Porirua City Council submission [11.36].

⁵ GNS Science (2014) Porirua District Fault Trace Study; GNS Science (2018) Memo - Review of Active Fault Information

45 I recommend that APP10 be amended as follows and as outlined in Appendix 2 to this report.

Natural Hazard Overlays

Porirua City Council hazard (non-coastal) areas are identified through mapped Hazard Overlays for the following natural hazards:

1. Flooding; and
 2. Fault rupture.
-

The natural hazards within the District Plan have been mapped as Overlays as summarised in Table 3 below. Each Overlay has been classified as High, Medium or Low depending on the level of relative hazard posed.

Fault Hazard Management Areas

Fault hazards are generally characterised by areas of deformation, or potential deformation rather than being single linear features that can be visibly mapped. These areas are known as Fault Rupture Zones. They range in width from several metres to hundreds of metres. Structures sited directly across a Fault Rupture Zone, or near to a Fault Rupture Zone, are in a potentially hazardous area and could be damaged in the event of a fault rupture.

Mapping of Fault Rupture Zones relied on the best available information gathered about the fault hazards within the City. Some parts of these fault rupture areas are either clearly visible in the surface geology, or have had more detailed investigations of sub-surface geology through geotechnical techniques such as trenching or seismic surveying.

Fault Hazard Management Areas have been mapped for all known active faults in Porirua by creating a 20m buffer either side of the spatial extent of the likely Fault Rupture Zone. A 20m buffer is used applied to the land outside the Fault Rupture Zone, as land within this proximity to a fault rupture is typically subject to deformation and secondary ruptures as a result of primary fault movement.

Within the Fault Hazard Management Areas, applicants for resource consent may undertake site specific investigations for the purpose of demonstrating that the location of any proposal is outside the Fault Rupture Zone, and the 20m buffer area. In that case, while the land will remain within the Fault Hazard Management Area (as mapped), a lower hazard rating may apply (as described in Table 3).

If no further information has been gathered that would justify a change to the hazard rating, the higher hazard rating for the relevant Fault Hazard Management Area in Table 3 applies.

APP10- Natural Hazard Overlays Table 3	
Natural Hazard Overlay	Hazard areas
Flood Hazard – Stream Corridor	High
Fault Hazard Management Area Rupture Zone – Ohariu (20m or closer either side of the Ohariu Fault Rupture Zone)	
Flood Hazard – Overland Flow	Medium
Fault Hazard Management Area Rupture Zone – Pukerua (20m or closer either side of the Pukerua Fault Rupture Zone)	
Flood Hazard – Ponding	Low
Fault Hazard Management Area Rupture Zone – Moonshine (20m or closer either side of the Moonshine Fault Rupture Zone)	
Fault Rupture Zone Hazard Management Area – Ohariu (excluding beyond 20m from either side of the Ohariu Fault Rupture Zone)	
Fault Rupture Zone Hazard Management Area – Pukerua (excluding beyond 20m from either side of the Pukerua Fault Rupture Zone ⁷⁴)	

Overall approach

46 While I acknowledge that both the terminology and the nature of this type of hazard has caused some confusion during the hearing, I consider that the overall policy approach (and associated rule framework) is fundamentally sound.

47 When a building or activity is proposed to be located within a Fault Hazard Management Area, NH-R1 and NH-R4 to NH-R8 will apply. These are the rules that relate to the “low”, “medium” and “high” hazard areas within the Natural Hazard Overlay. Whether a site is low, medium or high is set out in APP10-Table 3, therefore the hazard ranking in APP10 determines the activity status. The term Natural Hazard Overlay is defined as follows:

means the areas identified in Table 3 Natural Hazard Overlays in APP10 - Natural Hazard Risk Assessment and shown on the planning maps.

- 48 As discussed above the Fault Hazard Management Area in the PDP is the Fault Rupture Zone with a 20m buffer,⁶ which has been mapped based on the best information available at the time the PDP was developed. The PDP provisions intend to allow site specific investigations to be undertaken that may determine that a particular site sits outside of the Fault Rupture Zone (and the associated buffer), although the site may still sit within the Fault Hazard Management Area as mapped in the PDP.
- 49 Therefore the hazard ranking, can be contingent on the outcome of a further site investigation which demonstrates that the proposed building or activity will sit outside of the fault rupture zone (including the 20m buffer). I have adapted the following diagram from the one used during my presentation to the Panel to outline how the Fault Rupture Zone can be revised.

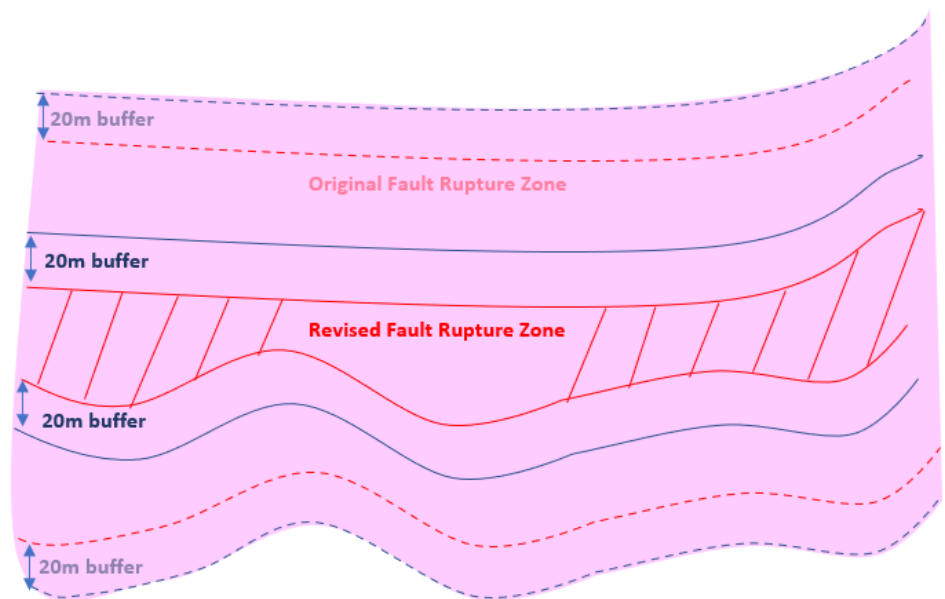


Figure 3: Fault Hazard Management Area (shown in pink) and original and revised fault rupture zones with 20m buffers

⁶ I note that the Fault Hazard Management Area is currently called the Fault Rupture Zone on the proposed planning maps.

- 50 Unless further site-specific investigations are undertaken by an applicant for consent, the Fault Hazard Management Area mapped within the PDP and the associated hazard rankings in APP10 Table 3 will apply to a site.
- 51 Conceptually, this approach to determining activity status has similarities to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS). On potentially contaminated sites, for any activity not listed as a permitted activity, the NES-CS requires landowners to undertake a detailed site investigation to determine if soil contamination exceeds standards. If it does, the activity requires a restricted discretionary consent, if not the activity is controlled. Under the NES-CS, where a detailed site investigation is not undertaken for the site the activity is assessed as a discretionary activity.
- 52 During the hearing, the Panel asked if the PDP's approach to fault hazards has some similarity to that proposed by Kāinga Ora in regard to flood maps. My view is that the approaches to flood and fault hazards in the PDP both rely on the hazards being mapped in the plan, and both provide for further analysis to be included through a resource consent process regarding the nature of the hazard on site and any proposed mitigations. I consider that mapping these hazards gives certainty to plan users, and is more efficient than using non-statutory maps. I consider that the more flexible approach with regard to determining the hazard ranking within Fault Hazard Management Areas is justified due to the complex nature of the fault hazards and the lower level of certainty of fault hazard location compared to the flood hazard overlay. The Kāinga Ora analogy would be having a rule in the PDP that restricts development near a fault rupture zone and an applicant either being referred to non-statutory plans or obtaining their own input. Again, I consider the certainty of having the fault hazard management area mapped is more appropriate in terms of the certainty that it provides.
- 53 I note that there is very little scope to amend this overall policy approach based on submissions. I would like to reiterate that I consider some of

the points raised by Mr Witte in his evidence for Heriot Drive Ltd and Raiha Properties Ltd are out of scope. Mr Witte made several detailed points in relation to the drafting of policies, rules and definitions that were not made in the submitters' original submission. As a result, I consider that the presentation to the Panel traversed matters that were out of scope, in that they sought a wholesale revision of the chapter to align with Kapiti Coast District Council's Operative District Plan.

- 54 The original submission did not request relief that the PDP align with this Plan, nor any other plan in the Region (which take different approaches again). The original submission sought that the PDP be consistent with the Wellington Region Natural Hazard Management Strategy 2017. This is a high-level strategy that outlines how councils will work together to coordinate research and achieve consistency in planning provisions. The strategy does not contain a set of agreed provisions for natural hazards chapters.

Mapping of the Fault Avoidance Zone/Fault Hazard Management Area

- 55 Having considered the presentations from David Sullivan for Kenepuru Limited Partnership and Dr Nicola Litchfield for Council, I consider that the map presented as Figure 1b in the Joint Witness Statement should form the new Fault Hazard Management Area (using my recommended terminology) in the planning maps. This will require some further GIS work from GNS Science to widen the blue line as appropriate to meet with the wider overlay on adjacent sites⁷.

⁷ Note that next year Council will produce a "red line" map viewer that will compile all final amendments recommended to notified planning maps through Council evidence (Section 42A reports, Right of Reply etc).

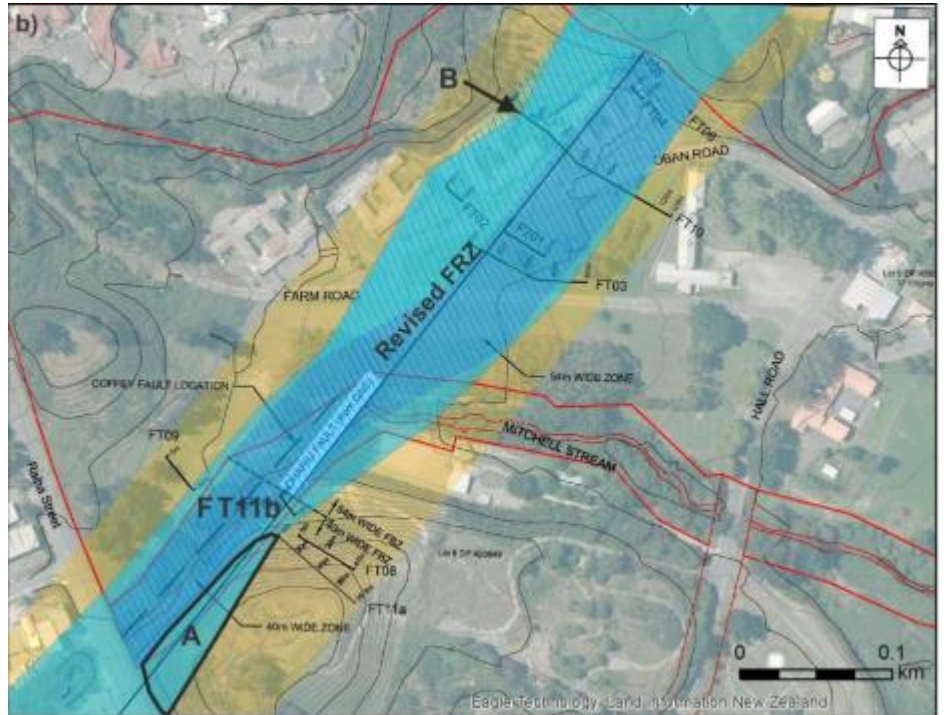


Figure 4: Joint Witness Statement for Fault Hazards - Figure 1b

56 I accept the agreed matters outlined in the Joint Witness Statement for Natural Hazards dated 1 December 2021. Where the experts disagree on narrowing the Fault Rupture Zone at 'area A' and either side of 'point B', I accept the evidence of Dr Litchfield and recommend that the Panel retain a wider Fault Hazard Management Area than that sought by Kenepuru Partnership Limited.

Matters raised by the Panel in Minute 16

57 Through Minute 16 dated 13 December 2021, the Panel has requested that the following issues be addressed in relation to fault mapping:

Did Dr Litchfield consider the expert commentary on observations from trenches on the Kenepuru Landings site that were filled in before she could view them? – If so, what weight did she give to such commentary?

58 Dr Litchfield has provided the following response to this question:

For the preparation of my Expert Evidence I carefully reviewed all of the trench information provided in the Coffey Geotechnics (now Tetra Coffey) technical reports and a review report by J Begg Geo

Ltd, as listed in point 18.4 of my Expert Evidence. I have not seen copies of the Dick Beetham and WPS Opus review reports. I used what I considered to be all available robust trench information to revise the Fault Avoidance Zone in both the Expert Evidence and the Joint Witness Statement, but others, such as the trench across Anomaly C, I consider to not expose enough natural sediments below fill to be useful to locate the fault. In my expert evidence I stated that I thought the sediments in some trenches could be younger than 1000 years, but I was convinced by subsequent discussions and the site visit that this is probably not the case. Nevertheless, my experience is that unless you have very finely bedded sediments, you need to see at least 1.5 m of natural sediment to identify the presence or absence of a fault, and this has not been achieved at the KLP site because of the extensive modification and fill. So in summary, I did consider all available Expert Commentary on the trenches and gave it significant weight, but unfortunately some of the information is inconclusive for locating all parts of the Fault Avoidance Zone across the site.

Is the listing of Area A identified in the joint Seismic Hazard Caucus Statement on the Kenepuru Landings site consistent with the Council having granted consent for subdivision and development of that area (and such development having occurred in reliance on that resource consent)?

59 Council's Resource Consent team advise that this area of the Kenepuru Landing Development received s224c certification 13 August 2020. The Planner's Report dated 5 June 2020 states:

Hazard zones and restrictive covenants have been developed for the proposed subdivision, and the risks associated with geotechnical and earthquake related natural hazards for the proposed development are therefore considered to be acceptably low with the proposed mitigation measures addressed in the resource consent application.

What is the Council's response to Mr Witte's evidence suggesting that the notified plan provisions are not consistent with the MfE 2003 guidance document?

60 As outlined in the section 4 of the Section 32 Evaluation, there are a number of higher order documents and national guidance that were considered in the drafting of the PDP, including MfE's 2003 guidance on "Planning for development of land on or close to active faults".

61 This 2003 guidance is used by many councils as it is the most directive guidance Government has produced on planning for this type of hazard. However, this guidance is now almost 20 years old and predates:

- the 2013 Wellington Regional Policy Statement;
- a 2017 amendment to the RMA that added "the management of significant risks from natural hazards" as a matter of national importance in section 6(h);
- the 2019 gazettal of the National Planning Standards; and
- changing national practice since the Christchurch and Kaikoura earthquakes.

62 Section 8 of the Section 32 Evaluation outlines how the 2003 guidance was used as starting point, but a planning lens had to be applied to align with more recent higher level direction and guidance. For example, the building importance classes in the 2003 guidance do not align with the definitions for buildings and activities that must be used in the National Planning Standards.

63 Further, paragraph 33 above outlines how the terminology of the 2003 guidance is out of step with the current use following recent case law (use of the term "avoidance" following the King Salmon decision).

Policy approach in medium and high-hazard areas

64 The Panel asked whether NH-P2 should set out all the zones rather than just the collective group in Part 3 of the PDP called "commercial and mixed use zones".

- 65 I note that this caused some confusion, as evidenced by the expert evidence-in-chief from Mr Witte. While this change would lengthen the rule, I agree that it would add clarity to it. I consider that this change can be made as a consequential change under the submission from Porirua City Council [11.34].
- 66 I recommend that NH-P2 be amended as follows and as outlined in Appendix 2 to this report.

NH-P2	Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities within the High Hazard Areas
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Avoid the establishment of Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities within the High Hazard Areas of the Natural Hazard Overlay unless it can be demonstrated that:

- ~~1. The activity has a critical operational need and functional need to locate within the High Hazard Area and locating outside the High Hazard Area is not a practicable option;~~
- ~~1. The resulting risk to people's lives and wellbeing will be low;~~
- ~~2. The activity incorporates mitigation measures that demonstrate that risk to people's life and wellbeing; and minimise the risk of damage to buildings⁴¹ damage is avoided;~~
- ~~3. People can safely evacuate the property during a natural hazard event; and~~
- ~~4. The risk to the activity and surrounding properties is either avoided, or is low due to site-specific factors, and/or the scale, location and design of the activity; and~~
- ~~5. Other than within Commercial and Mixed Use Zones the Neighbourhood Centre Zone, Local Centre Zone, Large Format Retail Zone, Mixed Use Zone and City Centre Zone, the General Industrial Zone and the Hospital Zone, the activity has an operational need and functional need to locate within the High Hazard Area and locating outside the High Hazard is not a practicable option.⁴²~~

Coastal Environment Inland Extent

- 67 In the Section 42A Report - Part B Coastal Environment, I recommended a symbol change for the Coastal Environment Inland Extent to align with the National Planning Standards, and creation of a new symbol for the identification of CHNC areas in the absence of a specified symbol in the National Planning Standards.
- 68 The Panel asked where this mapped overlay should end, seeing as the seaward extent of the Coastal Environment is out of Council's jurisdiction.

69 I consider that the mapped overlay should end at 0.9m Wellington Vertical Datum (WVD) to ensure that the overlay covers land in Council's jurisdiction.

70 The text I have recommended in my Reply for Hearing Stream 1⁸ to be included in the Statutory Context section of the PDP would mean that it clearly states that the "District Plan provisions do not apply to any land or features in the coastal marine area". I consider that this text would be sufficient to clarify that the PDP provisions do not apply to parts of the Coastal Environment that would extend into the CMA to 0.9m WVD. The recommended text sets out a process for determining the dynamic line of Mean High Water Springs which forms Council's jurisdictional boundary.

I recommend that symbology for the Coastal Environment in the planning maps be amended and that the overlay extend to 0.9m WVD⁹.

Amendments sought to coastal hazard maps

71 In section 3.10.2 of the Section 42A Report - Part B Coastal Environment, I note that Dr Power suggests two city-wide changes that would ideally be made to tsunami maps.

72 This includes 99-109 Saint Andrews Road, where Dr Power notes that there:

...appear to be other similar isolated inundation patches mapped in the overlay included in the Proposed District Plan. I have not undertaken a review (beyond the two sites identified in the submission points addressed in my evidence) of the layer and its application to along narrow streams and other waterways for which similar considerations might apply.

⁸ Section 9.6.2, paragraph 152

⁹ Note that next year Council will produce a "red line" map viewer that will compile all final amendments recommended to notified planning maps through Council evidence (Section 42A reports, Right of Reply etc).

73 The other is 112 Mana Esplanade where Dr Power notes that:

... problems identified with defining the boundary of the tsunami hazard layer at 112 Mana Esplanade are not specific to that property but can be expected to occur elsewhere along the tsunami hazard overlay boundary.

74 The Panel asked if these respective submission points provide scope to make similar changes City-wide. I do not consider there is scope to make these changes city-wide as outlined in paragraph 149 of the Section 42A Report – Part B Coastal Environment

Policies

CE-R3 Restoration and maintenance activities within Coastal High Natural Character Areas

75 During the Hearing, the Panel asked if the wording of CE-R3 should be amended in line with the officer recommended amendments to ECO-R2, ECO-R3 and the recommended insertion of a definition of pest which covers both animal and plant species¹⁰.

76 I consider it would not be appropriate to reword CE-R3. Although the term ‘pest’ is now defined, CE-R3 differs from ECO-R3 in that it refers to “animal pest” not “animal pest or pest plant”. I consider that this was likely an oversight and CE-R3 should have likewise referred to both animal and pest plants, however there are no submission points seeking this change, and I consider that it would therefore be out of scope.

CE-P17 Hard engineering measures

77 The Panel asked the following through Minute 16:

In relation to CE-P17, are the numbered subpoints 1-6 intended to be read conjunctively, disjunctively, or some combination thereof?

¹⁰ Section 3.2 Section 42A Report -Part B Ecosystems and Indigenous Biodiversity

- 78 The “and” on the second to last item in the list means that these points need to be read conjunctively. I am not aware of any submission points seeking something different.
- 79 During the Hearing, the Panel asked whether “immediate risk” is the best wording for CE-P17-2. This is in the context of the submission from Linda Dale [247.9] seeking that this be amended to “serious risk to life”.
- 80 I responded to this in section 3.15 of my Section 42A Report – Part B Coastal Environment saying that I consider the submission should be rejected as the submitter gave no reasons as to why the wording was inappropriate or how the wording was unclear.
- 81 Having reconsidered this matter, my view is that “immediate risk” may not be the best wording considering the nature of coastal hazards and their return periods which vary from 100 to 1000 years. There is a 1 % chance that a 1 in 100 year storm could strike any given year, and I think that the term “serious” more accurately characterises this risk than “immediate”.
- 82 As outlined above, all matters in this policy must be considered so it remains a high regulatory bar to demonstrate that a hard engineering measure can be constructed.

Appendix 10

- 83 The Panel asked during the Hearing whether all terms in APP10 need definitions, and if there is scope to do so.
- 84 I am not aware of any submission points that give scope to define all of these terms. The changes I recommend in both of the Section 42A reports are to align the wording of the land use activities where they are already defined.
- 85 There are two terms in Te Reo Māori in APP10. ‘Papakāinga’ is defined, but ‘Marae’ is neither translated or defined. The Panel pointed out that the National Planning Standards (page 53) require that “Te Reo Māori

terms used in rules must be defined or translated in English in the Definitions chapter.”

