

BEFORE THE INDEPENDENT HEARINGS PANEL
THE PROPOSED WAIKATO DISTRICT PLAN (STAGE 1)

UNDER the Resource Management Act 1991 (“**RMA**”)

IN THE MATTER OF hearing submissions and further submissions on the
Proposed Waikato District Plan (Stage 1) Hearing 2
Topic 2: Plan Structure and All of Plan

BY **TATA VALLEY LTD**
Submitter

AND **HAVELOCK VILLAGE LTD**
Submitter

**JOINT STATEMENT OF CHRIS JAMES SCRAFTON ON BEHALF OF TATA
VALLEY LIMITED AND**

**MARK SEYMOUR MANNERS TOLLEMACHE ON BEHALF OF HAVELOCK
VILLAGE LIMITED**

(PLANNING – NATURAL HAZARDS)

Dated: 23 September 2019

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1. INTRODUCTION

- 1.1 This joint statement relates to submissions filed by several submitters in relation to the consideration of natural hazards issues as part of Stage 1 of the Proposed Waikato District Plan (**PWDP**).
- 1.2 We confirm that we have the qualifications and expertise previously set out in our primary planning evidence¹
- 1.3 We repeat the confirmation given in our primary evidence that we have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014 and that our evidence has been prepared in accordance with that Code.

2. ALIGNMENT WITH STAGE 2 NATURAL HAZARDS OF THE PWDP

- 2.1 A number of submitters² seek to withdraw or halt the Stage 1 PWDP for the following reasons:
- (a) It is not clear from a land use management perspective how effects from a significant flood event will be managed;³
 - (b) questioning whether the land use zone is appropriate from a risk exposure perspective;⁴
 - (c) the Natural Hazards Chapter needs to be considered in tandem with all other chapters of the plan to ensure consistency and integration across the plan;⁵
 - (d) it is inefficient and time-consuming to proceed with Stage 1 in advance of natural hazards considerations such as flooding.⁶
- 2.2 The Reporting Officer concurs with the overall 'thrust' of the above submission points, that ideally Stages 1 and 2 of the PWDP would have

¹ See paragraphs 2.1 – 2.4, Tollemache primary planning evidence for Havelock Village Limited for Hearing Topic 1 dated 16 September 2019 and paragraphs 2.1-2.3, Scrafton primary evidence for TaTa Valley Limited for Topic 2 dated 23 September 2019.

² Waikato-Tainui (286.36), Mercury NZ Ltd (730.1, 730.2, 730.3), Tainui (942.34) and Turangawaewae Board of Trustees (984.16).

³ Submission 730 (Mercury).

⁴ Submission 730 (Mercury).

⁵ Submission 286 (Waikato-Tainui), Submission 984 (Turangawaewae Board of Trustees).

⁶ Submission 942 (Tainui).

proceeded together as an integrated whole.⁷ However, the Reporting Officer considers that:

- (a) Putting the process on hold for Stage 2 to 'catch up', or withdrawing Stage 1 while Stage 2 is completed, would be inefficient and costly; and
- (b) Due to the current timing of the Stage 2 notification and Stage 1 hearings, Stage 2 submissions will be able to be heard in conjunction Stage 1 submissions which feature zoning requests. In their view, this is an effective mechanism and avoids the risk of making decisions on Stage 1 zoning and growth-related submissions in the light of incomplete information.⁸

2.3 Accordingly, the Reporting Officer recommends that:

- (a) Stage 1 and Stage 2 matters be heard sequentially; and
- (b) That the Stage 1 PWDP process not be withdrawn or put on hold.

2.4 For the reasons set out below, we support the recommendations of the s42A Report in relation to these submissions.

3. HOW FLOODING EFFECTS WILL BE MANAGED

3.1 It is our understanding that the Stage 2 PWDP includes:

- (a) a review of issues relating to natural hazards (including flooding);
- (b) identification of how natural hazards may affect land use and development across the district; and
- (c) identification of how potential effects may be managed.

3.2 Based on the above, we consider that the concerns raised relating to how the potential effects of flooding will be managed will accordingly be addressed through the Stage 2 PWDP Review process which we assume will be implemented by way of a variation to the PWDP or as a subsequent stage. As with the Stage 1 process, submitters will have the opportunity to review, submit and be heard on the variation/proposed provisions. Notwithstanding this, we acknowledge that until the Stage 2

⁷ Paragraph 46, Section 42A Report – Hearing 2.

