

BEFORE INDEPENDENT HEARING COMMISSIONERS
AT WELLINGTON

I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
TE WHANGANUI-A-TARA

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of the hearing of submissions on the Greater Wellington Regional Council's Proposed Change 1 to the Regional Policy Statement

**LEGAL SUBMISSIONS ON BEHALF OF
KĀINGA ORA – HOMES AND COMMUNITIES**

HEARING STREAM 3

14 AUGUST 2023

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1. MATTERS ADDRESSED

1.1 These submissions are filed on behalf of Kāinga Ora – Homes and Communities (**Kāinga Ora**) in relation to matters remaining in contention in Hearing Stream 3. Kāinga Ora has lodged evidence in Hearing Stream 3 from Victoria Woodbridge (Planning) and Brendon Liggett (Corporate). Attached to these submissions is a table summarising Kāinga Ora’s position on matters addressed in the s 42A reporting.

1.2 The matters addressed are:

- (a) The approach to flood hazard mapping;
- (b) The proposed definition of “walkable catchment”;
- (c) An issue with “promote” policies.

2. NATURAL HAZARD OVERLAYS

2.1 There appear to be two general approaches to the identification of flood hazards in district plans in New Zealand.

2.2 The traditional approach is for flood hazards to be mapped and identified in an overlay within the district plan. Over time, changes within a catchment will make the maps increasingly inaccurate until a new round of modelling and mapping is undertaken and a plan change implemented through Schedule 1.

2.3 An equally legitimate approach is that taken in Auckland and Tauranga, where identification of flood hazards occurs through rules and definitions, with non-statutory maps sitting outside of the relevant district plan as a dynamic guide to application of the provisions that is able to be updated more frequently with the most recent modelling and information without going through a statutory process.

2.4 This matter has been debated in all of the recent district plan-level hearings throughout the region. Each district council will determine its own position as appropriate.

- 2.5 There are advantages and disadvantages of each approach:
- (a) The traditional approach is said to be transparent and involves public participation which enhances the accuracy of the flood hazard profile. While that may be true, public engagement is undertaken as part of the flood hazard modelling process generally as a requisite step in the Flood Hazard Modelling Standard (Cardno NZ): Greater Wellington Regional Council (2021), so this advantage of the traditional approach is not a significant one.
 - (b) By the time a Schedule 1 process is complete the flood hazard overlay is already likely to be to some degree inaccurate as changes within the catchment, such as to ground levels through land development, mean it may overestimate or underestimate the actual flood hazard risk on a particular site. Overestimation results in unnecessary cost being imposed on resource consent processes. Underestimation results in a misunderstanding of a particular risk profile. The same can be said about non-statutory maps, but to a much lesser degree as they can be updated much more frequently and without imposing a significant cost on district councils.
 - (c) Significant land development changes are proposed within the region. Let's Get Wellington Moving, the RiverLink Programme and major East Porirua developments will considerably alter the flood hazard profiles over a large area requiring future substantial Schedule 1 processes. How soon those processes are undertaken is a matter of resource allocation for district councils.
- 2.6 In the various recent district plan hearings one theme was that in none of the districts had the flood mapping been completed for the entire district. For example, in Hutt City, modelling is yet to be completed by Wellington Water including Eastern Bays, the western hills from Tirohanga north, and Wainuiomata (including South Wainuiomata and Black Creek). Given these changes, it should be a matter for district

councils as to how they prioritise resources, including as to their commitment to regular mapping updates through a schedule 1 process.

2.7 The contest is really a matter of planning preference. Orthodoxy or “because this is how it has previously been done” is not a sufficient basis to reject Kāinga Ora’s preferred approach, and the disadvantages of the traditional approach are significant. Kāinga Ora does not consider that it can properly be said that the traditional approach is “best practice”. It considers that its preferred approach is best practice. At worst, it is one approach of two or more available approaches and indeed, given the approaches taken by Auckland and Tauranga, the trend is away from the traditional approach to a more dynamic and adaptable approach, recognising that the effects of climate change make having accurate data about a flood hazard profile particularly important.

2.8 Given that the debate has been had in the various district planning processes, it is questionable whether it is appropriate for the regional council to effectively dictate the outcome through this process, removing from district councils an available approach to managing the issue and a legitimate choice of which is the best approach for the particular district.

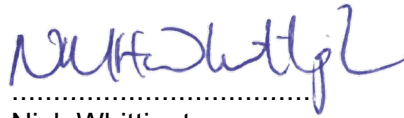
3. WALKABLE CATCHMENT DEFINITION

3.1 Ms Woodbridge has highlighted several issues with the proposed definition of “walkable catchment” and notes that it may sit more appropriately in the urban development hearing stream in any event. While the phrase is specifically referred to in policies considered in this hearing stream, the Panel may consider that its purpose and relevance to urban environments makes it appropriate to hold over to the next hearing stream.

4. "PROMOTE" POLICIES

- 4.1 Ms Woodbridge has identified issues with using "promote" as a policy marker in CC.14. I agree with her that "promote" is inapt to use with a consideration policy, and that "encourage" is a more appropriate marker of what district councils can do in considering resource consents, designations and plan changes.

Date: 14 August 2023



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Nick Whittington