86 APP10 is not a rule, so regardless of scope I do not consider that the term ‘Marae’ needs to be defined or translated under National Planning Standards. Further, the word is very commonly used so I do not consider it is likely that it would be mistranslated by a plan user.

87 In my supplementary planning evidence dated 1 December, I recommended that the item in App10-Table 2 “buildings and structures that do not have habitable rooms or are used for commercial purposes” should be worded “buildings and structures that do not have habitable rooms and are not used for commercial purposes”. This was to address a typographical error; the intention is for buildings used for commercial purposes to be classified as a Potentially-Hazard-Sensitive Activity.

88 During the Hearing, the Panel asked if rather than excluding one activity that is listed elsewhere in APP10-Table 2, it would better be worded to not capture buildings and structures listed elsewhere in the list. I agree that this would be a better approach, and recommend that it be worded as: “buildings and structures that are not used for hazard-sensitive or potentially-hazard-sensitive activities”.

89 I also note that this term is defined and I recommend that a consequential change to the definition is required.

I recommend that APP10-Table 2 and the definition of ‘Less-hazard-sensitive activities’ are amended as follows and as outlined in Appendix A of this report.

GIS mapping issues

90 The Panel asked the following through Minute 16:

As part of the Council reply, can it provide an A3 sized copy of the part of the Plan maps covering the Titahi Bay Beach, marked up to show the existing Proposed Plan Zone(s), the paper road referred to by Mr McDonnell (and Mr Ebbett), and Area A inserted into the PNRP by the Environment Court in its consent order dated 31

March 2021. Please also provide a copy of the Minutes for the Council Committee Resolution regarding adoption of a bylaw relating to traffic on Titahi Bay Beach.

91 The map is included as Appendix 3 and the minutes are included as Appendix 4.

92 I understand the “paper road” is the area marked in black as “Road Parcel”.

93 I note that Mr Ebbett’s speaking notes have a map on page 4 for Titahi Bay Beach with an area marked in orange labelled “Porirua District addition to Area A management under ENV-2019-WLG-000121”. I am not aware of who created this map, and this feature does not appear on the version of PNRP maps as downloaded from the GWRC website on 21 December 2021.

Can the Council comment on the mapping issues raised by Mr Warburton (for Ms Smith)- specifically areas where the PDP maps appear to have overlays with no underlying zoning and vice versa.

94 I refer the Panel to paragraphs 29 and 30 of the Section 42A Report – Part B Coastal Environment which state:

29. CHNC areas identified in the PDP planning maps straddle the Coastal Marine Area (CMA). This is because these areas were mapped as part of a natural character assessment that was jointly commissioned between PCC and GWRC to inform our respective plans¹¹. The values identified in these areas span the CMA and the inland extent of the Coastal Environment. This meant that it did not make sense to delineate these boundaries using the LINZ hydro parcel layer that forms zone boundaries. I note that GWRC would need to undertake a further plan change to the PNRP to incorporate various identified natural character areas within the CMA.

¹¹ Boffa Miskell (2018) Porirua Natural Coastal Character Assessment

30. The text I have recommended in my Right of Reply for Hearing Stream 1¹² to be included in the Statutory Context section of the PDP would mean that it clearly states that the “District Plan provisions do not apply to any land or features in the coastal marine area”. I consider that this text would be sufficient to clarify that the PDP provisions do not apply to parts of the CHNC areas that extend into the CMA. The recommended text sets out a process for determining the dynamic line of Mean High Water Springs which forms Council’s jurisdictional boundary.

95 I consider that this recommended text in the Statutory Context section largely addresses the issues raised in Ms Smith’s Statement dated 29 November 2021.

96 I would however like to suggest a further amendment to reflect the mapping of the CMA as it relates to five streams in Porirua as set out in maps 43 and 44 of the PNRP. These mapped areas of CMA all coincide with the first bridge to cross these five streams.

97 I consider that this is best addressed through the Statutory Content section rather than through amending the planning maps to align with the CMA boundaries in the PNRP. This is because any mapping changes to align with maps 43 and 44 would require redrawing zone boundaries from these five river cross sections in the PNRP to some arbitrary point seeing as MHWS cannot be mapped.

98 As noted in Appendix 5 of my Hearing Stream 1 right of reply, the difference between these points in the PNRP and the LINZ hydro parcel are significant (as is the difference to the LINZ NZ Coastline polygon that the submitter requests zones be remapped to).

99 I recommend that Statutory Context Chapter be amended as follows and as outlined in Appendix 2 to this report.

¹² Council Right of Reply - Torrey McDonnell - Hearing Stream 1

Date: 22/12/2021

A handwritten signature in blue ink, appearing to read 'W. D. Smith', is written above a horizontal dotted line.

Appendix 1 – List of materials provided by submitters

Submitter evidence	<p>Submitter Evidence - Alison Dangerfield For Heritage NZ [65 And Fs14]</p> <p>Submitter Evidence - Brendan Scott Liggett For Kāinga Ora [81 And Fs65]</p> <p>Submitter Evidence - David Sullivan For Kenepuru Limited Partnership [59 And Fs20]</p> <p>Submitter Evidence - Dean Raymond For Heritage NZ [65 And Fs14]</p> <p>Submitter Evidence - Graeme La Cock for The Director-General of Conservation [126 And Fs39]</p> <p>Submitter Evidence - Graeme Silver for The Director-General of Conservation [126 And Fs39]</p> <p>Submitter Evidence - Iain Dawe For Gwrc [173 And Fs40]</p> <p>Submitter Evidence - Jez Partridge - Appendix 1 (Tree and Root Protection Methods Bs58371 1991) [103]</p> <p>Submitter Evidence - Jez Partridge - Appendix 2 (Example of Councils Using Root Protection Method Taken from Bs5837 1991) [103]</p> <p>Submitter Evidence - Jez Partridge - Appendix 3 (Norfolk Island Pine, 26 Tireti Road) [103]</p> <p>Submitter Evidence - Jez Partridge - Appendix 4 (Hydrovac Versus Airvac) [103]</p> <p>Submitter Evidence - Jez Partridge - Appendix 5 - (Dripline Half Height Versus 12 X Stem Diameter for RPA Definition) [103]-</p> <p>Submitter Evidence - Jez Partridge [103]</p> <p>Submitter Evidence - Karen Tracy Williams For Kāinga Ora [81 And Fs65]</p> <p>Submitter Evidence - Rodney David Witte For Heriot Drive Ltd and Raiha Properties Ltd [156 And 157]</p>
Submitter legal submissions	<p>Submitter Legal Submissions - Katherine Anton And Rosemary Broad for The Director-General of Conservation [126 And Fs39]</p> <p>Submitter Legal Submissions - Nick Whittington For Kainga Ora [81 And Fs65]</p>
Submitter statements	<p>Submitter Statement - Grant and Jane Abdee [238]</p> <p>Submitter Statement - Heriot Drive Ltd [156] And Raiha Properties Ltd [157]</p> <p>Submitter Statement - Robyn Smith [168]</p> <p>Submitter Statement - Titahi Bay Residents Association [95]</p> <p>Submitter Statement 2 - Heriot Drive Ltd [156] And Raiha Properties Ltd [157]</p> <p>Submitter Supplementary Statement - Heritage NZ [65 And Fs14]</p>

	Submitter Tabled Document In Relation To Verbal Statement - Robyn Smith [168]
Submitter tabled statements	<p>Submitter Tabled Statement - Waka Kotahi [82 And Fs36]</p> <p>Submitter Tabled Statement - Fire And Emergency New Zealand [119 And Fs54]</p> <p>Submitter Tabled Statement - Ministry of Education [134]</p> <p>Submitter Tabled Statement - Oil Companies [123] - Attachment</p> <p>Submitter Tabled Statement - Oil Companies [123]</p> <p>Submitter Tabled Statement - Paremata Business Park Ltd [69]</p> <p>Submitter Tabled Statement - Pikarere Farm Ltd [136]</p> <p>Submitter Tabled Statement - Transpower New Zealand [60 And Fs04]</p> <p>Submitter Tabled Letter - Thomas And Claire Clark [153]</p>
Submitter presentations	<p>Submitter Presentation - David Sullivan For Kenepuru Partnerships Ltd [59 And Fs29]</p> <p>Submitter Presentation - Paul Botha [118]</p> <p>Submitter Speaking Notes - Karen Williams For Kāinga Ora [81 And Fs65]</p> <p>Submitter Speaking Notes - Robyn Smith [168]</p> <p>Submitter Speaking Notes - Te Rūnanga O Toa Rangatira [Fs70]</p> <p>Submitter Speaking Notes And Map - Graeme Ebbett For The Titahi Bay Residents Association [90]</p>

Appendix 2 – Recommended amendments to PDP provisions

In order to distinguish between the recommendations made in the Section 42A report and the recommendations that arise from this report:

- s42A recommendations are shown in red text (with underline and ~~strike out~~ as appropriate); and
- Recommendations from the Council Right of Reply – Torrey McDonnell – Hearing Stream 1 are shown in green text (with underline and ~~strike out~~ as appropriate); and
- Recommendations from this report in response to evidence are shown in blue text (with underline and ~~strike-out~~ as appropriate).

Planning map legend

□ General District-Wide Matters Overlays

- Landward extent of the coastal environment¹³
- Noise Corridor

□ Historical and Cultural Values Overlays

- Natural Environment Values Overlays
- Significant Natural Areas
- Outstanding Natural Features and Landscapes
- Special Amenity Landscapes
- Coastal High Natural Character Areas
- ~~Coastal Environment Inland Extent~~¹⁴

□ Hazards and Risks Overlays

- Flood Hazard - Stream Corridor
- Flood Hazard - Overland Flow
- Flood Hazard - ~~Pending Inundation~~¹⁵
- Coastal Erosion Hazard – Current Erosion
- Coastal Erosion Hazard – Future Erosion (with 1m SLR)
- Coastal Flood Hazard – ~~Current Inundation~~ 1:100yr storm surge
- Coastal Flood Hazard – ~~Future Inundation~~ 1:100yr storm surge¹⁶ (with 1m SLR)
- Tsunami Hazard - 1:100yr Inundation Extent
- Tsunami Hazard - 1:500yr Inundation Extent
- Tsunami Hazard - 1:1000yr Inundation Extent
- Fault Hazard Management Area Rupture Zone¹⁷

¹³ Robyn Smith [168.51], Forest and Bird [225.182]

¹⁴ Robyn Smith [168.51], Forest and Bird [225.182]

¹⁵ Paul and Julia Botha [118.12]

¹⁶ Dierdre Dale [195.1, 195.2] and Jennifer Norton [148.1]

¹⁷ Porirua City Council [11.36]

Statutory Context

Porirua City Council must have a District Plan at all times (section 73 of the Resource Management Act 1991 (RMA)).

As set out in the Purpose chapter, the purpose, function and contents of the District Plan are directed towards achieving the purpose of the RMA, which is 'to promote the sustainable management of natural and physical resources'.

Sections 6, 7 and 8 of the RMA also place additional duties on Porirua City Council when exercising its functions and powers under the RMA. Under section 6, the Council must recognise and provide for a range of matters of national importance. Section 7 of the RMA identifies other matters which the Council must have particular regard to, and section 8 requires the Council to take the principles of the Treaty of Waitangi/[Te Tiriti o Waitangi](#)¹⁸ into account.

[Figure 1]

Central government may provide policy direction on resource management issues that are of national importance through national policy statements. The District Plan must give effect to national policy statements as outlined in section 75 of the RMA. Central government can also produce national environmental standards. Section 43B of the RMA sets out the relationship between national environmental standards and District Plan rules; this relationship is further outlined in the General Approach chapter. The District Plan must also implement the mandatory content of any National Planning Standards.

The RMA requires regional councils to have a regional policy statement and a regional coastal plan at all times, and they may also prepare regional plans. The District Plan must give effect to the Regional Policy Statement for the Wellington Region and must not be inconsistent with Regional Plans produced by the GWRC. The District Plan must also have regard to any proposed regional policy statement or regional plan.

This District Plan applies to land ~~that is landward of~~ ~~above~~¹⁹ the line of Mean High Water Springs (MHWS) ~~and as well as~~²⁰ the surface of water bodies within the City's territorial boundaries as shown in Figure 2. ~~The coastal marine area below seaward of MHWS is the jurisdiction of regional councils, as defined in the Resource Management Act RMA. The Proposed Natural Resources Plan defines the location of the Coastal Marine Area in relation to five streams in Porirua in maps 43 and 44.~~

~~The MHWS boundary has not been surveyed for inclusion in the planning maps as it is dynamic and its location can change. Zone boundaries in the planning maps and most other mapped features are defined by Land Information New Zealand's cadastral boundaries, which ~~is~~ are a fixed feature.~~

~~As a jurisdictional boundary, the exact location of the line of MHWS needs to be defined on a case-by-case basis. Where activities are close to the indicative coastline, a site-specific survey will be required to determine the location of the line of MHWS which defines the landward boundary of the coastal marine area. If a site-specific survey determines that ~~MHWS~~ the jurisdictional boundary is not located~~

¹⁸ TROTR [264.5]

¹⁹ Robyn Smith [168.31]

²⁰ Ibid

in the position shown on the maps, the boundary at the interface between the coastal marine area and the adjacent land zone and overlays will ~~shift to the new~~ be at the surveyed and identified line of mean high water springs.

Where there is land identified landward of the coastal marine area ~~MHWS~~ that does not have a zone, the Open Space Zone shall apply, except for land adjacent to the Māori Purpose Zone (Hongoeka) where that Zone shall apply ~~the adjacent zoning shall apply.~~

District Plan provisions do not apply to any land or features in the coastal marine area. ~~part of an overlay or other mapped feature in the planning maps that extends into the Coastal Marine Area~~²¹

The District Plan sits within a hierarchy under the RMA, which gives national, regional and district level direction through policy and planning documents. The relationship between the District Plan and these documents is shown in Figure 1 below.

²¹ GWRC [137.59] and Robyn Smith [168.48, 168.47, 168.46, 168.44, 168.45, 168.43]

Definitions

<u>Coastal environment</u>	<u>means the area identified on the planning maps as being located within the inland landward²² extent of the coastal environment.</u>
<u>Hard engineering measures</u>	<u>Engineering works that use structural materials such as concrete, steel, timber or rock armour to provide a hard, inflexible edge between the land-water interface along rivers, shorelines or lake edges. Typical structures include groynes, seawalls, revetments or bulkheads that are designed to prevent erosion of the land.”²³</u>
Hazard-Sensitive Activities	<p>means activities that are sensitive to natural hazards, including:</p> <ul style="list-style-type: none"> a. childcare services; b. community <u>facilities; activity</u>;²⁴ c. educational <u>facilities; facility</u>;²⁵ d. emergency service facilities; e. healthcare activity; f. hospital; g. marae; h. multi-unit housing; i. places of worship; and j. residential units and minor residential units (including those associated with <u>Papakāinga</u>²⁶); k. <u>retirement villages</u>²⁷; and l. <u>visitor accommodation</u>.²⁸
Less-Hazard-Sensitive Activities	means activities that are less sensitive to natural hazards, including:

²² Robyn Smith [168.51]

²³ Waka Kotahi [82.8]

²⁴ Minor correction under Clause 16 (to align with the National Planning Standards definition of ‘Community Facility’)

²⁵ Minor correction under Clause 16 (should be plural for consistency)

²⁶ Minor correction under Clause 16 (incorrect spelling of Papakāinga)

²⁷ Kimberley Vermey [50.5]

²⁸ Minor correction under Clause 16 (to align with Table 2 APP10)

	<p>a. accessory buildings used for non-habitable purposes;²⁹</p> <p>a. boating facilities (above MHWS);</p> <p>b. buildings and structures that are not used for hazard-sensitive or potentially-hazard-sensitive activities do not have habitable rooms or are used for commercial purposes;³⁰</p> <p>c. parks facilities;</p> <p>d. parks furniture; and</p> <p>e. buildings associated with temporary activities.</p> <p>It excludes Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities even if they are ancillary to Less-Hazard-Sensitive Activities.</p>
Overlay	<p>means the spatially identified sites, items, features, settings or areas with distinctive values, risks or other factors within the City which require management in a different manner from underlying zone provisions,as set out in Schedules 2 to 11 and the Natural Hazard Overlay and Coastal Hazard Overlay.³¹</p>
Potentially-Hazard-Sensitive Activities	<p>means activities that are potentially sensitive to natural hazards, including:</p> <ul style="list-style-type: none"> a. buildings associated with primary production (excluding residential units, minor residential units, residential activities or buildings identified as Less-Hazard-Sensitive Activities); b. commercial activity; c. commercial service activity; d. community corrections activity; e. entertainment facilities; facility;³² f. food and beverage activity; g. industrial activity; activities³³ h. large format retail activity; i. major sports facilities; facility;³⁴ j. offices; k. retail activity; and activities³⁵

²⁹ Kimberley Vermey [50.2]

³⁰ Kimberley Vermey [50.2]

³¹ Forest and Bird [225.188]

³² Minor correction under Clause 16 (should be plural for consistency)

³³ Minor correction under Clause 16 (should be singular for consistency)

³⁴ Minor correction under Clause 16 (should be plural for consistency)

³⁵ Minor correction under Clause 16 (should be singular for consistency)

- l. ~~retirement village; and~~³⁶
- m. rural industry.

It excludes Hazard-Sensitive Activities even if they are ancillary to Potentially-Hazard-Sensitive Activities.

Specified overlay

means overlays set out in Schedules 2 to 11 and the Natural Hazard Overlay and Coastal Hazard Overlay set out in Appendix 10.³⁷

³⁶ Kimberley Vermey [50.1]

³⁷ Forest and Bird [225.188]

NH - Natural Hazards

Natural hazards are addressed in two chapters; the Natural Hazards chapter covers non-coastal hazards and the Coastal Environment chapter covers coastal hazards. Both chapters take the same risk-based approach to natural hazards. To avoid duplication, this chapter provides an overview of all hazards within Porirua City and the risk-based approach to managing those hazards (both coastal and non-coastal). However, the objectives, policies and rules in the Natural Hazards chapter only deal with non-coastal hazards. The objectives, policies and rules in the Coastal Environment chapter address coastal hazards.

Porirua is susceptible to a wide range of natural hazards. When natural hazards occur, they can result in damage to property and infrastructure, and may lead to a loss of human life. It is therefore important to identify areas susceptible to natural hazards and to restrict or manage subdivision, use and development, including infrastructure, relative to the natural hazard risk posed in order to reduce the damage to property and infrastructure and the potential for loss of human life.

The District Plan focuses on the following natural hazards as they are the hazards that present the greatest risk to people and property, and whose future effects can be addressed through appropriate land use planning measures:

1. Flooding;
2. Fault rupture;
3. Tsunami;
4. Coastal erosion; and
5. Coastal inundation.

Flooding, coastal erosion and sea level rise are influenced by climate change. It is predicted that rainfall events will become more intense, storm events will become more common and sea levels will rise over the next 100 years. The flooding, sea level inundation and coastal erosion hazard layers in the Plan incorporate current climate change predictions.

