



**Te Tāhuhu o
te Mātauranga**
Ministry of Education

To: Commissioners for the Upper Hutt City Council Plan Change 47 - Natural Hazards

From: Ministry of Education – Te Tāhuhu o Te Mātauranga

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Attention Zach Chisam – zach.chisam@beca.com and moe.submissions@beca.com

Date: 17 April 2024

Subject: Letter to be Tabled at Upper Hutt City Council Plan Change 47 (Natural Hazards) Hearing

Dear Commissioners,

The Ministry of Education – Te Tāhuhu o Te Mātauranga (the Ministry) provided a submission to Upper Hutt City Council (the Council) relating to Plan Change 47 – Natural Hazards (PC47) on 04 November 2022, (submitter number 82). The Ministry has chosen not to attend the hearing for PC47 which will be held on 22 April 2024, and requests that this letter be tabled at the hearing.

The Ministry has reviewed the Council's Section 42A Officer's Report (s42A Report) for PC47 dated 20 March 2024 and supporting material, and accepts the s42A Reporting Officer's recommendations in response to the relief sought by the Ministry.

The Ministry's response to the recommendations made by the s42A Reporting Officer is set out below. The Ministry considers that, subject to the adoption of the recommendations made by the s42A Reporting Officer's, the relevant submission points can be considered adequately resolved.

The Ministry's response to the recommendations of the s42A Reporting Officer

The Ministry sought the introduction of a new discretionary rule that would provide for potentially hazard sensitive activities and hazard sensitive activities (such as educational activities) to be established in the Wellington Fault Overlay (submission point number 82.10) where certain criteria is met. Further, the Ministry also sought an amendment to an existing rule (NH-R23) so that activities only become non-complying if they do not meet the criteria set out in the discretionary rule (submission point 82.11). The reason for the requested relief was due to a perceived contradiction with the linkage between proposed policy NH-P4 and NH-R23.

The s42A Reporting Officer did not support and recommended the rejection of the Ministry's proposed relief. The reasoning is summarised as:

- Wellington Fault is Class I Fault as defined in the Ministry for Environment Guidance on Active Faults meaning the fault presents the highest hazard to lives and to building damage. In a well-defined area of a fault, the position of the fault is well understood, and it is not appropriate to locate buildings in these areas. A discretionary activity would make the consenting pathway for new buildings easier, and this is not an outcome that is sought for the Wellington Fault Overlay.

- The proposed discretionary activity status would also be inconsistent with the regional approach to managing buildings on the Wellington Fault. Wellington City Council has proposed a non-complying activity status for Hazard Sensitive Activities on Well Defined and Well-Defined Extensions of the Wellington Fault Hazard Overlay.
- The change would be inconsistent with Regional Policy Statement for the Wellington Region (RPS). The RPS seeks to avoid inappropriate subdivision and development in areas at high risk from natural hazards.

Having considered the above, the Ministry accepts the outcome and recommendations made by the s42A Reporting Officer, and if adopted, then the Ministry's points are adequately resolved. If you have any questions on this feedback, please contact the undersigned on behalf of the Ministry.



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