

## **Porirua Proposed District Plan (PDP)**

### **Hearing Stream 3 – Natural Hazards**

#### **Submitter 156: Heriot Drive Ltd (7 Heriot Drive)**

#### **Submitter 157: Raiha Properties Ltd (15 Raiha Street)**

### **Summary of Evidence of Rodney David Witte and suggested changes to PDP**

#### **Introduction**

1. Because I have a minor 1.5 % ownership of both properties, I am not able to present as an independent expert witness. However, to assist the Hearing Panel, and in accordance with para 48 of Minute 2, I have prepared this summary of my evidence with a particular focus on the changes I consider should be made to the PDP, and the reasons for those changes, in addition to those recommended in the s42A report.

#### **Planning Maps**

2. Suggested change to PDP:  
Insert an assumed fault line in the centre of the “Fault Rupture Zone” with a 20m “High Hazard” band either side (per Appendix Figures 1 and 2 of my evidence in chief).
3. Reasons:
  - a) The construction and interpretation of PDP Appendix 10 Table 3 distinguishes between “Fault Rupture Zone” and “Fault”.
  - b) Rule NH-R6b differentiates between “Fault Rupture Zone” and “Fault”.
  - c) S42A report recommendation (para 3.13.4 page 30) to insert a note to rule NH-R6 in relation to the Moonshine Fault Rupture Zone “areas outside of 20m either side of the Fault Line” (my emphasis).
  - d) The publicly accessible Council GIS “Earthquake Hazards” pages show a fault line (refer Appendix Figures 1 and 2 of my Evidence in Chief).

#### **Policies**

4. Suggested changes to NH-P2:
  - a) Correct minor grammatical/drafting errors
  - b) Amend criterion 5 with insertions:

“Other than within the Commercial, Mixed use and Large Format Retail Zones, the General Industrial Zone and the Hospital zone, the activity has an operational and functional need to locate within the High Hazard Area and locating outside the High Hazard Area is not a practicable option.”

5. Reasons:

- a) The Large Format Retail Zone is presumably created specifically for large format retail and it should not be necessary for a resource consent applicant to demonstrate why large format retail activities have an operational and functional need to locate in the Large Format Retail zone.
- b) Requiring the granting of a non-complying resource consent for proposed large format retail activities within the Large Format Retail Zone but also within the High Hazard Area of the Fault Rupture Zone could have the unintended consequence of encouraging large format retail to establish outside of the zone created for these activities thus disrupting the intended zoning outcomes.

**Definitions**

6. Suggested changes to PDP (refer Appendix A page 1 s42A report):

- a) Amend the list of Potentially-Hazard-Sensitive Activities by deleting:
  - b. ~~commercial activity~~
  - e. ~~commercial service activity~~
  - g. ~~industrial activity~~
  - j. ~~offices~~and renumber remaining activities sequentially.
- b) Amend the list of Less-Hazard-Sensitive Activities by inserting:
  - d. commercial activity
  - e. commercial service activity
  - f. industrial activity
  - g. officesand renumber all activities sequentially.

7. Reasons:

- a) The policy intent of NH-P2 includes a low risk to people's lives and wellbeing and that people can safely evacuate during a natural event. Unlike other potentially-hazard- sensitive activities (e.g. retail, entertainment) the public at large are not invited to enter commercial, office and industrial activities thereby reducing risk to people.
- b) People working in commercial, office and industrial activities will be familiar with the exits, and in accordance with the Health and Safety at Work Act 2015 subject to mandatory 6 monthly trial evacuations as well as site specific health and safety plans. Evacuations following an earthquake therefore can be expected to be safe and efficient.
- c) The s42A report (para 153) recommends that "buildings and structures that do not have habitable rooms or are used for commercial purposes" be added to the list of "Less-Hazard-Sensitive Activities". "Buildings and structures used for commercial activities" by common interpretation must include commercial and commercial service activities and offices.

**Rules and resource consent activity status**

8. Suggested changes to PDP:

Comment –

The s32 Natural Hazard Evaluation Report contains at Table 25 (page 56) a matrix which sets out activity status for different sensitivity activities across the various hazard zones.

The preamble to Table 25 (step 3 page 55) states:

"It should be noted that this is a generalised table and that some hazard departs from this generalised approach due to hazard-specific reasons". Table 25 is therefore not intended as a "one size fits all" approach for the full range of natural hazards (flooding, tsumani, coastal inundation, coastal erosion, fault rupture).

Table 25: Activity status for different sensitivity activities across the hazard zones

	Hazard Ranking		
	High	Medium	Low
<b>Hazard Sensitive Activity</b>			
<b>Potentially Hazard Sensitive Activity</b>			
<b>Less Hazard Sensitive Activity</b>			

**Key**

Colour	Activity Status
	Permitted
	Controlled
	Restricted Discretionary
	Discretionary
	Non-Complying

Suggested changes to the relevant rules (NH-R6 and NH-R8) with reference to Table 25 of the s32 report (Note in accordance with PDP App10 Table 3 there is no Medium Hazard Ranking in the Earthquake Rupture Zones).

	Hazard ranking	
	High	Low
<b>Hazard Sensitive Activity</b>		
<b>Potentially Hazard Sensitive Activity</b>		
<b>Less Hazard Sensitive Activity</b>		

Notes:

1. All resource consent activity status to be precluded from public or limited notification
2. These suggested activity status changes are applicable only to fault rupture – not other natural hazards.

9. Amend Rule NH-R4:
- a) From non-complying activity for any increase in building footprint of more than 20 square metres for both Hazard-Sensitive and Potentially-Hazard-Sensitive Activities in the High Hazard Area of the Fault Rupture Zone to:
    - i. Discretionary (precluded from public or limited notification) for Hazard-Sensitive-Activities, and
    - ii. Restricted discretionary (precluded from public or limited notification) for Potentially-Hazard-Sensitive Activities, and
  - b) Change the 20 square metre threshold triggers to
    - i. a 15% increase in footprint for Hazard-Sensitive Activities and
    - ii. 25% increase in footprint for Potentially-Hazard-Sensitive Activities.

10. Reasons:

- a) Non-complying is a disproportionately high bar for the Ohariu (and other) Fault Rupture Zones which extend the length of Porirua city and through the established CBD and main employment areas. The cost and risk of uncertainty of outcome of a non-complying consent application will discourage investment and redevelopment, including construction of new seismic resistant buildings to replace existing buildings.
- b) Non-complying activity status is inconsistent with the strategic direction of the PDP that “the City has ... vibrant and viable centres that ... provide for the city’s employment and economic needs ... and contribute to the City’s social wellbeing and prosperity”.
- c) The threshold triggers for an increase in building footprint not requiring resource consent are unreasonably low and penalise buildings with a small footprint on large sites. Furthermore, there is no distinction between additions required for Hazard Sensitive and Potentially Hazard Sensitive Activities – the PDP lists both as non-complying.
- d) Differentiating consent status and trigger thresholds between Hazard-Sensitive and Potentially-Hazard-Sensitive Activities will increase consistency between the rules and policy framework.

- e) Unlike mitigation for flood or coastal erosion hazards where mitigation measures (e.g. raising site levels or constructing sea defences) may adversely affect adjacent properties it is difficult to envisage a situation where mitigation for a seismic event (e.g. building strengthening) would adversely affect adjoining properties. Hence the justification for precluding public or limited notification. The uncertainty of outcome and additional cost of notification is a significant disincentive for owners wishing to redevelop or change the use of the building.



Rodney David Witte

1 December 2021.