Slope stability is addressed through the Earthworks provisions which require appropriate measures to be incorporated into Earthworks design to maintain the stability of sloping sites. [Fire risk is addressed through requirements for firefighting water supply and access in various zone provisions and the Transport Chapter.](#)³⁸

Objectives

³⁸ Heather Phillips and Donald Love [79.2, 79.3], FENZ [119.29]

NH-O1	Risk from natural hazards
Subdivision, use and development in the Natural Hazard Overlay do not significantly increase the risk to life, <u>infrastructure</u> ³⁹ or property and do not reduce the ability for communities to recover from a natural hazard event.	
NH-O2	Planned mitigation works
There is reduced risk to life, <u>infrastructure</u> ⁴⁰ and property from flood hazards through planned mitigation works.	
Policies	
NH-P1	Identification and mapping of natural hazards
Identify and map natural hazards in the Natural Hazard Overlay and take a risk-based approach to the management of subdivision, use and development within the Natural Hazard Overlay based on the approach outlined in APP10 - Natural Hazard Risk Assessment, including: <ol style="list-style-type: none"> 1. The sensitivity of the activity to loss of life, damage from a natural hazard and the ability for communities to recover after a natural hazard event; and 2. The level of risk presented to people and property from a natural hazard. 	
NH-P2	Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities within the High Hazard Areas
Avoid the establishment of Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities within the High Hazard Areas of the Natural Hazard Overlay unless it can be demonstrated that: <ol style="list-style-type: none"> 1. The activity has a critical operational need and functional need to locate within the High Hazard Area and locating outside the High Hazard Area is not a practicable option; 1. The resulting risk to people's lives and wellbeing will be low; 2. The activity incorporates mitigation measures that demonstrate that risk to people's life and wellbeing; and <u>minimise the risk of damage to buildings</u>⁴¹ damage is avoided; 3. People can safely evacuate the property during a natural hazard event; and 4. The risk to the activity and surrounding properties is either avoided, or is low due to site-specific factors, and/or the scale, location and design of the activity; <u>and</u> 5. Other than within Commercial and Mixed Use Zones <u>the Neighbourhood Centre Zone, Local Centre Zone, Large Format Retail Zone, Mixed Use Zone and City Centre</u> 	

³⁹ Waka Kotahi [82.108]

⁴⁰ Waka Kotahi [82.293]

⁴¹ Porirua City Council [11.34]; TJL Associates [56.1, 56.2, 56.4], Light House Cinema Limited [199.2], Anita and Fraser Press [253.7], James McLaughlan [237.8], Graham and Janet Reidy [234.7], Quest Projects Limited [233.7], Jason Alder [232.5], Carolyn Vasta and Carole Reus [230.6], GWRC [FS40.4, FS40.5], and Foodstuffs [FS38.1, FS38.2]

<p><u>Zone, the General Industrial Zone and the Hospital Zone, the activity has an operational need and functional need to locate within the High Hazard Area and locating outside the High Hazard is not a practicable option.</u> ⁴²</p>	
NH-P3	<p>Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities within the Medium Hazard Areas</p> <p>Only Allow Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities within the Medium Hazard Areas of the Natural Hazard Overlay where:</p> <ol style="list-style-type: none"> 1. The activity incorporates mitigation measures that demonstrate that risk to people's lives and wellbeing, and building damage is <u>avoided low, and any damage to buildings is minimised</u>⁴³; 2. People can safely evacuate the property during a natural hazard event; and 3. The risk to adjacent properties, activities and people is not increased as a result of the activity proceeding.
NH-P4	<p>Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities within the Low Hazard Areas</p> <p>Provide for Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities within the Low Hazard Areas of the Natural Hazard Overlays where it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The activity incorporates mitigation measures that demonstrate that risk to people's lives and wellbeing and building damage is avoided; and 2. The risk to adjacent properties, activities and people is not increased as a result of the activity proceeding.
NH-P5	<p>Less-Hazard-Sensitive Activities within the Natural Hazard Overlay</p> <p>Allow for Less-Hazard-Sensitive Activities within all of the Hazard Areas of the Natural Hazard Overlay, providing:</p> <ol style="list-style-type: none"> 1. They do not impede or block stream and flood water pathways; 2. Mitigation measures are incorporated, where appropriate, to reduce the risk from the natural hazard to people's lives and wellbeing; and 3. The risk to adjacent properties, activities and people is not increased as a result of the activity proceeding.
NH-P6	<p>Less-Hazard-Sensitive Activities within a Flood Hazard - Stream Corridor or Flood Hazard - Overland Flow Overlay</p> <p>Only allow buildings associated with Less-Hazard-Sensitive Activities within a Flood Hazard - Stream Corridor or Flood Hazard - Overland Flow Overlay where:</p> <ol style="list-style-type: none"> 1. Flood waters are not displaced onto neighbouring properties and do not increase the risk to people and property; 2. The stream and flood water pathways are not impeded or blocked as a result of the building;

⁴² Porirua City Council [11.34]

⁴³ Porirua City Council [11.35]; TJL Associates [56.1, 56.2, 56.4], Light House Cinema Limited [199.2], Anita and Fraser Press [253.7], James McLaughlan [237.8], Graham and Janet Reidy [234.7], Quest Projects Limited [233.7], Jason Alder [232.5], Carolyn Vasta and Carole Reus [230.6], GWRC [FS40.4, FS40.5], and Foodstuffs [FS38.1, FS38.2]

3. Mitigation measures have been incorporated to reduce the potential of damage from flooding over the lifespan of the building; and 4. There is no increase in risk to life as a result of the building being located in a Flood Hazard - Stream Corridor or Flood Hazard - Overland Flow Overlay.	
NH-P7	Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities within a Flood Hazard - <u>Pending Inundation</u>⁴⁴ Overlay
Only allow the establishment of buildings associated with Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities within a Flood Hazard - <u>Pending Inundation</u> ⁴⁵ Overlay where the floor level is below the 1:100 flood level and where it can be demonstrated that: <ol style="list-style-type: none"> 1. The nature of the activity means the risk to people's lives and wellbeing is low or the potential for damage from flooding is reduced to a low level; or 2. Mitigation measures are incorporated into the design of the development so that the risk to people's lives is low or the potential for damage from flooding is reduced to a low level; and 3. People can safely evacuate from the property during a flood event. 	
NH-P8	Additions to Existing Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities
Provide for small-scale additions to buildings that accommodate existing Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities where they: <ol style="list-style-type: none"> 1. Provide for the continued use of the existing building; 2. Incorporate mitigation measures to reduce the potential damage to the additions from the natural hazard; 3. The resulting change in risk from the additions to life and property is low; and 4. Do not increase the risk from the natural hazard to adjacent properties, activities and people. 	
NH-P9	Planned mitigation works
Enable natural hazard mitigation or stream or river management works undertaken by a statutory agency or their nominated contractors or agents within identified Natural Hazard Overlay where these decrease the risk to people, <u>infrastructure</u> ⁴⁶ and property.	
NH-P10	Soft engineering measures
Encourage soft engineering measures when undertaking planned natural hazard mitigation works within the Natural Hazard Overlay that reduce the risk from natural hazards.	
Rules	
NH-R1	Less-Hazard-Sensitive Activities within the Low and Medium and High Hazard Areas contained in a Natural Hazard Overlay

⁴⁴ Paul and Julia Botha [118.12]

⁴⁵ Paul and Julia Botha [118.12]

⁴⁶ Waka Kotahi [82.109]

	All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Any buildings must not be located in an identified Flood Hazard - Overland Flow or Flood Hazard - Stream Corridor Overlay.</p>
	All zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with NH-R1-1</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters contained in NH-P6.</p>
	NH-R2	Flood mitigation or stream or river management works undertaken by a statutory agency or their nominated contractor or agent within the Flood Hazard Overlays in a Natural Hazard Overlay
	All zones	1. Activity status: Permitted
	NH-R3	Soft engineering measures undertaken by either a statutory agency or their nominated contractor or agent within a Natural Hazard Overlay
	All zones	1. Activity status: Permitted
	NH-R4	Additions to existing buildings in Hazard Areas contained in a Natural Hazard Overlay
	All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. If the additions are for a Hazard-Sensitive Activity or Potentially-Hazard-Sensitive Activity in the Low Hazard Area of the Natural Hazard Overlay, the additions:</p> <p>i. Do not establish a new additional Hazard-Sensitive Activity or Potentially-Hazard-Sensitive Activity within the Natural Hazard Overlay; or</p> <p>ii. When are located within a Flood Hazard - Pending Inundation⁴⁷, the finished floor levels are located above the 1:100 year flood level, where this level is the bottom of the floor joists or the base of the concrete floor slab; or</p> <p>b. The additions are for a Less-Hazard-Sensitive Activity in all Hazard Areas of the Natural Hazard Overlay and:</p> <p>i. Are not located within a Flood Hazard - Overland Flow;</p> <p>ii. Are not located within a Flood Hazard - Stream Corridor;</p> <p>c. If the additions are for a Hazard-Sensitive Activity or Potentially-Hazard-Sensitive Activity in the Medium Hazard Area of the Natural Hazard Overlay, the additions:</p>

⁴⁷ Paul and Julia Botha [118.12]

		<ul style="list-style-type: none"> i. Do not increase the building footprint by more than 30m²; or ii. Do not establish a new additional Hazard-Sensitive Activity or Potentially-Hazard-Sensitive Activity within the Natural Hazard Overlay; or iii. Are not located within a Flood Hazard - Overland Flow; or <p>d. If the additions are for a Hazard-Sensitive Activity or Potentially-Hazard-Sensitive Activity in the High Hazard Area of the Natural Hazard Overlay, the additions:</p> <ul style="list-style-type: none"> i. Do not increase the building footprint by more than 20m²; or ii. Do not establish a new additional Hazard-Sensitive Activity or Potentially-Hazard-Sensitive Activity within the Natural Hazard Overlay; or iii. Are not located within a Flood Hazard - Stream Corridor. <p>Note: For the avoidance of doubt, when an addition or alteration to a building establishes a new Hazard-Sensitive Activity or Potentially-Hazard-Sensitive Activity within the Natural Hazard Overlay, then it shall be assessed under the rule framework for Hazard-Sensitive Activities or Potentially-Hazard-Sensitive Activities and not the additions to buildings framework.</p>
	All zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance is not achieved with NH-R4-1.a, NH-R4-1.b, NH-R6-1.c or NH-R4-1.d. <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> 1. The matters in NH-P8.
	NH-R5	Earthworks within a Natural Hazard Overlay associated with hazard mitigation works undertaken by a statutory agency
	All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance is achieved with: <ul style="list-style-type: none"> i. EW-S3; and ii. EW-S4.
	All zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance is not achieved with EW-S3 or EW-S4. <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> 1. The matters of discretion of any infringed standard. <p>Notification</p>

	An application under this rule is precluded from being publicly or limited notified in accordance with sections 95A and 95B of the RMA.
NH-R6	Any Hazard-Sensitive Activity and Potentially-Hazard-Sensitive Activity and associated buildings in Low Hazard Areas in a Natural Hazard Overlay
All zones	<p>1. Activity status: Restricted discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> Any buildings within a Flood Hazard - Pending Inundation⁴⁸ Overlay are located above the 1:100 year flood level, where this level is below the bottom of⁴⁹ the floor joists or the base of the concrete floor slab; or Any buildings and activities are located <u>within the Pukerua Fault Hazard Management Area Rupture Zone or the Ohariu Fault Hazard Management Area Rupture Zone</u> are located no closer than 20m from either fault Fault Rupture Zone; side of either or <u>Any buildings and activities within the Moonshine Fault Hazard Management Area Rupture Zone are located within 20m of either side of the Moonshine Fault Rupture Zone.</u>⁵⁰ <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> The matters in NH-P4. <p>Notification:</p> <p>An application under this rule is precluded from being publicly notified in accordance with section 95B of the RMA.</p> <p><u>Note: To avoid doubt, once if the Moonshine Fault Rupture Zone is located narrowed through site-specific investigation, there are areas within the mapped Moonshine Fault Hazard Management Area Rupture Zone that will be outside of 20m of either side of the Fault Rupture Zone Line. These areas are not a Low Hazard Area and are therefore not subject to the Natural Hazard chapter rules (unless affected by another hazard such as a Flood Hazard).</u>⁵¹</p>
All zones	<p>2. Activity status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> Compliance is not achieved with NH-R6-1.a.

⁴⁸ Paul and Julia Botha [118.12]

⁴⁹ Kāinga Ora [81.421]

⁵⁰ Porirua City Council [11.36]

⁵¹ Ibid

	Notification: An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.	
	All zones	3. Activity status: Non-complying Where: 1. Compliance is not achieved with NH-R6-1.b.
	NH-R7	Any Hazard-Sensitive Activity and Potentially-Hazard-Sensitive Activity and associated buildings within the Medium Hazard Area in a Natural Hazard Overlay
	All zones	1. Activity status: Discretionary
	NH-R8	Any Hazard-Sensitive Activity and Potentially-Hazard-Sensitive Activity and associated buildings within the High Hazard Areas in a Natural Hazard Overlay
	All zones	1. Activity status: Non-complying

CE - Coastal Environment

Porirua's coastal environment is dynamic, extending 12 nautical miles out to sea and incorporating an ~~inland landward~~⁵² extent where coastal processes, influences or qualities are significant. It represents an important interface, exposed to natural hazards while also providing amenity, cultural and social value to the community and it is of particular importance to tangata whenua. This chapter only applies to the ~~inland landward~~⁵³ extent of the coastal environment as shown on the planning maps. The seaward extent below Mean High Water Springs ("MHWS") out to the 12 nautical mile limit is within Greater Wellington Regional Council's jurisdiction. The ~~inland landward~~⁵⁴ extent of Porirua's coastal environment has been identified in accordance with Policy 1 of the New Zealand Coastal Policy Statement (2010).

Porirua City's 55km of coastline encompasses a wide range of coastal character from inlets and harbours to open rocky coastline and offshore islands, sandy beaches and remnant coastal bush to large coastal cliffs and escarpments. Porirua's coastline contributes to the identity and character of the City. The RMA, the New Zealand Coastal Policy Statement and the Regional Policy Statement for the Wellington Region requires that the areas of high natural character in the coastal environment is preserved and protected from inappropriate subdivision, use and development, while also promoting where possible the restoration of natural character. The chapter focuses on ensuring this is achieved.

Porirua City's coastal environment is susceptible to a wide range of natural hazards, which are mapped as Coastal Hazard Overlays:

- ~~1. —Tsunami;~~
- ~~2. —Coastal erosion; and~~
- ~~3. —Coastal inundation.~~

Three tsunami hazard areas have been identified for the following return periods: 1 in 100 years, 1 in 500 years and 1 in 1000 years.

Two coastal erosion and coastal flood hazard areas have been identified:

- Current coastal erosion hazard - areas potentially vulnerable to coastal erosion with existing sea level and coastal processes.

- Current coastal flood hazard - areas potentially vulnerable to coastal flooding with existing sea level and coastal processes in a 1 in 100 year storm surge event

⁵² Robyn Smith [168.51]

⁵³ Robyn Smith [168.51]

⁵⁴ Robyn Smith [168.51]

- Future coastal erosion hazard - areas potentially vulnerable to coastal erosion over the period to 2120, assuming sea level rise of 1.0 m.

- Future coastal flood hazard - areas potentially vulnerable to coastal flooding in a 1 in 100 year storm surge event over the period to 2120, assuming sea level rise of 1.0 m.⁵⁵

The Chapter's objectives, policies and rules also provide the framework for ensuring that the risks of coastal hazards that threaten people and property are recognised and provided for, while also taking into account climate change effects over time. Given the continued uncertainty associated with the rate of sea level rise, the different sea level scenarios as outlined in the Ministry for the Environment 'Preparing for Coastal Change' (2017) guidance have been used to form the basis of the mapping of these hazards.

The Natural Hazards chapter (NH) provides a comprehensive assessment of the risk-based approach including a break-down of the susceptibility of different activities and the corresponding sensitivities to natural hazards. The assessment against the risk-based approach within the natural hazard chapter is equally applicable to coastal hazards, and therefore is not duplicated in this chapter. The hazard ranking of coastal hazards differs to that of other natural hazards and is set out in APP10 - Natural Hazard Risk Assessment.

The coastal environment also includes Significant Natural Areas, Outstanding Natural Features and Landscapes and Special Amenity Landscapes, which are addressed through the Ecosystems and Indigenous Biodiversity and Natural Features and Landscape chapters in accordance with the New Zealand Coastal Policy Statement. Outside those specific overlay areas, activities can be undertaken in accordance with the underlying zone provisions, subject to any other relevant overlays and district-wide rules.

Objectives	
CE-O1	Natural character of the coastal environment
The natural character of the coastal environment is preserved and protected from inappropriate subdivision, use and development.	
CE-O2	Risk from natural hazards
Subdivision, use and development in the Coastal Hazard Overlays do not significantly increase avoid increasing the risk of social, environmental and economic harm from coastal hazards, the risk to life, or property ⁵⁶ and do not reduce the ability for communities to recover from a natural hazard event.	
CE-O3	Natural features

⁵⁵ Dierdre Dale [195.1, 195.2] and Jennifer Norton [148.1]

⁵⁶ DOC [126.43]

Natural features that reduce the susceptibility of people, communities, property and infrastructure from damage by natural hazards are maintained or enhanced.	
CE-O4	Measures to reduce damage from sea level rise and coastal erosion
<u>There is reduced risk to life and property from flood hazards through planned mitigation works, and Soft-soft⁵⁷</u> engineering measures are the primary method used to reduce damage from sea level rise and coastal erosion.	
Policies	
CE-P1	Identification of the coastal environment
Identify and map the inland <u>landward</u> ⁵⁸ extent of the coastal environment and the different areas, elements or characteristics within it in accordance with Policy 1 of the New Zealand Coastal Policy Statement and Policy 4 of the Regional Policy Statement for the Wellington Region.	
CE-P2	Identification of Coastal High Natural Character Areas
Identify and map areas of high natural character in the coastal environment as a Coastal High Natural Character Overlay and describe the identified values within SCHED11- Coastal High Natural Character Areas, in accordance with the matters set out in Policy 13 of the New Zealand Coastal Policy Statement and Policy 3 of the Regional Policy Statement for the Wellington Region.	
CE-P3	Subdivision, use and development within Coastal High Natural Character Areas
<p>Only allow subdivision, use and development within Coastal High Natural Character Areas in the coastal environment, where it:</p> <ol style="list-style-type: none"> 1. Avoids significant adverse effects and avoids, remedies or mitigates any other adverse effects on the identified values described in SCHED11 - Coastal High Natural Character Areas; and 2. Demonstrates that it is appropriate by: <ol style="list-style-type: none"> a. Minimising earthworks and changes to the landform; b. Reducing the scale and prominence of any buildings or structures, including any proposed building platforms, and integrating the design with the site; c. Avoiding or minimising the removal of any indigenous vegetation; d. Utilising restoration or rehabilitation measures; e. Utilising measures to mitigate any adverse effects on the identified values described in SCHED11 - Coastal High Natural Character Areas and f. Enabling the continuation, or enhancing, of tangata whenua cultural and spiritual values and practices. 	

⁵⁷ Linda Dale [247.3]

⁵⁸ Robyn Smith [168.51]

CE-P4	Earthworks and indigenous vegetation removal in Coastal High Natural Character Areas
<p>Allow earthworks and indigenous vegetation removal within Coastal High Natural Character Areas where:</p> <ol style="list-style-type: none"> 1. <u>1.</u> It is of a scale and for a purpose that maintains or restores the identified values described in SCHED11 - Coastal High Natural Character Areas, including restoration and conservation activities; or 2. <u>2.</u> It is associated with farming activities for an established working farm, where the identified values described in SCHED11 - Coastal High Natural Character Areas are maintained; or <u>and</u> 3. <u>3.</u> <u>It maintains indigenous biodiversity that is not already described in SCHED11 - Coastal High Natural Character Areas.</u>⁵⁹ 4. It is associated with the ongoing maintenance and repair of existing accessways and construction of public cycling and walking tracks which maintain the identified values described in SCHED11 - Coastal High Natural Character Areas.⁶⁰ 	
CE-P5	Restoring and rehabilitating activities within the coastal environment
<p>Enable activities that restore and rehabilitate the coastal environment including Te Awarua-o-Porirua Harbour and its margins, and activities which maintain or enhance the amenity, recreational, ecological and cultural values of the coastal environment.</p>	
CE-P6	Subdivision within the coastal environment
<p>Only allow subdivision in the coastal environment within existing settlement areas and avoid new urban sprawl extending along the coastal margin in the General Rural Zone.</p>	
CE-P7	Mining and quarrying activities within the coastal environment
<p>Avoid, remedy or mitigate adverse effects of quarrying activities and mining within the coastal environment and avoid quarrying activities and mining within areas of High Natural Character.</p>	
CE-P8	Plantation forestry within the coastal environment
<p>Avoid establishing new plantation forestry within the coastal environment.</p>	
CE-P9	Identification of natural hazards in the coastal environment
<p>Identify and map natural hazards in the coastal environment in the Coastal Hazard Overlays and take a risk-based approach to the management of development within the Coastal Hazard Overlays based on the approach outlined in APP10 - Natural Hazard Risk Assessment, including:</p> <ol style="list-style-type: none"> 3. The sensitivity of the activity to loss of life, damage from a natural hazard and the ability for communities to recover after a natural hazard event; and 4. The level of risk presented to people and property from a natural hazard. 	

⁵⁹ Refer to Gina Sweetman's Right of Reply for Hearing Stream 2

⁶⁰ Waka Kotahi [82.157]; Forest and Bird [225.191]

CE-P10	Less-Hazard-Sensitive Activities within the Coastal Hazard Overlays
<p>Enable Less-Hazard-Sensitive Activities within the Coastal Hazard Overlays where:</p> <ol style="list-style-type: none"> 1. Mitigation measures are incorporated, where appropriate to reduce the risk from the natural hazard to people's lives and wellbeing; and 2. The risk to adjacent properties, activities and people is not increased as a result of the activity proceeding. 	
CE-P11	Additions to buildings for existing Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities within the Coastal Hazard Overlays
<p>Provide for small scale additions to buildings for existing Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities in the Coastal Hazard Overlays, where it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The additions provide for the continued use of the existing building; 2. Mitigation measures are incorporated to reduce the potential damage from the natural hazard to people's lives and wellbeing as a result of the additions; 3. The change in the increase in risk from the additions to life and property is low; and 4. The risk to adjacent properties, activities and people is not increased as result of the activity proceeding. 	
CE-P12	Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities in the Low Hazard Areas within the Coastal Hazard Overlays
<p>Provide for Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities within the Low Hazard Areas of the Coastal Hazard Overlays where it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The activity incorporates mitigation measures that demonstrate that risk to people's life and wellbeing, and property damage is avoided; and 2. The risk to adjacent properties, activities and people is not increased as result of the activity proceeding. 	
CE-P13	Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities in the Medium Hazard Areas
<p>Only allow Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities in the Medium Hazard Areas of the Coastal Hazards Overlays where:</p> <ol style="list-style-type: none"> 1. The activity incorporates mitigation measures that demonstrate that the risk to people's life and wellbeing, property damage and the environment is avoided; 2. People can evacuate safely during a natural hazard event; and 3. The risk to adjacent properties, activities and people is not increased as result of the activity proceeding. 	
CE-P14	Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities in the High Hazard Areas
<p>Avoid the establishment of Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities in the High Hazard Areas of the Coastal Hazard Overlays unless it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The activity has a critical operational need to locate within the High Hazard Area and locating outside the High Hazard Area is not a practicable option; 	

<ol style="list-style-type: none"> 1. The activity incorporates mitigation measures that <u>minimise the risk of damage to buildings;</u> and demonstrate that risk to people's life and wellbeing, property damage and the environment is avoided, and people can evacuate safely during a natural hazard event; and 2. The risk to the activity and surrounding properties is either avoided or is low due to site specific factors, and/or the scale, location and design of the activity; and 3. <u>Other than within Commercial and Mixed Use Zones, the activity has an operational need and functional need to locate within the High Hazard Area and locating outside the High Hazard Area is not a practicable option.</u>⁶¹ 	
CE-P15	Planned mitigation works
Enable soft engineered coastal hazard mitigation works undertaken by a statutory agency or their nominated contractors or agents within the identified Coastal Hazard Overlay where these decrease the risk to people and property.	
CE-P16	Soft engineering measures
Encourage soft engineering measures when undertaking planned natural hazard mitigation works within the identified Coastal Hazard Overlay that reduces the risk from natural hazards.	
CE-P17	Hard engineering measures
<p>Only allow hard engineering measures for the reduction of the risk from natural hazards when:</p> <ol style="list-style-type: none"> 1. The engineering measures are needed to protect existing regionally significant infrastructure and it can be demonstrated that there is no reasonable alternative; 2. There is an <u>immediate serious</u>⁶² risk to life or private property from the natural hazard; 3. The construction of the hard engineering measures will not increase the risk from Coastal Hazards on the adjacent properties that are not protected by the hard engineering measures; 4. It avoids the modification or alteration of natural features and systems in a way that would compromise their function as natural defences; 5. Significant adverse effects on natural features and <u>landscapes, ecosystems and coastal processes systems</u>⁶³ (including but not limited to beach width and beach material composition, and the presence of sand dunes) from those measures are avoided, and any other adverse effects are avoided; remedied or mitigated; and 6. It can be demonstrated that soft engineering measures would not provide an appropriate level of protection in relation to the significance of the risk. 	
Rules	
Note: There may be a number of provisions that apply to an activity, building, structure or site. Resource consent may therefore be required under rules in this chapter as well as other chapters. Unless specifically stated in a rule, resource consent is required under	

⁶¹ Porirua City Council [11.53]

⁶² Linda Dale [247.9]

⁶³ Forest and Bird [225.197]

each relevant rule. The steps to determine the status of an activity are set out in the General Approach chapter.

CE-R1	Earthworks within a Coastal High Natural Character Area
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. The earthworks are for: <ul style="list-style-type: none"> i. The maintenance of existing farm tracks, accessways or digging new fence post holes; and-or ii. The construction of new public walking or cycling access tracks; and⁶⁴ b. Compliance is achieved with CE-S1. <p>Note: The relevant earthworks provisions of the ECO and NFL chapters also apply.</p>
All zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance is not achieved with CE-R1-1.a <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> 1. <u>The matters in CE-P3.⁶⁵</u> 2. The matters in CE-P4.
All zones	<p>3. Activity status: Restricted discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> 2. Compliance is not achieved with CE-S1. <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> e. The matters of discretion of the infringed standard.
CE-R2	Vegetation removal within a Coastal High Natural Character Area
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. The removal of vegetation is for the purpose of: <ul style="list-style-type: none"> <u>i.</u> Addressing an imminent threat to people or property represented by deadwood, diseased or dying vegetation; <u>ii.</u> Ensuring the safe and efficient operation of any formed public road or access; <u>iii.</u> Enabling the maintenance of buildings where the removal of vegetation is limited to within 3m from the external wall or roof of a building;

⁶⁴ Porirua City Council [11.54]

⁶⁵ Robyn Smith [168.53]

		<p>iv Maintenance or construction of a new public walking or cycling track up to 2.5m in width undertaken by Porirua City Council or its approved contractor in accordance with the Porirua City Council Track Standards Manual (Version 1.2, 2014);⁶⁶</p> <p><u>iv.</u> Constructing new perimeter fences for stock or pest animal exclusion from areas or maintenance of existing fences provided the removal does not exceed 2m in width; or</p> <p><u>v.</u> Enable tangata whenua to exercise customary harvesting.</p> <p>Note: the ECO provisions also apply where removal of indigenous vegetation is proposed and the area is an identified Significant Natural Area.</p>
	All zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>2. Compliance is not achieved with CE-R2-1.a.</p> <p>Matters of discretion are restricted to:</p> <p>b. The matters in CE-P3; and</p> <p>c. The matters in CE-P4.</p>
	CE-R3	Restoration and maintenance activities within Coastal High Natural Character Areas
	All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. It is for the purpose restoring or maintaining the identified values within SCHED11 - Coastal High Natural Character Areas and involves:</p> <p>i. Planting eco-sourced local indigenous vegetation;</p> <p>ii. Carrying out animal pest control activities;</p> <p>iii. Demolition and removal of existing buildings or structures; or</p> <p>iv. Carrying out activities in accordance with a Reserve Management Plan approved under the Reserves Act 1977.</p>
	All zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>1. Compliance is not achieved with CE-R3-1.a.</p> <p>Matters of discretion are restricted to:</p>

⁶⁶ Porirua City Council [11.55]

		1. The matters in CE-P3; and 2. The matters in CE-P5.
CE-R4		Less-Hazard-Sensitive Activities within the Low and Medium <u>and high</u>⁶⁷ Hazard Areas of the Coastal Hazard Overlays
	All zones	1. Activity status: Permitted
CE-R5		Soft engineering coastal hazard mitigation works undertaken by a Statutory Agency or their nominated contractor or agent in all the Hazard Areas of the Coastal Hazard Overlays
	All zones	1. Activity status: Permitted
CE-R6		Additions to existing buildings in all hazard areas of the Coastal Hazard Overlays
	All zones	1. Activity status: Permitted Where the following standards are met: <ul style="list-style-type: none"> a. The additions are being undertaken to a Potentially-Hazard-Sensitive Activity and Hazard-Sensitive Activity within the Low Hazard Area of the Coastal Hazard Overlays; or b. The additions are for a Less-Hazard-Sensitive Activity in either the Low, Medium or High Hazard Areas of the Coastal Hazard Overlays; or c. If the additions are for a Hazard-Sensitive Activity or Potentially-Hazard-Sensitive Activity in the Medium Hazard Area of the Coastal Hazard - Future Inundation area and Coastal Hazard - Future Erosion area of the Coastal Hazard Overlays; or d. If the additions are for a Hazard-Sensitive Activity or Potentially-Hazard-Sensitive Activity in the Medium Hazard Area of the Tsunami Hazard - 1:500 year inundation extent of the Coastal Hazard Overlays, the additions: <ul style="list-style-type: none"> i. Do not increase the building footprint by more than 40m²; and ii. Do not establish a new additional Hazard-Sensitive Activity or Potentially-Hazard-Sensitive Activity on the site; or e. If the additions are for a Hazard-Sensitive Activity or Potentially-Hazard-Sensitive Activity in the High Hazard Area of the Coastal Hazard Overlays the additions: <ul style="list-style-type: none"> i. Do not increase the building footprint by more than 20m²; and ii. Do not establish a new additional Hazard-Sensitive Activity or Potentially-Hazard-Sensitive Activity on the site. <p>Advice note - For the avoidance of doubt, when an addition or alteration to a building establishes a new Hazard-Sensitive Activity or Potentially-Hazard-Sensitive Activity on the site, then it shall be</p>

⁶⁷ Kimberly Vermey [50.6]

		assessed under the rule framework for Hazard-Sensitive Activity or Potentially-Hazard-Sensitive Activities and not the additions to buildings framework.
	All zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> Compliance is not achieved with CE-R6-1.a, CE-R6-1.b, CE-R6-1.c, CE-R6-1.d or CE-R6-1.e. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> The matters in CE-P11.
	CE-R7	All Potentially-Hazard-Sensitive Activities within the Low Hazard Area of the Coastal Hazard Overlay
		<p>1. Activity status: Controlled</p> <p>Matters of control and limited to:</p> <ol style="list-style-type: none"> The matters in CE-P12.
	CE-R8	New buildings and structures within a Coastal High Natural Character Area
	All zones	<p>1. Activity status: Restricted discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> The maximum gross floor area of the building or structure is no greater than 50m² per site; and The height of the building or structure is less than 5m above ground level. <p>Matters of discretion:</p> <ol style="list-style-type: none"> The matters in CE-P3. <p>Note: Applications under this rule must provide the following in addition to the standard information requirements pursuant to s88(3) of the RMA:</p> <ul style="list-style-type: none"> An assessment by a suitably qualified landscape architect to assess the proposal against the identified values of the Coastal High Natural Character area.
	All zones	<p>2. Activity status: Non-complying</p> <p>Where:</p> <ol style="list-style-type: none"> Compliance is not achieved with CE-R8-1.

	<p>Note: Applications under this rule must provide the following in addition to the standard information requirements pursuant to s88(3) of the RMA:</p> <ul style="list-style-type: none"> An assessment by a suitably qualified landscape architect to assess the proposal against the values of the Coastal High Natural Character area. 	
CE-R9	Hazard-Sensitive Activities within the Low Hazard Area of the Coastal Hazard Overlays	
All zones	<p>1. Activity status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> Any building associated with a Hazard-Sensitive Activity within the Low Hazard Area of the Tsunami Hazard - 1:1000 year inundation extent of the Coastal Hazard Overlays must have a finished floor level above the inundation level. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> The matters in CE-P12. <p>Notification: An application under this rule is precluded from being publicly notified in accordance with sections 95A of the RMA.</p>	
All zones	<p>2. Activity status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> Compliance is not achieved with CE-R9-1. 	
CE-R10	<p>All Potentially-Hazard-Sensitive Activities within the Medium Hazard Area of the Tsunami Hazard - 1:500 year inundation extent or any new buildings for a Potentially Hazard Sensitive Activity within the Medium Hazard Area of the Coastal Hazard - Future Erosion and Coastal Hazard - Future Inundation area⁶⁸ of the Coastal Hazard Overlays</p>	
All zones	<p>1. Activity status: Restricted discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> Any building associated with a Potentially-Hazard-Sensitive Activity within the Medium Hazard Area of the Tsunami Hazard - 1:500 year inundation extent or Coastal Hazard - Future Erosion and⁶⁹ Coastal Hazard - Future Inundation area of the Coastal Hazard Overlay must have a finished floor level above the inundation level. <p>The matters of discretion are restricted to:</p>	

⁶⁸ Kimberley Vermey [50.4],

⁶⁹ Kimberley Vermey [50.4],

		1. The matters in CE-P13.
	All zones	2. Activity status; Discretionary Where: 1. Compliance is not achieved with CE-R10-1.
	CE-R11	All Hazard-Sensitive Activities within the Medium Hazard Area of the Tsunami Hazard - 1:500 year inundation extent of the Coastal Hazard Overlays
	All zones	1. Activity status: Discretionary
	CE-R12	All hard engineering measures in the High Hazard Area of the Coastal Hazard Overlays
	All zones	1. Activity status: Discretionary
	CE-R13	All new buildings for Hazard-Sensitive Activities within the Medium Hazard Area of the Coastal erosion and inundation extent of the Coastal Hazard Overlays
	All zones	1. Activity status: Discretionary
	CE-R14	All new buildings for Potentially-Hazard-Sensitive Activities within the High Hazard Area of the Coastal Hazard - Current Erosion area and Coastal Hazard - Current Inundation area and all new Potentially-Hazard-Sensitive Activities within the High Hazard Area of the Tsunami Hazard - 1:100 year inundation extent of the Coastal Hazard Overlays
	All zones	1. Activity status: Discretionary
	CE-R15	Quarry or mining activities within the coastal environment
	All zones	1. Activity status: Discretionary Where: a. The quarry or mining activity is not located within a Coastal High Natural Character Area.
	All zones	2. Activity status: Non-complying Where: a. Compliance is not achieved with CE-R13-1.a.
	CE-R16	New plantation forestry within the coastal environment
	All zones	1. Activity status: Non-complying
	CE-R17	All Hazard-Sensitive Activities within the High Hazard Area of the Tsunami Hazard - 1:100 year inundation extent of the Coastal Hazard Overlay

All zones	1. Activity status: Non-complying	
CE-R18	All new buildings for Hazard-Sensitive Activities within the High Hazard Area of the Coastal Hazard - Current Erosion area and Coastal Hazard - Current Inundation area of the Coastal Hazard Overlays	
All zones	1. Activity status: Non-complying	
CE-R19	Any activity <u>within a Coastal High Natural Character Area or coastal hazard overlay⁷⁰</u> not otherwise listed as permitted, controlled, restricted discretionary, discretionary or non-complying	
All zones	1. Activity status: Non-complying Discretionary⁷¹	
Standards		
CE-S1	Earthworks	
All zones	<div>1. Earthworks:<div><div>a. Must not exceed a maximum area of 50m² within any five year continuous period per site and any exposed areas are treated or screened as soon as practical, but no later than three months after the completion of earthworks or stages of earthworks; or</div><div>b. Where associated with the maintenance of, or new, public walking or cycling tracks must be no greater than 2.5m wide and cuts or fill less than 1.5m above ground level or 1.8m on switchbacks and undertaken by Porirua City Council or an approved contractor acting on their behalf and in accordance Porirua City Council Track Standards Manual (Version 1.2, 2014).⁷²</div></div></div>	<div>The matters of discretion are restricted to:<div><div>1. Effects on the stability of land or structures in or on the site or adjacent sites;</div><div>2. Effects on the visual amenity values and character of the surrounding area;</div><div>3. Effects on the natural landform and the extent to which the finished site will reflect and be sympathetic to the surrounding landform;</div><div>4. Effects of dust and vibration beyond the site;</div><div>5. Measures to prevent silt or sediment from leaving the site, particularly measures to minimise silt and sediment entering the stormwater system and roads;</div><div>6. The effects of silt and sediment beyond the site;</div><div>7. The potential for staging of earthworks to minimise the</div></div></div>

⁷⁰ Linda Dale [247.15]

⁷¹ Linda Dale [247.15]

⁷² Porirua City Council [11.56]

	<p>Note: Earthworks within the coastal environment identified on the District Plan maps, but outside the Coastal High Natural Character areas are subject to the relevant zone standard or overlay standard as identified elsewhere within the Plan.</p>	<p>total area of exposed soils at any point in time; and</p> <p>8. The effect on the identified values and characteristics within SCHED11 - Coastal High Natural Character Areas.</p>
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APP10 - Natural Hazard Risk Assessment

Table 1 has been developed to rank the likelihood of a natural hazard event. This likelihood ranking provides guidance on determining the risk associated with a natural hazard event and the corresponding Hazard Overlays in Table 3 and Table 4.

**APP10-
Table 1** **Likelihood guidance**

Likelihood	Likelihood ranking
Less than 1:100 year event (1 in 100 year event) or annual exceedance probability (AEP) 1% or more	Very likely
1:101 – 1:200 year event or AEP range 0.5% to 1%	Likely
1:201 – 1:500 year event or AEP range 0.2% to 0.5%	Unlikely
1:501 – 1:2500 year event or AEP range 0.04% to 0.2%	Very unlikely
More than 1:2500 or AEP 0.04% or less	Extremely unlikely

Hazard provisions sensitivity classification

To assist with determining the consequences associated with natural hazards, buildings and activities have been allocated a sensitivity rating (Table 2). This rating is based on the potential sensitivity to human life and property as a result of those respective activities occurring within an identified Hazard Area.

APP10-Table 2 **Hazard sensitivity**

Hazard provisions sensitivity classification	Land use activities
Hazard-Sensitive Activities	Childcare services Community facilities activity ⁷³ Educational facilities facility ⁷⁴ Emergency service facilities Healthcare activity Hospital Marae

⁷³ Minor correction under Clause 16 (to align with the National Planning Standards definition of 'Community Facility')

⁷⁴ Minor correction under Clause 16 (should be plural for consistency)

	Multi-unit housing Places of worship Residential units and minor residential units (including those associated with Papakāinga ⁷⁵) Retirement villages ⁷⁶ Visitor accommodation
Potentially-Hazard-Sensitive Activities	Buildings associated with primary production (excluding residential units, minor residential units, residential activities or buildings identified as Less-Hazard-Sensitive Activities) Commercial activity commercial service activity Community corrections activity Entertainment facilities facility ; ⁷⁷ Food and beverage activity Industrial activity activities ⁷⁸ Integrated retail activity ⁷⁹ Large format retail activity Major sports facilities ; facility ; ⁸⁰ Offices Retail activity activities ⁸¹ Retirement village ⁸² Rural industry
Less-Hazard-Sensitive Activities	Accessory buildings used for non-habitable purposes ⁸³ Boating facilities (above MHWS) Buildings and structures that are not used for hazard-sensitive or potentially-hazard-sensitive activities do not have habitable rooms or are used for commercial purposes ⁸⁴ Parks facilities Parks furniture Buildings associated with temporary activities

⁷⁵ Minor correction under Clause 16 (incorrect spelling of Papakāinga)

⁷⁶ Minor correction under Clause 16 (should be plural for consistency)

⁷⁷ Minor correction under Clause 16 (should be plural for consistency)

⁷⁸ Minor correction under Clause 16 (should be singular for consistency)

⁷⁹ Minor correction under Clause 16 (is a subset of large format retail activity, and is not in list under definition of 'Potentially-hazard-sensitive activities')

⁸⁰ Minor correction under Clause 16 (should be plural for consistency)

⁸¹ Minor correction under Clause 16 (should be singular for consistency)

⁸² Kimberley Vermey [50.1]

⁸³ Kimberley Vermey [50.2]

⁸⁴ Kimberley Vermey [50.2]

Where one or more of the above activities are proposed to be undertaken within a Natural Hazard Overlay on a site, the most sensitive of the activities shall be used to determine the sensitivity of the proposal.

If an activity not identified in Table 2 is proposed in a Natural Hazard Overlay, then for the purposes of the application it shall be assessed as a potentially-hazard-sensitive activity.

Natural Hazard Overlays

Porirua City Council hazard (non-coastal) areas are identified through mapped Hazard Overlays for the following natural hazards:

1. Flooding; and
2. Fault rupture.

The natural hazards within the District Plan have been mapped as Overlays as summarised in Table 3 below. Each Overlay has been classified as High, Medium or Low depending on the level of relative hazard posed.

Fault Hazard Management Areas

Fault hazards are generally characterised by areas of deformation, or potential deformation rather than being single linear features that can be visibly mapped. These areas are known as Fault Rupture Zones. They range in width from several metres to hundreds of metres. Structures sited directly across a Fault Rupture Zone, or near to a Fault Rupture Zone, are in a potentially hazardous area and could be damaged in the event of a fault rupture.

Mapping of Fault Rupture Zones relied on the best available information gathered about the fault hazards within the City. Some parts of these fault rupture areas are either clearly visible in the surface geology, or have had more detailed investigations of sub-surface geology through geotechnical techniques such as trenching or seismic surveying.

Fault Hazard Management Areas have been mapped for all known active faults in Porirua by creating a 20m buffer either side of the spatial extent of the likely Fault Rupture Zone. This is because land within a 20m proximity to a fault rupture is typically subject to deformation and secondary ruptures as a result of primary fault movement.

Within the Fault Hazard Management Areas, applicants for resource consent may undertake site specific investigations for the purpose of demonstrating that the location of any proposal is outside the Fault Rupture Zone, and the 20m buffer area. In that case, while the land will remain within the Fault Hazard Management Area (as mapped), a lower hazard rating may apply (as described in Table 3).

If no further information has been gathered that would justify a change to the hazard rating, the higher hazard rating for the relevant Fault Hazard Management Area in Table 3 applies.

APP10- Natural Hazard Overlays
Table 3

Natural Hazard Overlay	Hazard areas
Flood Hazard – Stream Corridor	High
Fault Hazard Management Area Rupture Zone – Ohariu (20m or closer either side of the Ohariu Fault Rupture Zone)	
Flood Hazard – Overland Flow	Medium
Fault Hazard Management Area Rupture Zone – Pukerua (20m or closer either side of the Pukerua Fault Rupture Zone)	
Flood Hazard – Ponding	Low
Fault Hazard Management Area Rupture Zone – Moonshine (20m or closer either side of the Moonshine Fault Rupture Zone)	
Fault Hazard Management Area Rupture Zone – Ohariu (excluding beyond 20m from either side of the Ohariu Fault Rupture Zone)	
Fault Hazard Management Area Rupture Zone – Pukerua (excluding beyond 20m from either side of the Pukerua Fault Rupture Zone ⁸⁵)	
It is acknowledged that risk can be influenced by site or area specific factors, such as topography, elevation, natural features, soil classification etc. When assessing applications, these factors should be taken into account to allow for a site-specific determination of the risk associated with a particular proposal.	
APP10- Coastal Hazard Overlays Table 4	
Coastal Hazard Overlay	Hazard areas
Tsunami Hazard – 1:100 year inundation extent	High
Coastal Hazard – Current Inundation; and Coastal Hazard – Current Erosion	
Tsunami Hazard – 1:500 year inundation extent	Medium
Coastal Hazard – Future Inundation (with 1m SLR); and	

⁸⁵ [Porirua City Council \[11.36\]](#)

Coastal Hazard – Future Erosion (with 1m SLR)	
Tsunami Hazard – 1:1000 year inundation extent	Low

Appendix 2 - Recommended responses to submissions and further submissions

Note that the Natural Hazards submissions response table has not been included in this appendix as there are no changes recommended in response to submissions following the hearing. The Panel can refer to Appendix B of the Section 42A Report – Part B Natural Hazards for my recommendations in response to submissions on this topic.

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of the s42a Report this Report	Officer’s Recommendation	Officers’ Reasons/Comments	Recommended Amendments to PDP?
General							
264.56	Te Rūnanga o Toa Rangatira	General	Retain as notified.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
81.479	Kāinga Ora	General	Retain as notified	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
137.82 ⁸⁶	GWRC	General	[Not specified, refer to original submission] While no specific decision sought, the submitter raised the following matter(s): submitter supports: the inclusion of coastal flooding, sea level rise and tsunami into the coastal environment section, and the use of different scenarios for mapping the potential impacts of sea level rise. Considered managing and allowing for the impacts of climate change and sea level rise is consistent with the RPS direction on climate change in Objective 21 and Policy 51.	N/A	Accept	Agree with submitter	No
60.87	Transpower		Retain the Coastal Environment Chapter. If the chapter applies to the National Grid, amend provisions to reflect the relief sought in submission. [refer to original submission and specific submission points for full decision requested]	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
Giving effect to the New Zealand Coastal Policy Statement							
225.255 ⁸⁷	Forest and Bird	New Provision	Include policy direction to give effect to NZCPS Policy 14 Restoration of natural character.	3.2	Reject	See body of report	No
126.47 ⁸⁸	DOC	New Provision	Provide policy direction to avoid adverse effects on areas of outstanding natural character in the coastal environment.	3.2	Reject	See body of report	No
225.184	Forest and Bird	CE-O1	Amend CE-O1 as follows: <u>The characteristics and qualities of Porirua’s coastal environment which contribute to natural character, natural features and landscapes are recognized and valued.</u> The natural character, natural features and landscapes of the coastal environment is preserved and protected from inappropriate subdivision, use and development.	3.2	Reject	See body of report	No
225.47	Forest and Bird	New Provision	Avoid indigenous vegetation clearance in the coastal environment consistent with the NZCPS and limit other indigenous vegetating clearance to maintain indigenous biodiversity.	3.2	Reject	See body of report	No

⁸⁶ Support – Waka Kotahi [FS36.27]

⁸⁷ Support – GWRC [FS40.143]

⁸⁸ Support – GWRC [FS40.110]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of the s42a Report this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
126.43	DOC	CE-O2	Amend to require that subdivision, use and development in the coastal hazard overlays avoid increasing the risk of: - social, environmental and economic harm from coastal hazards; and - adverse effects from coastal hazards.	3.2	Accept	See body of report	Yes
Earthworks in a Coastal High Natural Character Area							
168.53	Robyn Smith	General	Amend the policies, rules and standards so that earthworks regardless of scale or purpose within CHNCs 008 to 014 are a non-complying activity, with an explicit exemption for planting associated with ecological restoration.	3.3	Accept in part	See body of report	No
Biodiversity in a Coastal High Natural Character Area							
225.49	Forest and Bird	New Provision	Retain connectivity from the coast to the hills and mountains though connected biodiversity corridors.	3.4	Reject	See body of report	No
168.54	Robyn Smith	General	Amend the policies, rules and standards so that all clearance of indigenous and endemic vegetation regardless of scale or purpose within CHNCs 008 to 014 is categorised as a non-complying activity.	3.4	Reject	See body of report	No
Vehicle use on Titahi Bay Beach							
95.5	Titahi Bay Residents Association Incorporated	General	Seeks the addition of rules and standards to: <ul style="list-style-type: none"> Extend the current centre-beach motor vehicle prohibited area to the stream at Bay Drive, and maintain the current operative Regional Coastal Plan exemptions for Surf Club, official and emergency vehicles etc. Prohibit the use of caterpillar-tracked motor vehicles on the active beach, coastal marine area (CMA). Prohibit the use of motor vehicles within 8 metres of any exposed fossil forest. Prohibit the use of motor vehicles for beach grooming or contouring. Permit motor vehicle access to the beach boat shed areas, 5 am to 9.30 pm daily. After those hours, it be a discretionary activity, except for official/emergency vehicles etc. Permit motor vehicle access any time for owner/operators on the Porirua City Council (PCC) boat shed register (provided the vehicle is immediately publicly identifiable as being on the register). Allow motor vehicle parking in the boat shed areas at each end as a discretionary activity so PCC may take out a blanket (global) resource consent for an agreed management plan.	3.5	Reject	See body of report	No
Coastal Environment Inland Extent							
168.42	Robyn Smith	New definition	Add a definition of 'landward extent of the coastal environment'.	3.6	Reject	See body of report	No
168.51	Robyn Smith	Coastal Environment Inland Extent	Amend all references to "inland extent of the coastal environment" in the PDP to read: "landward extent of the coastal environment."	3.6	Accept	See body of report	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of the s42a Report this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
168.52	Robyn Smith	Coastal Environment Inland Extent	Amend to include a statement detailing how the landward limit of the coastal environment was determined.	3.6	Reject	See body of report	No
183.9	Pikarere Farm Limited	Coastal Environment Inland Extent	<p>In relation to the Coastal Environment Inland Extent:</p> <ul style="list-style-type: none"> This is shown as going north to south along the eastern and middle part of the farm [in relation to Pikarere Farm]. It should follow the natural ridgeline along the centre of the farm as shown on the plan attached to the submission. <p>[Refer to original submission for full decision requested, including attachment]</p>	3.6	Accept in part	See body of report	Yes
225.182	Forest and Bird	General	In the Map tools show the Coastal Environment Inland Extent under the heading for General District-Wide Matters Overlays for consistency with the location of the coastal Environment Chapter location in the Plan.	3.6	Accept	Agree with submitter	Yes
225.188	Forest and Bird	CE-P1	<p>Clarify the policy with respect to the coastal environment identified on the planning maps and whether this is an “overlay”.</p> <p>Clarify that case by case determinations of the coastal environment may still need to be made to recognise coastal hazard risks and the impacts of sea level rise.</p>	3.6	Accept in part	See body of report	Yes
Activities in the CMA and foreshore							
190.12	Paremata Residents Association	CE-P5	Add to be more proactive in supporting the removal of legislative barriers and adopt policies that will enable both the ecological and recreational values of the harbour to be enhanced.	3.7	Reject	See body of report	No
Coastal hazard maps							
148.1	Jennifer Norton	Coastal Hazards, New Provision	<p>The current inundation map needs to be clearer and more understandable. The legend of the overlay map needs to define what ‘current inundation’ means – particularly in relation to the effect of current inundation on properties behind the Plimmerton seawall, since the seawall is deemed not to exist for the purposes of this map.</p> <p>Clarification in the Plan itself could be achieved in a number of ways:</p> <ul style="list-style-type: none"> the definition section could include a definition of Current Inundation – that is explicit about the fact that existing seawalls haven’t been taken into account. <p>links could be put in the definition that takes the reader to the supporting document that discusses this matter.</p>	3.8	Accept in part	See body of report	Yes
195.1	Deirdre Dale	Coastal hazards	<ul style="list-style-type: none"> Amend so that: <ul style="list-style-type: none"> Reference to Current erosion and Current inundation in the map and in the Plan itself is clearer and more understandable. The legend of the overlay map defines what ‘current erosion’ and ‘current inundation’ mean, particularly in relation to the effect of current erosion and current inundation on properties behind the Plimmerton seawall, since the seawall is deemed not to exist for the purposes of this map. 	3.8	Accept in part	See body of report	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of the s42a Report this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
195.2	Deirdre Dale	General	<ul style="list-style-type: none"> Amend as follows: <ul style="list-style-type: none"> include definitions of Current erosion and Current Inundation that are explicit about the fact that existing seawalls have not been taken into account. links in the definition that take the reader to the supporting document that discusses this matter. 	3.8	Accept in part	See body of report	Yes
247.18	Linda Dale	APP10-Table 4 Coastal Hazard Overlays	<p>Opposes unless amended.</p> <p>There are two amendments required:</p> <p>1. Labels</p> <p>Change the following labels in all parts of this document where these are used.</p> <p>Coastal Hazard - Current Inundation change to Coastal Hazard - Inundation (AEP >1%)</p> <p>Coastal Hazard - Current Erosion change to Coastal Hazard - Erosion (AEP >1%)</p> <p>2. Context</p> <p>Add the following 3 paragraphs below the table in this section.</p> <p>It is acknowledged that risk can be influenced by site or area specific factors, such as topography, elevation, natural features, soil classification, existing mitigation measures etc. When assessing applications, these factors should be taken into account to allow for a site-specific determination of the risk associated with a particular proposal.</p> <p>It is also acknowledged that the hazard overlays do not currently take into account any existing mitigation measures which may substantially affect the actual risk relevant to any specific site. When assessing applications, these factors should also be taken into account to allow for a site-specific determination of the risk associated with a particular proposal.</p> <p>It should be noted that the mapping model used to create the hazard overlay has been developed for Porirua City Council planning purposes only. It gives precautionary, high-level depiction of risk areas and should not be considered definitive as to the actual current risk for any specific property.</p>	3.8	Accept in part	See body of report	Yes
Site-specific coastal hazard assessments							
247.1	Linda Dale	General	<p>Amend or delete as suggested under individual provisions below or take other measures in order to provide for a more site-specific and flexible approach to the definition of hazard risk for any specific site and give consideration to the justified interests of affected property owners.</p> <p>This is as recommended in the Focus Resource Management Report.</p> <p>The suggested amendments in CE-P9 and APP10-4, are particularly key to this.</p>	3.9	Reject	See body of report	No
247.4	Linda Dale	CE-P9	<p>Amend CE-P9:</p> <p>Identify, and map, and revise / maintain the mapping of natural hazards in the coastal environment in the Coastal Hazard Overlays and take a risk-based approach to the</p>	3.9	Reject	See body of report	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of the s42a Report this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			management of development within the Coastal Hazard Overlays based on the approach outlined in APP10 - Natural Hazard Risk Assessment, including: 1. The sensitivity of the activity to loss of life, damage from a natural hazard and the ability for communities to recover after a natural hazard event; and 2. The level of risk presented to people and property from a natural hazard.				
247.5	Linda Dale	New provision	Suggested rule: Allow for the revision of the hazard overlay on a site by site basis as requested, where there is an appropriate basis for the request such as: <ul style="list-style-type: none">- a site specific evaluation by a relevant professional (coastal engineer or similar)- significant and relevant changes to the facts surrounding a specific site- inaccuracy or incorrect understanding of the facts used for the original modelling- an agreed adaptive management or mitigation strategy for a specific site (or sites), is adopted or implemented leading to a changed hazard risk for these sites As well as covering future work, the last point also covers the fact that the existing mapping does not reflect the mitigation already in place at some sites, which may lessen the hazard risk.	3.9	Reject	See body of report	No
Amendments sought to coastal hazard maps							
29.1	Mike Evans	Coastal Hazard Mapping	Amend coastal hazard mapping in the vicinity of 20 Beach Road.	3.10	Reject	See body of report	No
158.5	Steve Grant	Tsunami Hazard	Remove the Tsunami Hazard from the property at 99-109 Saint Andrews Road, Plimmerton.	3.10	Accept	See body of report	Yes
158.4	Steve Grant	Natural Hazards Section 32 Evaluation Report	Seeks the basis of the Tsunami encroachment designation on the site [112 Mana Esplanade] to be clarified and explained by Council regarding adjacent properties that have a lower profile.	3.10	Accept	See body of report	Yes
210.3	Trustees of the Blue Cottage Trust	Coastal Hazards	Removal of the "Coastal Hazard - Current Inundation" and "Coastal Hazard - Future Inundation" overlays from Lot 6 DP 28478.	3.10	Reject	See body of report	No
210.4	Trustees of the Blue Cottage Trust	Tsunami Hazards	Removal of the "Tsunami Hazard Overlay (1:100yr, 1:500yr and 1:1000yr) Inundation Extent" from Lot 6 DP 28478.	3.10	Reject	See body of report	No
211.4 ⁸⁹	• Trustees of the Ken Gray No. 1 Family Trust & Ken Gray No. 2 Family Trust	• Coastal Hazards	• Removal of the "Coastal Hazard - Current Inundation" and "Coastal Hazard - Future Inundation" overlays from Lot 1-2 DP 1408, Lot 1 DP 89872, Lot 3 DP 332721 and Lot 2 DP 408158.	3.10	Reject	See body of report	No

⁸⁹ Oppose – GWRC [FS40.121]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of the s42a Report this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
211.5 ⁹⁰	• Trustees of the Ken Gray No. 1 Family Trust & Ken Gray No. 2 Family Trust	• Tsunami Hazards	Removal of the "Tsunami Hazard Overlay (1:100yr, 1:500yr and 1:1000yr) Inundation Extent" from Lot 1-2 DP 1408, Lot 1 DP 89872, Lot 3 DP 332721 and Lot 2 DP 408158.	3.10	Reject	See body of report	No
247.19	• Linda Dale	• Natural Hazards	<ul style="list-style-type: none"> In relation to the hazard overlays relating to properties at 51 & 57-59 Seaview Rd, Paremata, Porirua: <ul style="list-style-type: none"> Amend the hazard overlay as it relates to these properties. If the submission on CE-P9 is enacted then this submission is no longer necessary. 	3.10	Reject	See body of report	No
Council liability for damage caused by coastal hazards							
247.2 ⁹¹	Linda Dale	New Provision	Add: A new policy that seeks to remove any council liability relating to new activities within coastal hazard zones. This follows the approach (noted in the S32 report) by Dunedin City Council (among others) where: "Development in hazard prone areas, including in identified hazard overlay zones, are at an owner's risk and the DCC does not accept any liability in regards to development and risk from natural hazards." This differs from the situation for existing properties which were legitimately built at a time when the perceived risks were much less and the general approach of protective hard engineering works was much more commonly acceptable.[Refer to original submission for full reason]	3.11	Reject	See body of report	No
Hazard provisions affecting minimum height standards							
158.4	Steve Grant		The owners of 99-109 Saint Andrews Road, Plimmerton require prior to accepting any coastal hazard designation clear indication of any proposed Porirua City Council minimum relative lower finished floor level for any future development will not compromise the maximum height (11.0 metres) above ground level permitted.	3.12	Reject	See body of report	No
Sea level rise and managed retreat							
126.44	DOC	New objective, policy or rule	Include new objective, policy and rule to encourage managed retreat of develop in areas where coastal hazards are present.	3.13	Reject	See body of report	No
225.48 ⁹²	Forest and Bird	General	Retain the focus on soft coastal protection works.	N/A	Accept	Agree with submitter	No
225.256	Forest and Bird	General	Reduce and avoid new development in the coastal environment which would prevent landward migration.	N/A	Accept	Agree with submitter	No
225.187	Forest and Bird	CE-O4	Retain and add to the policies for a more responsive approach to sea level rise impacts recognizing natural processes.	3.13	Accept in part	See body of report	No
Policy approach in medium and high-hazard areas							

⁹⁰ Oppose – GWRC [FS40.122]

⁹¹ Oppose – TROTR [FS70.33]

⁹² Support – GWRC [FS40.143]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of the s42a Report this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
11.52	Porirua City Council	CE-P13	<p>Amend policy as follows:</p> <p>CE-P13 Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities in the Medium Hazard Areas</p> <p><u>Subject to NH-P11, Only allow Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities within the Medium Hazard Areas of the Coastal Hazard Overlays where:</u></p> <ol style="list-style-type: none"> 1. The activity incorporates mitigation measures that demonstrate that risk to people's lives and wellbeing, and building damage is avoided <u>there will be a reduction in risk to people's lives and wellbeing, and any damage to buildings is minimised;</u> 2. People can safely evacuate the property during a natural hazard event; and 3. The risk to adjacent properties, activities and people is not increased as a result of the activity proceeding. 	3.14	Accept in part	See body of report	Yes
FS39.45	DOC		Disallow	3.14	Reject	See body of report	No
FS40.13	GWRC		Allow	3.14	Accept in part	See body of report	No
11.53	Porirua City Council	CE-P14	<p>Amend the policy as follows:</p> <p>CE-P14 Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities in the High Hazard Areas</p> <p><u>Subject to CE-P11, Avoid the establishment of Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities in the High Hazard Areas of the Coastal Hazard Overlays unless it can be demonstrated that:</u></p> <ol style="list-style-type: none"> 1. The activity has a critical operational need to locate within the High Hazard Area and locating outside the High Hazard Area is not a practicable option; 1. <u>There will be a reduction in risk to people's lives and wellbeing;</u> 2. The activity incorporates mitigation measures that <u>minimise the risk of damage to buildings;</u>demonstrate that risk to people's life and wellbeing, property damage and the environment is avoided, and people can evacuate safely during a natural hazard event; 3. <u>People can safely evacuate the property during a natural hazard event;</u> 4. The risk to the activity and surrounding properties is either avoided or is low due to site specific factors, and/or the scale, location and design of the activity-; <u>and</u> <p><u>Other than within Commercial and Mixed Use Zones, the activity has an operational need and functional need to locate within the High Hazard Area and locating outside the High Hazard Area is not a practicable option.</u></p>	3.14	Accept in part	See body of report	Yes
FS39.46	DOC		Disallow	3.14	Reject	See body of report	No
FS40.14	GWRC		Allow	3.14	Accept in part	See body of report	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of the s42a Report this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
69.1 ⁹³	Paremata Business Park Ltd	CE-P14	<p>Amend:</p> <div> <p>Avoid the establishment of Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities in the High Hazard Areas of the Coastal Hazard Overlays unless it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The activity has a critical operational need to locate within the High Hazard Area and locating outside the High Hazard Area is not a practicable option; <u>or</u> 2. <u>The activity includes mitigation and avoidance measures as follows:</u> <ul style="list-style-type: none"> • The activity incorporates mitigation measures that demonstrate that risk to people's life and wellbeing, property damage and the environment is avoided, and people can evacuate safely during a natural hazard event; and • The risk to the activity and surrounding properties is either avoided or is low due to site specific factors, and/or the scale, location and design of the activity. </div> <p>Or adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in this submission, as necessary to give effect to this submission</p>	3.14	Accept in part	See body of report	No
69.24 ⁹⁴	Paremata Business Park Ltd	CE-P14	<p>Amend:</p> <div> <p>Avoid the establishment of Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities in the High Hazard Areas of the Coastal Hazard Overlays unless it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The activity has a critical operational need to locate within the High Hazard Area and locating outside the High Hazard Area is not a practicable option; <u>or</u> 2. <u>The activity includes mitigation and avoidance measures as follows:</u> <ul style="list-style-type: none"> ○ The activity incorporates mitigation measures that demonstrate that risk to people's life and wellbeing, property damage and the environment is avoided, and people can evacuate safely during a natural hazard event; and </div>	3.14	Accept in part	See body of report	No

⁹³ Oppose – GWRC [FS40.32]

⁹⁴ Oppose – GWRC [FS40.33]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of the s42a Report this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<ul style="list-style-type: none"> The risk to the activity and surrounding properties is either avoided or is low due to site specific factors, and/or the scale, location and design of the activity. <p>Or adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in this submission, as necessary to give effect to this submission.</p>				
247.7	Linda Dale	CE-P13	<p>Amend point 1. in this policy to read:</p> <p>The activity incorporates mitigation measures that demonstrate that risk to people's life and well-being, and property damage is avoided <u>or minimised</u>; and ...</p> <p>"Minimised" would allow for such emergency management type measure as alarms, and (for larger scale buildings) evacuation procedures in areas where the risk is from tsunami. It would also allow for appropriate mitigation or adaptation measures to be put in place for areas with other types of coastal risks.</p>	3.14	Accept in part	See body of report	No
247.8	Linda Dale	CE-P14	<p>Oppose or amend as follows.</p> <p>However, if the definition of the hazard areas is amended as per submission on APP-10, and CP-9 is amended so that the hazard risk status of a property can be amended based on site specific considerations (such as existing mitigation or an adaptive strategy which forms part of an agreed plan), then would no longer oppose this policy.</p> <p>Avoid the establishment of Hazard-Sensitive and Potentially-Hazard Sensitive Activities in the High Hazard Areas of the Coastal Hazard Overlays unless it can be demonstrated that:</p> <ol style="list-style-type: none"> The activity has a critical operational need to locate within the High Hazard Area and locating outside the High Hazard Area is not a practicable option; The activity incorporates mitigation measures that demonstrate that risk to people's life and wellbeing, property damage and the environment is avoided or <u>mitigated</u>, and people can evacuate safely during a natural hazard event; and The risk to the activity and surrounding properties is either avoided or is low due to site specific factors and/or the scale, location and design of the activity. 	3.14	Accept in part	See body of report	No
Hard and soft engineering measures							
82.158	Waka Kotahi	CE-P16	<p>Amend provision:</p> <p>"Encourage soft engineering measures <u>where practical</u>, when undertaking planned natural hazard mitigation works within the identified Coastal Hazard Overlay that reduces the risk from natural hazards."</p>	3.15	Reject	See body of report	No
82.159	Waka Kotahi	CE-P17	<ul style="list-style-type: none"> Amend provision: Only allow hard engineering measures for the reduction of the risk from natural hazards when: <ol style="list-style-type: none"> The engineering measures are needed to protect existing regionally significant infrastructure and it can be demonstrated that there is no <u>reasonably practicable</u> alternative; 	3.15	Reject	See body of report	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of the s42a Report this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<ul style="list-style-type: none"> [...] AND Define 'Hard Engineering Measures'.				
82.162	Waka Kotahi	CE-R5	Retain as notified.	3.15	Accept	Agree with submitter	No
82.163 ⁹⁵	Waka Kotahi	CE-R12	Amend provision: <u>1. Activity Status: Restricted Discretionary</u> <u>Where:</u> <u>a. It is for the ongoing maintenance, use and repair of the transport network.</u> <u>Matters of discretion are restricted to:</u> <u>1. Safety and efficiency of the transport network.</u> 2. Discretionary Activity AND Define 'Hard Engineering Measures'. AND Provide reference to Overlays hazard area classifications within Appendix 10.	3.15	Reject	See body of report	No
86.55	KiwiRail Holdings Limited (KiwiRail)	CE-O4	Retain as proposed.	3.15	Accept	Agree with submitter	No
86.56	KiwiRail Holdings Limited (KiwiRail)	CE-P17	Retain as proposed	3.15	Accept	Agree with submitter	No
126.57 ⁹⁶	DOC	CE-R5	Add checks and balances either by way of permitted activity conditions or controlled activity status to address the potential for adverse effects on dune systems, coastal processes, risk transfer, biodiversity values etc.	3.15	Reject	See body of report	No
225.196	Forest and Bird	CE-P16	Amend as follows: Provide for Enable soft engineered coastal hazard mitigation works undertaken by a statutory agency or their nominated contractors or agents within the identified Coastal Hazard Overlay where these decrease the risk to people and property <u>and avoid, remedy or mitigate adverse effects on the coastal environment.</u>	3.15	Reject	See body of report	No
247.9	Linda Dale	CE-P17	Amend: Only allow hard engineering measures for the reduction of the risk from natural hazards when:	3.15	Reject Accept in part	See body of report <u>and paragraphs 77 to 83 of this reply</u>	No <u>Yes</u>

⁹⁵ Oppose – DOC [FS39.49], Oppose – GWRC [FS40.100]

⁹⁶ Neutral – Waka Kotahi [36.13]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of the s42a Report this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			1. The engineering measures are needed to protect existing regionally significant infrastructure and it can be demonstrated that there is no reasonable alternative or there is an immediate serious risk to life or private property from the natural hazard;				
Definitions							
95.1	Titahi Bay Residents Association Incorporated	General	Add: Mean-high-water-springs (MHWS) is defined by the boundary line of the relevant adjacent zone on the overlay of the planning map.	3.16	Reject	See body of report	No
95.3	Titahi Bay Residents Association Incorporated	General	Add: Exposed (Titahi Bay fossil forest) means the fossil forest is protruding above the substrate sand/gravel base.	3.16	Reject	See body of report	No
81.43	Kāinga Ora	Coastal environment	Retain definition as notified	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
225.55	Forest and Bird	Coastal environment	Amend the definition as follows: <u>Inland coastal environment</u> means the area identified on the planning maps as being located within the inland extent of the coastal environment.	3.16	Reject	See body of report	No
168.41	Robyn Smith	Coastal environment	Amend the definition to read: <i>"The Coastal Environment comprises that part of Porirua City that is seaward of the landward extent of the coastal environment as identified in the planning maps".</i>	3.16	Accept in part	See body of report	No
81.44	Kāinga Ora	Coastal Hazard Overlay	Delete definition: Coastal Hazard Overlay means the areas identified in Table 4 Coastal Hazard Overlays in APP10 - Natural Hazard Risk Assessment and shown on the planning maps.	3.16	Reject	See body of report	No
81.45	Kāinga Ora	Coastal High Natural Character Area	Retain definition as notified	N/A	Accept	Agree with submitter	No
60.2	Transpower	Coastal High Natural Character Area	Retain	N/A	Accept	Agree with submitter	No
225.56	Forest and Bird	Coastal High Natural Character Area	Amend the definition as follows: means an area of coastal high natural character identified in SCHED11 - Coastal High Natural Character Areas <u>and shown as an overlay on the Planning maps managed through provisions in the district wide CE Chapter.</u>	3.16	Reject	See body of report	No
Objectives							
77.17	Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pauatahanui Inlet	CE-O1	Amend: The natural character of the coastal environment is preserved and protected from inappropriate subdivision, use and development <u>and from adverse effects, especially sediment and contaminants, arising from subdivision, use and development.</u>	3.17	Reject	See body of report	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of the s42a Report this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
82.155	Waka Kotahi	CE-O1	Retain as notified.	N/A	Accept	Agree with submitter	No
126.40	DOC	CE-O1	Retain as notified	N/A	Accept	Agree with submitter	No
225.186	Forest and Bird	CE-O3	Delete or Alternatively amend to recognise the value of natural features provide to reducing natural hazard impacts, including on the natural values of the coastal environment.	3.17	Reject	See body of report	No
126.41	DOC	CE-O3	Retain as notified	N/A	Accept	Agree with submitter	No
126.42	DOC	CE-O4	Retain as notified	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
247.3	Linda Dale	CE-O4	Amend: <u>There is reduced risk to life and property from coastal inundation and erosion hazards through planned mitigation works / adaptive strategies, wherein</u> soft engineering measures are the primary method used to reduce damage from sea level rise and coastal erosion.	3.17	Accept in part	See body of report	Yes
Policies							
126.45	DOC	CE-P1	Retain as notified.	N/A	Accept	Agree with submitter	No
137.61	GWRC	CE-P1	Delete the policy.	3.18	Reject	See body of report	No
60.88	Transpower	CE-P1	Retain	N/A	Accept	Agree with submitter	No
225.189	Forest and Bird	CE-P2	Retain.	N/A	Accept	Agree with submitter	No
126.46	DOC	CE-P2	Retain as notified.	N/A	Accept	Agree with submitter	No
137.62	GWRC	CE-P2	Delete the policy.	3.18	Reject	See body of report	No
225.190	Forest and Bird	CE-P3	Amend as follows: Only <u>consider</u> allowing subdivision , use and development... 1. ... 2. Demonstrates that it <u>may be</u> is appropriate by: ..." Alternatively delete "or minimizing" in clause 2. Add a clause to clarify that subdivision is not appropriate within Coastal High Natural Character Areas.	3.18	Reject	See body of report	No
225.191	Forest and Bird	CE-P4	Delete or Alternatively amend as follows: Allow <u>Provide for</u> earthworks and indigenous vegetation removal within Coastal High Natural Character Areas where: 1. It is of a scale and for a purpose that maintains or maintains and restores the identified values described in SCHED11 - Coastal High Natural Character Areas, including restoration and conservation activities;	3.18	Accept in part	See body of report	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of the s42a Report this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<p>2. It is associated with <u>existing lawfully established</u> farming activities for an established working farm, where the identified values described in SCHED11 - Coastal High Natural Character Areas are maintained; or</p> <p>3. It is associated with the ongoing maintenance and repair of existing accessways and construction of public cycling and walking tracks which maintain the identified values described in SCHED11 - Coastal High Natural Character Areas.</p>				
82.157	Waka Kotahi	CE-P4	<p>Amend provision:</p> <p>“3. It is associated with the ongoing maintenance and repair of the existing accessways <u>and state highway infrastructure</u>, and construction of public cycling and walking tracks which maintain the identified values described in SCHED11- Coastal High Natural Character Areas.”</p>	3.18	Accept in part	See body of report	No
225.192	Forest and Bird	CE-P5	<p>Amend the heading for consistency with the policy wording to provide for “restoration and <u>enhancement</u> rehabilitating activities within the coastal environment”.</p> <p>Amend the policy as follows:</p> <p>Enable activities that restore and rehabilitate the coastal environment including Te Awarua-o-Porirua Harbour and its margins, and activities which maintain or enhance the amenity, recreational, ecological and cultural values of the coastal environment <u>consistent with the provisions on this plan</u>.</p>	3.18	Reject	See body of report	No
126.48	DOC	CE-P5	Retain as notified	N/A	Accept	Agree with submitter	No
225.193 ⁹⁷	Forest and Bird	CE-P6	<p>Delete.</p> <p>Add clear policy direction that subdivision is not appropriate in the coastal environment.</p>	3.18	Reject	See body of report	No
225.194 ⁹⁸	Forest and Bird	CE-P7	<p>Amend policy as follows:</p> <p>Avoid, remedy or mitigate adverse effects of <u>existing</u> quarrying activities and mining within the coastal environment and avoid <u>new</u> quarrying activities and <u>new</u> mining within <u>the coastal environment</u> areas of High Natural Character.</p>	3.18	Reject	See body of report	No
225.195	Forest and Bird	CE-P8	Retain.	N/A	Accept	Agree with submitter	No
126.49	DOC	CE-P8	Retain as notified.	N/A	Accept	Agree with submitter	No
126.50	DOC	CE-P9	Retain as notified, subject to any amendments needed to ensure the ‘risk based approach’ is consistent with the NZCPS.	N/A	Accept	Agree with submitter	No
126.51	DOC	CE-P10	Retain as notified.	N/A	Accept	Agree with submitter	No

⁹⁷ Oppose – GWRC [225.193]

⁹⁸ Support – DOC [FS39.13], Support – GWRC [FS40.141]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of the s42a Report this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
247.6 ⁹⁹	Linda Dale	CE-P12	Remove policy. Option 2 Amend point 1. in this policy to read: The activity incorporates mitigation measures that demonstrate that risk to people's life and well-being, and property damage is avoided <u>or minimised</u> ; and ... "Minimised' would allow for such emergency management type measures as alarms, and (for larger scale buildings) evacuation procedures.	3.18	Reject	See body of report	
126.52	DOC	CE-P15	Retain as notified.	N/A	Accept	Agree with submitter	No
126.53	DOC	CE-P16	Retain as notified.	N/A	Accept	Agree with submitter	No
126.54	DOC	CE-P17	Retain as notified.	N/A	Accept	Agree with submitter	No
225.197	Forest and Bird	CE-P17	<ul style="list-style-type: none"> Amend policy as follows: Only <u>consider allowing</u> hard engineering measures for the reduction of the risk from natural hazards when: <ul style="list-style-type: none"> 1. The engineering measures are needed to protect existing regionally significant infrastructure and it can be demonstrated that there is no reasonable alternative; 2. There is an immediate risk to life or private property from the natural hazard; 3. The construction of the hard engineering measures will not increase the risk from Coastal Hazards on the adjacent properties that are not protected by the hard engineering measures; 4. It avoids the modification or alteration of natural features and systems in a way that would compromise their function as natural defences; 5. Significant adverse effects on natural features and <u>landscapes, ecosystems</u> systems <u>and coastal processes</u> (including but not limited to beach width and beach material composition, and the presence of sand dunes) from those measures are avoided, and any other adverse effects are avoided; remedied or mitigated; and 6. It can be demonstrated that soft engineering measures would not provide an appropriate level of protection in relation to the significance of the risk. 	3.18	Accept in part	See body of report	Yes
Rules							
11.54 ¹⁰⁰	Porirua City Council	CE-R1	Amend the rule as follows: 1. Activity status: Permitted Where:	3.19	Accept	See body of report	Yes

⁹⁹ Oppose – GWRC [FS40.157]

¹⁰⁰ Oppose – GWRC [FS40.15]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of the s42a Report this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			a. The earthworks are for: <ul style="list-style-type: none"> i. The maintenance of existing farm tracks, accessways or digging new fence post holes; or ii. The construction of new public walking or cycling access tracks; and Compliance is achieved with CE-S1.				
82.160	Waka Kotahi	CE-R1	Amend provision: <ul style="list-style-type: none"> a. <u>iii</u> <u>The maintenance of the existing state highway network.</u>	3.19	Reject	See body of report This submission point is also addressed in the s42A report for Infrastructure	No
137.63 ¹⁰¹	GWRC	CE-R1	Amend CE-R1 to require consent (as either a controlled or restricted discretionary activity) for earthworks associated with new walking or bike tracks in areas of high natural character.	3.19	Reject	See body of report This submission point is also addressed in the s42A report for Infrastructure	No
225.199	Forest and Bird	CE-R1	Amend CE-R1.1. by including a condition that the activity is not within 15m of a natural wetland. Make further amendments to ensure that where the 15m set back is not complied with the activity considered under a non-complying classification.	3.19	Reject	See body of report	No
126.55	DOC	CE-R2	Retain as notified.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
11.55 ¹⁰²	Porirua City Council	CE-R2	Amend the rule as follows: <u>Indigenous</u> Vegetation removal within a Coastal High Natural Character Area 1. Activity status: Permitted Where: <ul style="list-style-type: none"> a. The removal of <u>indigenous</u> vegetation is for the purpose of: <ul style="list-style-type: none"> i. Addressing an imminent threat to people or property represented by deadwood, diseased or dying vegetation; ii. Ensuring the safe and efficient operation of any formed public road or access; iii. Enabling the maintenance of buildings where the removal of vegetation is limited to within 3m from the external wall or roof of a building; 	3.19	Accept	See body of report	Yes

¹⁰¹ Support – DOC [FS39.37]

¹⁰² Support – GWRC [FS40.16]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of the s42a Report this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<p>iv. Maintenance or construction of a new public walking or cycling track up to 2.5m in width undertaken by Porirua City Council or its approved contractor in accordance with the Porirua City Council Track Standards Manual (Version 1.2, 2014);</p> <p>v. Constructing new perimeter fences for stock or pest animal exclusion from areas or maintenance of existing fences provided the removal does not exceed 2m in width; or</p> <p>vi. Enable tangata whenua to exercise customary harvesting.</p> <p>Note: the ECO provisions apply where removal of indigenous vegetation is proposed and the area is an identified Significant Natural Area.</p>				
82.161	Waka Kotahi	CE-R2	<p>Amend provision:</p> <p>a. ii</p> <p>Ensuring the safe and efficient operation of any formed public road <u>the transport network</u> or access.</p>	3.19	Reject	<p>See body of report</p> <p>This submission point is also addressed in the s42A report for Infrastructure</p>	No
225.200	Forest and Bird	CE-R2	<p>Amend CE-R2. 1. a. iv. as follows:</p> <p>iv. Maintenance or construction of a new <u>of existing</u> public walking or cycling track up to 2.5m in width undertaken by Porirua City Council or its approved contractor in accordance with the Porirua City Council Track Standards Manual (Version 1.2, 2014);</p> <p>Amend CE-R2.2 by adding the following matter of discretion:</p> <p>Effects on indigenous biodiversity</p>	3.19	Reject	<p>See body of report</p> <p>This submission point is also addressed in the s42A report for Infrastructure</p>	No
126.56	DOC	CE-R3	Retain as notified.	3.19	Accept	Agree with submitter	Yes
225.201	Forest and Bird	CE-R3	<p>Amend CE-R3.2 by adding the following matter of discretion:</p> <p>Effects on indigenous biodiversity</p>	3.19	Reject	See body of report	No
50.6	Kimberley Vermey	CE-R4	Include less hazard sensitive activities in this rule or insert a new rule for less hazard sensitive activity if it is needed.	3.19	Accept	Agree with submitter	Yes
247.10	Linda Dale	CE-R6	<p>Amend point e. of the rule:</p> <p>If the additions are for a Hazard-Sensitive Activity or Potentially-Hazard-Sensitive Activity in the High Hazard Area of the Coastal Hazard Overlays the additions:</p> <p>1. Do not increase the building footprint by more than 20 <u>35</u>m²; and</p> <p>Do not establish a new additional Hazard-Sensitive Activity or Potentially-Hazard-Sensitive Activity on the site.</p>	3.19	Reject	See body of report	No
126.58	DOC	CE-R7	Amend activity status from controlled to restricted discretionary with relevant matters to provide council ability to decline when appropriate.	3.19	Reject	See body of report	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of the s42a Report this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
168.55	Robyn Smith	CE-R8	Amend the policies, rules and standards so that all buildings, regardless of scale or purpose within CHNCs 008 to 0014 are categorised as a non-complying activity.	3.19	Reject	See body of report	No
225.202 ¹⁰³	Forest and Bird	CE-R8	Amend CE-R8.1 by adding the following matter of discretion: <ul style="list-style-type: none"> Effects on indigenous biodiversity Retain the non-complying activity statuses in CE-R8.2.	3.19	Reject	See body of report	No
247.11 ¹⁰⁴	Linda Dale	CE-R9	Amend by removing point 1a, as follows: All zones 1. Activity status: Restricted discretionary Where: a. Any building associated with a Hazard Sensitive Activity within the Low Hazard Area of the Tsunami Hazard – 1:1000 year inundation extent of the Coastal Hazard Overlays must have a finished floor level above the inundation level. Matters of discretion are restricted to: 1. The matters in CE-P12.	3.19	Reject	See body of report	No
247.12	Linda Dale	CE-R10	Amend by removing point 1a: All zones 1. Activity status: Restricted discretionary Any building associated with a Potentially Hazard Sensitive Activity within the Medium Hazard Area of the Tsunami Hazard – 1:500 year inundation extent or Coastal Hazard Future Erosion and Coastal Hazard – Future Inundation area of the Coastal Hazard Overlay must have a finished floor level above the inundation level. The matters of discretion are restricted to: 1. The matters in CE-P13	3.19	Reject	See body of report	No
50.4	Kimberley Vermey	CE-R10	Remove the reference to the return period of the tsunami hazard from the rule.	3.19	Accept	See body of report	Yes
225.203	Forest and Bird	CE-R15	Amend the rule heading to clarify where the rule applies, alternatively add the following overlays under R15.1. where: a. The quarry or mining activity is not located within a: <ul style="list-style-type: none"> Coastal High Natural Character Area <u>overlay</u>; 	3.19	Reject	See body of report	No

¹⁰³ Support – DOC [FS39.14]

¹⁰⁴ Oppose – GWRC [FS40.158]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of the s42a Report this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<ul style="list-style-type: none"> <u>SCHED7 SNA overlay;</u> <u>ONFL overlay.</u> 				
126.59	DOC	CE-R15	Retain as notified.	3.19	Accept	Agree with submitter	No
126.60	DOC	CE-R16	Retain as notified.	3.19	Accept	Agree with submitter	No
225.204	Forest and Bird	CE-R16	Retain	3.19	Accept	Agree with submitter	No
247.13	Linda Dale	CE-R17	Delete. If, not then specific to reason 4/ amend as follows: CE-R17 All new Hazard-Sensitive Activities within the High Hazard Area of the Tsunami Hazard - 1:100 year inundation extent of the Coastal Hazard Overlay Opposes the rule unless the submission on CE-P9 and/or APP-10 regarding the re-classification of residential units as potentially-hazard-sensitive are followed, in which case would no longer oppose it but would still suggest the amendment.	3.19	Reject	See body of report	No
126.61	DOC	CE-R17	Retain as notified.	3.19	Accept	Agree with submitter	No
126.62	DOC	CE-R18	Retain as notified.	3.19	Accept	Agree with submitter	No
247.14	Linda Dale	CE-R18	Follow the recommendations in submissions on CPE-9 and APP-10 Opposes unless the submissions on CE-P9 and/or APP-10 regarding the re-classification of residential units as potentially-hazard-sensitive are followed.	3.19	Reject	See body of report	No
247.15	Linda Dale	CE-R19	If not, then improve the wording to be more precise (perhaps it was intended to only apply to Coastal High Natural Character Areas?) and make it 'Discretionary' rather than non-complying, as this lessens the impact of any unintended consequences from such a broadly applicable rule.	3.19	Accept	See body of report	Yes
225.205	Forest and Bird	CE-R19	Retain.	3.19	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
126.63	DOC	CE-R19	Retain as notified.	3.19	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
60.89	Transpower	CE-R19	Retain CE-R19. If the rule applies to the National Grid, amend provision to reflect the relief sought in submission and provide a discretionary activity status for the planning and development of the National Grid.	3.19	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
Standards							
11.56	Porirua City Council	CE-S1	Amend the rule as follows: Where associated with the maintenance of, or new, public walking or cycling tracks must be no greater than 2.5m wide and cuts or fill less than 1.5m above ground level or 1.8m on switchbacks and undertaken by Porirua City Council or an approved contractor acting on their behalf and in accordance Porirua City Council Track Standards Manual (Version 1.2, 2014).	3.20	Accept	See body of report	Yes
137.64	GWRC	CE-S1	Amend CE-S1 to reduce the scale of earthworks allowed within areas of high natural character, particularly in smaller areas.	3.20	Reject	See body of report	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of the s42a Report this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
						This submission point is also addressed in the s42A report for Infrastructure	
SCHED11							
225.226	Forest and Bird	General	Retain.	3.21	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
81.900	Kāinga Ora	General	Retain as notified	3.21	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
95.6	Titahi Bay Residents Association Incorporated	General	Seeks addition of: Titahi Bay Fossil Forest 1. 100,000 year old stumps of National Significance (GWRC, PNRP). 2. One of only two in the country, located on beaches where are easily accessible for viewing. 3. Samples become exposed by wave turbulence on occasions throughout the monthly tidal cycle.	3.21	Reject	See body of report	No
95.4	Titahi Bay Residents Association Incorporated	New provision	A policy of protection of the fossil forest at Titahi Bay beach.	3.21	Reject	See body of report	No
108.9	Hannah Bridget Gray No2 Trust	CHNC005 Grays Road Bush	Amend: Grays Road Bush <ul style="list-style-type: none"> There is some interference of abiotic processes but they are generally intact. This mature tawa-kohekohe dominated forest remnant is one of only a few left in Porirua. The vegetation is in good condition and is reasonably representative of the historic vegetation of the area. The understory is assumed to have high species diversity (no internal surveys have been carried out but fencing is evident). Whilst the understory has a gap due to under grazing until the 1950's, the area has a high species diversity and contains nationally threatened species, as surveyed by Wellington Botanical Society. This remnant is the only forest on the inlet to contain both coastal kowhai forest and lowland podocarp- hardwood forest. The experiential nature of the area is predominantly wild with little human interference.	3.21	Accept	See body of report	Yes
106.2	Christine and Alan Stanley and Gray	CHNC005 Grays Road Bush	Amend: Grays Road Bush	3.21	Accept	See body of report	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of the s42a Report this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<ul style="list-style-type: none"> There is some interference of abiotic processes but they are generally intact. This mature tawa-kohekohe dominated forest remnant is one of only a few left in Porirua. The vegetation is in good condition and is reasonably representative of the historic vegetation of the area. The understory is assumed to have high species diversity (no internal surveys have been carried out but fencing is evident). Whilst the understory has a gap due to undergrazing until the 1950s, <u>the area has a high species diversity and contains nationally threatened species, as surveyed by Wellington Botanical Society.</u> This remnant is the only forest on the inlet to contain both coastal kowhai forest and lowland podocarp- hardwood forest. <p>The experiential nature of the area is predominantly wild with little human interference.</p>				
168.117	Robyn Smith	CHNC008 Onehunga Duneland	Supports the identification of CHNC008 as a coastal area with High Natural Character.	3.21	Accept	Agree with submitter	No
168.118	Robyn Smith	CHNC009 Te Onepoto Wetland	Supports the identification of CHNC009 as a coastal area with High Natural Character.	3.21	Accept	Agree with submitter	No
168.119	Robyn Smith	CHNC010 Whitireia Bush	Supports the identification of CHNC010 as a coastal area with High Natural Character.	3.21	Accept	Agree with submitter	No
168.120	Robyn Smith	CHNC011 Kaitawa Escarpment	Supports the identification of CHNC011 as a coastal area with High Natural Character.	3.21	Accept	Agree with submitter	No
168.121	Robyn Smith	CHNC012 Rocky Bay	Supports the identification of CHNC012 as a coastal area with High Natural Character.	3.21	Accept	Agree with submitter	No
168.122	Robyn Smith	CHNC013 Stuart Park Forest	Supports the identification of CHNC013 as a coastal area with High Natural Character.	3.21	Accept	Agree with submitter	No
168.123	Robyn Smith	CHNC014 Rukutane Escarpment	Supports the identification of CHNC014 as a coastal area with High Natural Character.	3.21	Accept	Agree with submitter	No
183.8	Pikarere Farm Limited	CHNC014 Rukutane Escarpment	<p>In relation to Pikarere Farm and CHNC 014 Rukutane Escarpment:</p> <p><i>"The same comments apply as in respect of SAL 003 Rukutane/Titahi Bay (Special Amenity Landscape Schedule 10)."</i></p> <p>[Refer to submission point on SAL003]</p>	3.21	Reject	See body of report	No

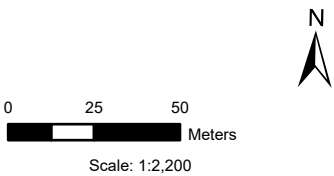
Appendix 3 – Map of Titahi Bay Beach

Titahi Bay Fossil Forest



LEGEND

Parcel	Zone
Digital Cadastral Database or Gazetted Reserve	General Residential Zone
Road Parcel	Medium Density Residential Zone
Area A	Neighbourhood Centre Zone
Titahi Bay Fossil Forest	Open Space Zone
	Sport and Active Recreation Zone



Created on 21 December 2021

DISCLAIMER
Sourced from Land Information New Zealand. CROWN COPYRIGHT RESERVED.
The information displayed in the map has been taken from Porirua City Council's databases and GIS.
It is made available in good faith but its accuracy or completeness is not guaranteed. If the information is relied on in support of any resource consent application process it should be verified independently.



Appendix 4 – Minutes of Council Committee in relation to Transport Bylaw

ORDINARY MEETING of Te Puna Kōrero UNCONFIRMED MINUTES

Time: 8:30 am
Date: Thursday, 2 December 2021
Venue: Council Chamber
Level 2
16 Cobham Court
Porirua City

Present

Councillor Ross Leggett (Chairperson)

Mayor Anita Baker	Councillor Faafoi Seiuli
Councillor Mike Duncan	Councillor Josh Trlin
Councillor Izzy Ford	Councillor Nathan Waddle
Councillor Moze Galo	Councillor Kylie Wihapi
Councillor Geoff Hayward	Council's Kaumātua Taku Parai
Councillor Euon Murrell	

In Attendance

Wendy Walker	Chief Executive
Andrew Dalziel	General Manager Infrastructure / Deputy Chief Executive
Nic Etheridge	General Manager Policy Planning and Regulatory Services
Jo Devine	General Manager Corporate Services / CFO
Lynlee Bailly	Acting General Manager Community and Partnerships
Jack Marshall	Acting Manager Democratic Services
Alison Wiley	Manager Risk and Assurance
Hadyn Butler	Senior Strategy Advisor
Athul Harris	Traffic & Safety Engineer
Matt Hoffman	Resource Planner (Parks)
Anne Kelly	Senior Partnerships Advisor

Councillor Ross Leggett opened the meeting, and acknowledged the passing of John Seddon, former Chief Executive of Porirua City Council.

1 APOLOGIES

No apologies were received.

2 PUBLIC FORUM

No members of the public attended the public forum.

3 CONFLICT OF INTEREST DECLARATIONS

No conflict of interest declarations were received.

SECRETARIAL NOTE: When item 6.6 was presented for consideration, Councillor Geoff Hayward declared a conflict of interest and did not take part in any discussion or vote on that item.

4 NOTIFICATION OF EXTRAORDINARY BUSINESS

No items not on the agenda were received.

5 CONFIRMATION OF MINUTES

Moved: Councillor Ross Leggett
Seconded: Councillor Geoff Hayward

RESOLVED 2021/100

That the minutes of the Ordinary Te Puna Kōrero held on 25 November 2021 be confirmed as a true and complete record.

CARRIED

6 REPORTS

6.1 TITAHİ BAY BEACH COMMUNITY SAFETY AUDIT

The Committee was presented with the findings from the Safety Audit of the North and South ends of Titahi Bay Beach and proposed next steps.

Moved: Councillor Ross Leggett
Seconded: Councillor Mike Duncan

RESOLVED 2021/101

That Te Puna Kōrero:

1. Receive the report
2. Agree to recommend that Council support further investigation into medium to longer term safety improvements at the North and South ends of Titahi Bay Beach and report back on progress in the first quarter of 2022
3. Note the Titahi Bay Beach Safety Audit Findings, including immediate actions and longer-term considerations

4. Note the independent Lighting Assessment findings and recommendations

CARRIED

6.2 DELIBERATIONS REPORT - PROPOSED TRANSPORT BYLAW

The Committee was provided with a detailed analysis of submissions received, and asked to approve a recommendation to Council, to adopt the Bylaw and associated schedules.

Moved: Councillor Ross Leggett

Seconded: Councillor Izzy Ford

MOTION

That Te Puna Kōrero:

1. Receive the report.
2. Agree to recommend that the Council adopt the Proposed Transport Bylaw 2021 and associated Schedules, including:
 - a. Changes to paid parking areas as outlined in the Proposed Porirua City Centre Parking Management Plan
 - b. Powers for the Council to restrict the use of vehicles on beaches, with specific changes for Titahi Bay Beach
 - c. Powers for the Council to restrict where heavy vehicles can park
 - d. Powers for the Council to restrict engine braking, and
 - e. Powers for the Council to designate bus lanes, cycle lanes, cycle paths, and shared paths
3. Agree to recommend that the Council revoke Part 16 – Traffic of the Porirua City Council General Bylaw 1991.
4. Note the Council made the decision to introduce paid parking in the 2021-2051 Long-term Plan. If Council decides not to implement paid parking, then Council will need to increase rates to 8.42% for the next two Annual Plans. This change would trigger the requirement to consult on the Annual Plan.
5. Agree to recommend that the Council adopt the Schedule of Fees and Charges, as set out below, which reflects the fees set out in the Parking Management Plan.

Parking Fees

Zone	Time restriction	Free Period	Charges
Premium Long-term Parking	Long-term (all day)	N/A	\$2/hour \$10 max
Premium Parking	P120	30 minutes	\$2/hour
Standard Off-street	P120 (some P30)	30 minutes	\$1.50/hour
Standard On-street	Long-term (all day)	1 hour	\$1/hour \$5 max
	P10, P60 & P120	N/A	Free parking

6. Agree to recommend that the Council resolve to apply the following restrictions to Titahi Bay beach which will be included in new Schedule L:

Titahi Bay Beach – vehicles prohibited

Unless specifically provided for under clause 2 of this schedule, all vehicles are prohibited from the beach at all times:

1. Between a point 20m south of the Bay Drive access ramp and the un-named stream immediately east of the South Beach Access Road Access ramp.
2. Vehicles are permitted in this area for the following activities only:
 - a. Surf lifesaving activities
 - b. Emergency services, including firefighting, ambulance, police, oil spills, rescue operations, salvage of vessels and marine mammal strandings
 - c. Local authority activities, including the maintenance, upgrade and operation of infrastructure
 - d. Other activities or events approved by Porirua City Council

Titahi Bay Beach – boat launching sites

The following areas are designated as appropriate for the launching and retrieval of boats:

1. North of a point 20m south of the Bay Drive access ramp, below the boat sheds
2. West of the un-named stream immediately east of the South Beach Access Road Access ramp, below the boat sheds
3. Vehicles are permitted in designated boat launching sites for the following activities:
 - a. Launching and retrieval of boats
 - b. To load or unload equipment at a boatshed
4. Unless specifically provided for under clause 5 of this schedule, vehicles are prohibited from parking in designated boat launching sites at all times:
5. Vehicles are permitted to park in designated boat launching sites if:
 - a. There is a boat trailer attached to the vehicle
7. Note that for a Council Resolution to restrict vehicle access to the beach to have legal effect, it must be notified for 14 days, and regulatory signage must be installed. This means that any such resolution could not be enforced until the end of January 2022.
8. Note that the Mayor may exercise powers under the Local Government Act 1974 to temporarily prohibit vehicle access to the beach, with the exception of surf lifesaving and emergency operations:
 - a. Until Transport Bylaw vehicle restrictions for Titahi Bay beach come into effect, or
 - b. For the period commencing 20 December 2021, to 10 January 2022, or
 - c. For any other period determined by the Council
9. Agree to recommend that the Council resolve to apply engine braking restrictions which will be included in new Schedule M:
 - a. Waitangirua Link Road for a distance of 2km from the intersection with State Highway 1 (Transmission Gully)
 - b. Te Kāpehu (Whitby Link Road) for a distance of 2km from the intersection

with State Highway 1 (Transmission Gully)

10. Agree to recommend that the Council delegate authority to the Chief Executive to make any minor editorial changes as required.

AMENDMENT

Moved: Mayor Anita Baker
Seconded: Councillor Kylie Wihapi

RESOLVED 2021/102

1. Agree to recommend that the Council prepare a masterplan for Titahi Bay Beach and surrounds which integrates safety, access, and parking concerns raised through the consultation on the Transport Bylaw, and the Safety Audit, with any funding implications to inform the 2024-54 Long-term plan.
2. Agree to recommend that the Council amend Schedule F to designate the western side of Heriot Drive as Standard Long-term parking as follows:

HERIOT DRIVE, (Central) Porirua:

- a. On its western side commencing 15m south of its intersection with John Seddon Drive extending in a southerly direction following the kerbline for a distance of 242.6 metres for a period in accordance with the conditions outlined on the parking machine
- b. On its eastern side commencing 16.2 metres north of its intersection with Hagley Street, extending in a northerly direction following the eastern kerbline for 239.8 metres for a period in accordance with the conditions outlined on the parking machine

CARRIED

SUBSTANTIVE MOTION

SECRETARIAL NOTE: Councillor Faafoi Seiuli requested to vote on clauses 2a. and 5 separately.

Moved: Councillor Ross Leggett
Seconded: Councillor Izzy Ford

RESOLVED 2021/103

That Te Puna Kōrero:

1. Receive the report.
2. Agree to recommend that the Council adopt the Proposed Transport Bylaw 2021 and associated Schedules, including:
 - a. Changes to paid parking areas as outlined in the Proposed Porirua City Centre Parking Management Plan

CARRIED

AGAINST: Councillor Moze Galo, Councillor Faafoi Seiuli

- b. Agree to recommend that the Council amend Schedule F to designate the western side of Heriot Drive as Standard Long-term parking as follows:

HERIOT DRIVE, (Central) Porirua:

- a. On its western side commencing 15m south of its intersection with John Seddon Drive extending in a southerly direction following the kerblines for a distance of 242.6 metres for a period in accordance with the conditions outlined on the parking machine
 - b. On its eastern side commencing 16.2 metres north of its intersection with Hagley Street, extending in a northerly direction following the eastern kerblines for 239.8 metres for a period in accordance with the conditions outlined on the parking machine
 - c. Powers for the Council to restrict the use of vehicles on beaches, with specific changes for Titahi Bay Beach
 - d. Powers for the Council to restrict where heavy vehicles can park
 - e. Powers for the Council to restrict engine braking, and
 - f. Powers for the Council to designate bus lanes, cycle lanes, cycle paths, and shared paths
3. Agree to recommend that the Council revoke Part 16 – Traffic of the Porirua City Council General Bylaw 1991.
 4. Note the Council made the decision to introduce paid parking in the 2021-2051 Long-term Plan. If Council decides not to implement paid parking, then Council will need to increase rates to 8.42% for the next two Annual Plans. This change would trigger the requirement to consult on the Annual Plan.
 5. Agree to recommend that the Council adopt the Schedule of Fees and Charges, as set out below, which reflects the fees set out in the Parking Management Plan.

Parking Fees

Zone	Time restriction	Free Period	Charges
Premium Long-term Parking	Long-term (all day)	N/A	\$2/hour \$10 max
Premium Parking	P120	30 minutes	\$2/hour
Standard Off-street	P120 (some P30)	30 minutes	\$1.50/hour
Standard On-street	Long-term (all day)	1 hour	\$1/hour \$5 max
	P10, P60 & P120	N/A	Free parking

CARRIED

AGAINST: Councillor Moze Galo and Councillor Faafoi Seiuli

6. Agree to recommend that the Council resolve to apply the following restrictions to Titahi Bay beach which will be included in new Schedule L:

Titahi Bay Beach – vehicles prohibited

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- a. Surf lifesaving activities
- b. Emergency services, including firefighting, ambulance, police, oil spills, rescue operations, salvage of vessels and marine mammal strandings
- c. Local authority activities, including the maintenance, upgrade and operation of infrastructure
- d. Other activities or events approved by Porirua City Council

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3. Vehicles are permitted in designated boat launching sites for the following activities:
 - a. Launching and retrieval of boats
 - b. To load or unload equipment at a boatshed
4. Unless specifically provided for under clause 5 of this schedule, vehicles are prohibited from parking in designated boat launching sites at all times:
5. Vehicles are permitted to park in designated boat launching sites if:
 - a. There is a boat trailer attached to the vehicle
7. Note that for a Council Resolution to restrict vehicle access to the beach to have legal effect, it must be notified for 14 days, and regulatory signage must be installed. This means that any such resolution could not be enforced until the end of January 2022.
8. Note that the Mayor may exercise powers under the Local Government Act 1974 to temporarily prohibit vehicle access to the beach, with the exception of surf lifesaving and emergency operations:
 - a. Until Transport Bylaw vehicle restrictions for Titahi Bay beach come into effect, or
 - b. For the period commencing 20 December 2021, to 10 January 2022, or
 - c. For any other period determined by the Council
9. Agree to recommend that the Council prepare a masterplan for Titahi Bay Beach and surrounds which integrates safety, access, and parking concerns raised through the consultation on the Transport Bylaw, and the Safety Audit, with any funding implications to inform the 2024-54 Long-term plan.
10. Agree to recommend that the Council resolve to apply engine braking restrictions which will be included in new Schedule M:
 - a. Waitangirua Link Road for a distance of 2km from the intersection with State Highway 1 (Transmission Gully)
 - b. Te Kāpehu (Whitby Link Road) for a distance of 2km from the intersection with State Highway 1 (Transmission Gully)
11. Agree to recommend that the Council delegate authority to the Chief Executive to make any minor editorial changes as required.

CARRIED

6.3 DECLARING AND CLASSIFYING LAND AS RESERVE AT KENEPURU DRIVE

Submissions relating to the proposal to declare and classify Section 1 SO 552663 and Section 2 SO 552663 as Local Purpose (Esplanade) Reserve were presented; and approval sought to declare and classify these parcels of land as such by notice in the New Zealand Gazette.

Moved: Councillor Ross Leggett

Seconded: Councillor Izzy Ford

RESOLVED 2021/104

That Te Puna Kōrero:

1. Receive the report.
2. Agree to declare and classify Section 1 SO 552663 and Section 2 SO 552663 as Local Purpose (Esplanade) Reserve by notice in the New Zealand Gazette, in accordance with section 14(4) of the Reserves Act 1977..

CARRIED

6.4 INVESTIGATION INTO REQUEST FOR A GRAFFITI WALL IN PORIRUA CITY

The Committee was provided with the merits and risks associated with providing a graffiti wall, which was requested by submitters in the long-term plan 2021/51.

Moved: Councillor Ross Leggett

Seconded: Councillor Izzy Ford

MOTION

That Te Puna Kōrero:

1. Receive the report.
2. Agree to recommend that the Council declines the request for a graffiti wall in Porirua.

LIE ON TABLE

Moved: Councillor Josh Trlin

Seconded: Mayor Anita Baker

RESOLVED 2021/105

The matter will be left to lie on the table until the meeting of 17 March 2022.

CARRIED

6.5 INTERIM RECOVERY PLAN MONITORING REPORT NOVEMBER 2021

The Committee was provided with an update on initiatives in the Porirua Recovery Plan is provided as well as revised estimates from Infometrics on the impact of Covid-19 on the Porirua economy from 2020 to 2024

Moved: Councillor Ross Leggett

Seconded: Councillor Nathan Waddle

RESOLVED 2021/106

That Te Puna Kōrero:

1. Receive the report.
2. Agree to recommend that the Council approve the Interim Recovery Plan Monitoring Report 2021.

CARRIED

6.6 PROPOSED TEMPORARY ROAD CLOSURE

Approval for temporary road closures to enable events to take place for the period to Monday 28 February 2022 was sought.

SECRETARIAL NOTE: Councillor Geoff Hayward declared a conflict of interest in relation to this item, and did not take part in the discussion or vote.

At 9:38am, Councillor Geoff Hayward left the meeting.

Moved: Councillor Ross Leggett

Seconded: Mayor Anita Baker

RESOLVED 2021/107

RECOMMENDATIONS

That Te Puna Kōrero:

1. Receive the report.
2. Agree to recommend that the Council approve the temporary road closure for the events below:
 - a. Waitangi Day Festival, Saturday 5th February 12am to Sunday 6th February 2022 7pm at Lyttelton Avenue, Norrie Street, Hagley Street and Jellicoe Street.
 - b. Barefoot Sport Triathlon Series, Sunday 13th February 2022 6:30am to 1pm, Grays Road from Mo Street to Paekakariki Hill Road. This includes closure of Motukaraka Point.
 - c. Titahi Bay Beach Festival, Saturday 26th February 2022 10am to 9pm, Richard Street from the John Street intersection, and Beach Road from the Bay Drive / Richard Street intersection.

CARRIED

At 9:41 am, Councillor Geoff Hayward returned to the meeting.

7 PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

Moved: Councillor Ross Leggett

Seconded: Councillor Nathan Waddle

RESOLVED 2021/108

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
7.1 - Public Excluded Te Puna Kōrero Meeting - 25 November 2021	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
7.2 - Transferring Ownership of the Bradey Grave Site to Council and Investigation into Disposal of Council Land at 123 Navigation Drive	<p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interests protected by Section 6 or Section 7 of the Act, which would be prejudiced by the holding of the whole, or the relevant part of the proceedings of the meeting in public as specified above.

CARRIED

Resolutions transferred from the public excluded session into the public minute book are as follows:

Item	Report Name	Resolution
7.2	Transferring ownership of the Bradey grave site to council and investigation into disposal of council land at 123 Navigation Drive	<ol style="list-style-type: none"> 1. Receive the report. 2. Agree to recommend that the Council seeks to take over the ownership of the Bradey Grave Site through the inclusion of the transfer of ownership in a Reserves and Other Lands Disposal Bill (ROLD). 3. In relation to the possible disposal of 123 Navigation Drive, decline to progress with the disposal. 5. Agree to recommend that the Council delegate to the Chief Executive the authority to enter into and approve any legal <p>SECRETARIAL NOTE: A division was called for.</p> <p>FOR: Councillor Ross Leggett, Mayor Anita Baker, Councillor Mike Duncan, Councillor Euon Murrell, Councillor Josh Trlin, Councillor Nathan Waddle.</p> <p>AGAINST: Councillor Izzy Ford, Councillor Geoff Hayward, Councillor Faafoi Seiuli, Councillor Kylie Wihapi, Taku Parai.</p> <p>SECRETARIAL NOTE: The Chair exercised his casting vote, and the motion was carried.</p> <p>CARRIED</p>

Resolutions made in the public excluded session that are not transferred into the public minute book are as follows, alongside a date of expected release:

Item	Report Name	Date of expected release
	Nil.	

The meeting closed at 10:15 am.

.....
CHAIRPERSON

.....
DATE

ORDINARY MEETING of Council

UNCONFIRMED MINUTES

Time: 8:30 am
Date: Thursday, 16 December 2021
Venue: Council Chamber
Level 2
16 Cobham Court
Porirua City

Present

Mayor Anita Baker (Chairperson)

Councillor Mike Duncan

Councillor Izzy Ford

Councillor Moze Galo

Councillor Geoff Hayward

Councillor Ross Leggett

Councillor Euon Murrell

Councillor Faafoi Seiuli

Councillor Nathan Waddle

Councillor Kylie Wihapi

In Attendance

Taku Parai

Wendy Walker

Andrew Dalziel

Nic Etheridge

Jerry Wrenn

Jo Devine

Reuben Friend

Jack Marshall

Matt Hoffman

Glenn Quintal

Mike Scott

Zach Morton-Adair

Council's Kaumātua

Chief Executive

General Manager Infrastructure / Deputy Chief Executive

General Manager Policy Planning and Regulatory Services

General Manager People and Capability

General Manager Corporate Services / CFO

General Manager Community and Partnerships

Senior Committee Advisor

Principal Resource Planner Parks

Manager Recreation

Project Manager

Development and Infrastructure Growth Manager

1 MEETING OPENING / KARAKIA

Mayor Anita Baker opened the meeting, and asked Taku Parai to give a karakia.

2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Moved: Mayor Anita Baker

Seconded: Councillor Nathan Waddle

RESOLVED 2021/76

That the apology received from Councillor Josh Trlin be accepted.

CARRIED

3 PUBLIC FORUM

No members of the public attended the public forum.

4 CONFLICT OF INTEREST DECLARATIONS

Taku Parai declared a conflict in relation to item 12.4, and did not take part in any discussion on this item.

5 NOTIFICATION OF EXTRAORDINARY BUSINESS

No items not on the agenda were received.

6 CONFIRMATION OF MINUTES

Moved: Mayor Anita Baker

Seconded: Councillor Mike Duncan

RESOLVED 2021/77

That the minutes of the Ordinary Council Meeting held on 11 November 2021 be confirmed as a true and complete record.

CARRIED

7 REPORT OF THE MAYOR

2021 in some ways feels like 2020 stretched over an additional difficult 12 months. At the beginning of the year, many of us felt that the stress and inconvenience of the COVID-19 pandemic would soon be in the rear vision mirror.

But then came the Delta variant, and associated lockdowns and restrictions. While our city and region were lucky to avoid the level of disruption that kept Auckland and Northland locked down for almost a third of the calendar year, the pandemic was nevertheless an ever-present threat that overshadowed everything else.

Despite a comparatively brief lockdown in August, I'm pleased to report that the council operated at full strength throughout the year.

Several important Community events went ahead, including Civic Awards, Anzac day, Porirua Hall of Fame, Matariki celebrations, Porirua Business Awards and Love Local.

As part of our long-term plan, the Council agreed to historic and overdue investments to build resilience and protect the environment. This included:

An \$800 million investment over the next 30 years in 3 waters infrastructure.

An additional \$10m for stormwater investment, \$6m for climate change projects and \$600,000 for riparian planting and this year we have planted 50,370 plants.

On housing, we saw considerable progress in 2021, securing \$136 million for infrastructure to support the major redevelopment in eastern Porirua, and just this week the Government announced \$6.1 million an additional 437 houses to be built at Kenepuru Landing. In both cases, Ngāti Toa Rangatira are playing a critical role, and I want to take this opportunity to thank them for their vision, leadership and willingness to work so constructively with the Council – not just on housing, but across the board.

This year saw the creation of a Māori ward for Porirua, along with a redesign of ward boundaries. I trust this will serve to make our Council – already one of the most diverse and representative in the country – even more so.

In terms of our local economy, 2021 has been a good year, despite pandemic-related disruption and uncertainty. Local business start-ups are flourishing, unemployment remains low, and suburban shopping areas are performing strongly. The CBD continues to face challenges, and this will demand our attention next year and beyond. For its part, prudent financial management saw the Council retain our AA credit rating.

Let me thank my elected Council colleagues. Together, we faced up to tough issues like cars on beaches, getting the balance right in our Long-Term Plan, and the creation of a Māori ward. All of you have been constructive and collegial throughout, even when we disagree. We don't have to look far to find examples of Councils tearing themselves apart – and I'm grateful we have a group of people here who always put the city's best interests first, and treat each other with civility and respect.

Every year, however, the tone of the public discourse gets more and more uncivil and disrespectful – primarily on platforms like Facebook. Every one of us here faces personal abuse online, especially the women. We must not tolerate this as the new normal, and push back whenever and however we can. That starts with calling it out when we see colleagues attacked, even if it's on an issue where we might disagree.

Allow me to thank our chief executive Wendy Walker and every employee and contractor who do such a great job for our city. These have been tough times, especially for frontline staff, but they always stand up to whatever challenges come their way, showing great dedication and professionalism. I know my Council colleagues agree how lucky we are to have such great staff. You make us look good – so thank you again.

Finally, I wish everyone here, as well as families throughout the city, a Merry Christmas, a restful holiday season, and all the very best for the year to come.

8 KAUMĀTUA KŌRERO

It has been a busy year for Ngāti toa. Moving Rūnanga over to Whitireia has provided a connection to the harbour, and allows them to be closer to the community. Offices in Cobham Court are thriving. Full operations of Kenepuru being handed back to the Iwi. The announcement yesterday is going to give the opportunity of the housing there. Very pleased with the good relationship between Ngāti toa and Council. Ngāti toa are by and large happy with the decisions regarding Titahi bay beach.

Taku closed with the following whakataukī:

He aha te mea nui o te ao?

Maku e ki atu

He tangata!, He Tangata, He Tangata!

9 PETITIONS

Nil.

10 COMMITTEE RECOMMENDATIONS

10.1 TE PUNA KŌRERO - 25 NOVEMBER 2021

THE COMMITTEE RECOMMENDS:

10.1.1 PORIRUA ADVENTURE PARK

Moved: Councillor Ross Leggett

Seconded: Councillor Moze Galo

RESOLVED 2021/78

That the Council:

1. Approve an extension to the condition dates in the Porirua Adventure Park Agreement to Lease for a further three years ending 3 December 2024.

CARRIED

10.2 TE PUNA KŌRERO - 2 DECEMBER 2021

THE COMMITTEE RECOMMENDS:

10.2.1 TITAHİ BAY BEACH COMMUNITY SAFETY AUDIT

Moved: Councillor Ross Leggett

Seconded: Councillor Moze Galo

RESOLVED 2021/79

That the Council:

1. Support further investigation into medium to longer term safety improvements at the North and South ends of Titahi Bay Beach and report back on progress in the first

quarter of 2022

2. Note the Titahi Bay Beach Safety Audit Findings, including immediate actions and longer-term considerations
3. Note the independent Lighting Assessment findings and recommendations

CARRIED

10.2.2 DELIBERATIONS REPORT - PROPOSED TRANSPORT BYLAW

Moved: Councillor Ross Leggett

Seconded: Councillor Moze Galo

RESOLVED 2021/80

That the Council:

1. Adopt the Proposed Transport Bylaw 2021 and associated Schedules, including:
 - a. Changes to paid parking areas as outlined in the Proposed Porirua City Centre Parking Management Plan
 - b. Amend Schedule F to designate the western side of Heriot Drive as Standard Long-term parking as follows:

HERIOT DRIVE, (Central) Porirua:

 - a. On its western side commencing 15m south of its intersection with John Seddon Drive extending in a southerly direction following the kerbline for a distance of 242.6 metres for a period in accordance with the conditions outlined on the parking machine
 - b. On its eastern side commencing 16.2 metres north of its intersection with Hagley Street, extending in a northerly direction following the eastern kerbline for 239.8 metres for a period in accordance with the conditions outlined on the parking machine
 - c. Powers for the Council to restrict the use of vehicles on beaches, with specific changes for Titahi Bay Beach
 - d. Powers for the Council to restrict where heavy vehicles can park
 - e. Powers for the Council to restrict engine braking, and
 - f. Powers for the Council to designate bus lanes, cycle lanes, cycle paths, and shared paths
2. Revoke Part 16 – Traffic of the Porirua City Council General Bylaw 1991.
3. Note the Council made the decision to introduce paid parking in the 2021-2051 Long-term Plan. If Council decides not to implement paid parking, then Council will need to increase rates to 8.42% for the next two Annual Plans. This change would trigger the requirement to consult on the Annual Plan.
4. Adopt the Schedule of Fees and Charges, as set out below, which reflects the fees set out in the Parking Management Plan.

Parking Fees

Zone	Time restriction	Free Period	Charges
Premium Long-term Parking	Long-term (all day)	N/A	\$2/hour \$10 max
Premium Parking	P120	30 minutes	\$2/hour
Standard Off-street	P120 (some P30)	30 minutes	\$1.50/hour
Standard On-street	Long-term (all day)	1 hour	\$1/hour \$5 max
	P10, P60 & P120	N/A	Free parking

5. Resolve to apply the following restrictions to Titahi Bay beach which will be included in new Schedule L:

Titahi Bay Beach – vehicles prohibited

Unless specifically provided for under clause 2 of this schedule, all vehicles are prohibited from the beach at all times:

1. Between a point 20m south of the Bay Drive access ramp and the un-named stream immediately east of the South Beach Access Road Access ramp.
2. Vehicles are permitted in this area for the following activities only:
 - a. Surf lifesaving activities
 - b. Emergency services, including firefighting, ambulance, police, oil spills, rescue operations, salvage of vessels and marine mammal strandings
 - c. Local authority activities, including the maintenance, upgrade and operation of infrastructure
 - d. Other activities or events approved by Porirua City Council

Titahi Bay Beach – boat launching sites

The following areas are designated as appropriate for the launching and retrieval of boats:

1. North of a point 20m south of the Bay Drive access ramp, below the boat sheds
2. West of the un-named stream immediately east of the South Beach Access Road Access ramp, below the boat sheds
3. Vehicles are permitted in designated boat launching sites for the following activities:
 - a. Launching and retrieval of boats
 - b. To load or unload equipment at a boatshed
4. Unless specifically provided for under clause 5 of this schedule, vehicles are prohibited from parking in designated boat launching sites at all times:
5. Vehicles are permitted to park in designated boat launching sites if:
 - a. There is a boat trailer attached to the vehicle
6. Note that for a Council Resolution to restrict vehicle access to the beach to have legal effect, it must be notified for 14 days, and regulatory signage must be installed. This means that any such resolution could not be enforced until the end of January 2022.

7. Note that the Mayor may exercise powers under the Local Government Act 1974 to temporarily prohibit vehicle access to the beach, with the exception of surf lifesaving and emergency operations:
 - a. Until Transport Bylaw vehicle restrictions for Titahi Bay beach come into effect, or
 - b. For the period commencing 20 December 2021, to 10 January 2022, or
 - c. For any other period determined by the Council
8. Prepare a masterplan for Titahi Bay Beach and surrounds which integrates safety, access, and parking concerns raised through the consultation on the Transport Bylaw, and the Safety Audit, with any funding implications to inform the 2024-54 Long-term plan.
9. Resolve to apply engine braking restrictions which will be included in new Schedule M:
 - a. Waitangirua Link Road for a distance of 2km from the intersection with State Highway 1 (Transmission Gully)
 - b. Te Kāpehu (Whitby Link Road) for a distance of 2km from the intersection with State Highway 1 (Transmission Gully)
10. Delegate authority to the Chief Executive to make any minor editorial changes as required.
11. Amend the commencement date of the bylaw to be 16 December 2021.

CARRIED

10.2.3 INTERIM RECOVERY PLAN MONITORING REPORT NOVEMBER 2021

Moved: Councillor Ross Leggett

Seconded: Councillor Moze Galo

RESOLVED 2021/81

That the Council:

1. Approve the Interim Recovery Plan Monitoring Report 2021.

CARRIED

10.2.4 PROPOSED TEMPORARY ROAD CLOSURE

Moved: Councillor Ross Leggett

Seconded: Councillor Moze Galo

Secretarial Note: A request was made to take clause 2 separately.

RESOLVED 2021/82

That the Council:

1. Approve the temporary road closure for the events below:
 - a. Waitangi Day Festival, Saturday 5th February 12am to Sunday 6th February 2022 7pm at Lyttelton Avenue, Norrie Street, Hagley Street and Jellicoe

Street.

- b. Barefoot Sport Triathlon Series, Sunday 13th February 2022 6:30am to 1pm, Grays Road from Mo Street to Paekakariki Hill Road. This includes closure of Motukaraka Point.
- c. Titahi Bay Beach Festival, Saturday 26th February 2022 10am to 9pm, Richard Street from the John Street intersection, and Beach Road from the Bay Drive / Richard Street intersection.

CARRIED

11 REPORTS

11.1 CHANGES TO REIMBURSEMENT OF ELECTED MEMBER EXPENSES POLICY

This report sought approval for changes to be made to the Elected Member Expenses Policy as a result of the Local Government Members (2021/22) Determination 2021.

Moved: Mayor Anita Baker

Seconded: Councillor Izzy Ford

RESOLVED 2021/83

That the Council:

- 1. Receive the report.
- 2. Agree to update the Reimbursement of Elected Member Expenses Policy to reflect the changes made in the Local Government Members (2021/22) Determination 2021.

CARRIED

11.2 STRATEGIC RISK REPORT

The Council was provided with an update on Porirua City Council's strategic risks.

Moved: Mayor Anita Baker

Seconded: Councillor Euon Murrell

RESOLVED 2021/84

That the Council:

- 1. Receive the report for information.
- 2. Note that this report has been received by the Audit and Risk Committee and is reported to Council at the request of the Chair of the Audit and Risk Committee.

CARRIED

11.3 ANNUAL PLAN 2022/23

Council's agreement to the Annual Plan 2022/23 approach was sought.

Moved: Mayor Anita Baker

Seconded: Councillor Kylie Wihapi

RESOLVED 2021/85

That the Council:

1. Receive the report.
3. Note that officers are managing the budgets to keep to the 7.65% rates rise set out in Year 2 of the LTP as well as working to balancing the budget in year 2023/24 set in the LTP.
4. Note the Annual Plan 2022/23 is required to be adopted and the rates resolution passed by 30 June 2022, and include an overview of any minor changes in costs along with all other information required under Part 2 of Schedule 10 of the Local Government Act 2002.

CARRIED

2. Agree that formal consultation is not required for the Annual Plan 2022/23 because there are no significant or material differences from the content of Year 2 of the Long-term Plan 2021-51 (LTP).

CARRIED

AGAINST: Councillor Geoff Hayward.

11.4 WELLINGTON REGIONAL LEADERSHIP COMMITTEE - UPDATED AGREEMENT

Council's approval of the updated Wellington Regional Leadership Committee Joint Committee Agreement was sought.

Moved: Mayor Anita Baker

Seconded: Councillor Ross Leggett

RESOLVED 2021/86

That the Council:

1. Receive the report.
2. Notes that on 18 February 2021 this council approved the Wellington Regional Leadership Committee Joint Committee Agreement and the Council's entry into it and appointed and established the Wellington Regional Leadership Committee (WRLC) as a joint committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002 on the terms set out in the Joint Committee Agreement.
3. Notes that since the Agreement was approved by each of the ten council partners to the WRLC there have been some changes in circumstance and direction that require a change to this Agreement.
4. Notes that at its meeting of 1 July 2021, the WRLC agreed to a series of changes to the Agreement.
5. Notes that, under the Local Government Act 2002, each council that is party to the Agreement must approve the updated Agreement.
6. Approves the Wellington Regional Leadership Committee Joint Committee Agreement dated July 2021.

CARRIED

11.5 SUBMISSION ON ECONOMIC REGULATION AND CONSUMER PROTECTION FOR THREE WATERS

Endorsement of the contents of a joint submission from Councils in the Wellington Region on economic regulation and consumer protection as part of the Government's wider three waters reforms was sought.

At 8:46 am, Councillor Nathan Waddle left the meeting.

At 8:47 am, Councillor Nathan Waddle returned to the meeting.

Moved: Mayor Anita Baker

Seconded: Councillor Geoff Hayward

RESOLVED 2021/87

That the Council:

1. Receive the report.
2. Agree to jointly submit with other councils in the Wellington Region on the design of economic regulation and consumer protection in response to the Ministry of Business, Innovation and Employment consultation document, and endorses the contents of the attached draft submission.
3. Delegates to the Chief Executive the ability to coordinate changes suggested by other Councils in the region.

CARRIED

AGAINST: Councillor Euon Murrell

11.6 APPLICATION FOR RESERVE CLOSURES REQUIRED FOR THE BOTHAMLEY PARK TRUNK SEWER UPGRADE PROJECT

Council's agreement to publicly notify the Te Aranga Alliance's application for reserve closures required for both the enabling and the construction works was sought.

Moved: Mayor Anita Baker

Seconded: Councillor Mike Duncan

RESOLVED 2021/88

That the Council:

1. Receive the report.
2. Agree for a public notice under sections 119 and 120 of the Reserves Act 1977 to be made seeking submissions on the Te Aranga Alliance's application for temporary closures of parts of Bothamley Park and Cannons Creek Park to enable the upgrade of the Bothamley Park Trunk Sewer.
3. Delegate the hearing and deliberations on submissions to Te Puna Kōrero.

CARRIED**Attachments**

- 1 Te Aranga Alliance Letter and Updated Programme of works

12 PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

Moved: Mayor Anita Baker
Seconded: Councillor Faafoi Seiuli

RESOLVED 2021/89

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
12.1 - Te Puna Kōrero - 2 December 2021	s6(a) - the making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
12.2 - Eastern Porirua Regeneration Project - Infrastructure Funding Agreement #1	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
12.3 - Kenepuru North Property Update	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities s7(2)(j) - the withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
12.4 - Sponsorship of the Porirua Toa Team in the National Basketball League	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	
12.5 - Chief Executive Employment Committee - 9 December 2021	s6(a) - the making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interests protected by Section 6 or Section 7 of the Act, which would be prejudiced by the holding of the whole, or the relevant part of the proceedings of the meeting in public as specified above.

CARRIED

Resolutions transferred from the public excluded session into the public minute book are as follows:

Item	Report Name	Resolution
12.2.1	Transferring ownership of the Bradey grave site to Council and investigation into disposal of Council land at 123 Navigation Drive	<ol style="list-style-type: none"> 1. Seek to take over the ownership of the Bradey Grave Site through the inclusion of the transfer of ownership in a Reserves and Other Lands Disposal Bill (ROLD). 3. In relation to the possible disposal of 123 Navigation Drive, decline to progress with the disposal 5. Delegate to the Chief Executive the authority to enter into and approve any legal agreement relating to the transfer of ownership of the Bradey Grave.
12.3	Eastern Porirua Regeneration Project - Infrastructure Funding Agreement #1	<p>That the Council:</p> <ol style="list-style-type: none"> 1. Receive the report. 2. Endorse the Asset Owner Requirement documents for: <ol style="list-style-type: none"> i. Bothamley Park Sewer Main ii. High-Level Reservoir #2 iii. Cannons Creek Wetland 3. Note Kāinga Ora – Homes and Communities initial funding tranche of \$136m to enable the Eastern Porirua Regeneration Project from the \$3.8 billion Housing Acceleration Fund. Of which, \$75m of this allocation was secured for key enabling three waters infrastructure projects.

		<p>4. Approve the waiver of Development Contributions in lieu of significant contributions to a maximum of 1,800 additional household equivalent units relating to the Eastern Porirua Regeneration Project that will be incorporated into the Project Agreement.</p> <p>5. Delegate to the Chief Executive the signing authority for Infrastructure Funding Agreement #1 (Attachment 1).</p>
12.5	Recruitment of Chief Executive	<p>That the Council:</p> <p>1. Re-appoint Wendy Walker to the position of Chief Executive at \$372,000, her current level of fixed remuneration.</p> <p>2. Agree the Mayor in consultation with the members of the Chief Executive's Employment Committee be given delegated authority to finalise the terms of an employment agreement with Wendy Walker.</p> <p>3. Agree once an employment agreement offer has been made and accepted that a media release be issued.</p> <p>SECRETARIAL NOTE: Councillor Geoff Hayward voted against clause 1.</p>

Resolutions made in the public excluded session that are not transferred into the public minute book are as follows, alongside a date of expected release:

Item	Report Name	Date of expected release
12.3	Kenepuru North Property Update	Once an agreement has been signed.

The meeting closed at 9:26 am.

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CHAIRPERSON

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DATE