⁸ Paragraph 48, Section 42A Report – Hearing 2.

process begins, there remains some uncertainty as to the methods for managing flooding effects within the PWDP.

4. WHETHER THE ZONING IS APPROPRIATE FROM A RISK PERSPECTIVE

4.1 In our view the presence of a flooding hazard may influence the usability of land. For example, the presence of a flood hazard on a significant portion of a site or area, and the extent to which that flood hazard can be avoided (or otherwise) may influence how intensely that site should be developed and what zoning should apply. It is also acknowledged that the presence of a flooding hazard may change over time, as a site or area develops. Specifically, the presence of a flooding hazard may increase or decrease, as the surrounding land is modified.

4.2 In terms of the whether the proposed zoning (as notified) is appropriate from a risk perspective, in our experience:

- (a) the identification of a natural hazard on a site will not necessarily require that the zoning be changed; and
- (b) there are alternative methods available to WDC to manage the risk in the absence of full understanding of the natural hazard risk.

4.3 Our consideration of the alternative methods available to WDC is set out below:

Option / Method	Summary	Comment
<p>Option 1: Withdraw the Stage 1 PWDP</p>	<p>Withdraw the Stage 1 PWDP process while the Natural Hazard Section is completed, and the full extent of flooding hazards are known</p>	<p>We consider that a review of the WDP is overdue and that significant time and cost for both the Council and Community has been invested in the current review process. in addition, as set out below in our</p>

Option / Method	Summary	Comment
		view withdrawing the PWDP is unnecessary.
Option 2: Halt the Stage 1 PWDP	Halt the Stage 1 PDWP process while the Natural Hazard Section is completed, and the full extent of flooding hazards are known	We consider that a review of the WDP is overdue and that significant time and cost for both the Council and Community has been invested in the current review process. in addition, as set out below in our view halting the PWDP review process is unnecessary.
Option 3: Continue with Stage 1 PWDP Process (current process, status quo)	Proceed with Stage 1 PWDP Process without natural hazard information	We understand that WDC propose to hear Stage 1 and Stage 2 submissions (as they relate to natural hazards) sequentially, ⁹ the benefit being that Stage 1 decisions (including decisions on zoning) will be made with Stage 2 provisions and submissions in mind. Although we agree that this approach is desirable, there is no certainty at this time that these stages will in fact dovetail in the manner recommended by the Reporting Officer.

⁹ Section 42A Hearing Report, paragraph 48.

Option / Method	Summary	Comment
		Appropriate management of effects is therefore contingent on the timing of Stage 2 proceeding as planned to allow for integrated decision making.
<p>Option 4:</p> <p>Continue with Stage 1 PWDP Process, and identify interim methods to manage natural hazard risk pending completion of Stage 2.</p>	<p>Continue with Stage 1 PWDP Process and identify measure to manage natural hazard risk during the Stage 1 Process. These can then be removed if appropriate (via variation) as part of the Stage 2 process.</p>	<p>Deferring the consideration of natural hazards to Stage 2 (and ultimately through a future variation process) has resulted in concerns over how potential natural hazards effects will be managed and how zoning will be affected in the interim.</p> <p>If the timing of the Stage 2 natural hazards workstream does not align as anticipated by WDC's reporting officer, then as a contingency measure WDC can consider identifying and implementing temporary measures for the management of effects via the Stage 1 process whilst Stage 2 is underway. This option will enable WDC to complete the Stage 1 process, whilst also providing some certainty to</p>

Option / Method	Summary	Comment
		submitters as to how natural hazard risk will be managed pending the resolution of Stage 2.

5. SUMMARY

5.1 In our opinion, Option 4 is the most appropriate as it would address submitters concerns by providing a level of certainty around the management of potential effects / natural hazard risks pending the completion of Stage 2 of the PWDP. Interim measures can include:

- (a) Require a risk assessment be completed by a suitably qualified person as part of identified resource consent application for the subdivision, use and development of land. This can be established as an information requirement or discretion in the PWDP. This is the consistent with the approach in the current operative district plan so no additional regulatory cost arises.
- (b) Require a risk assessment be completed by a suitably qualified person as part of a resource consent application for the subdivision, use and development of land on sites that are subject to natural hazards. The areas subject to natural hazards would need to be defined by WDC (either via definitions, overlays, or both). Again, this is consistent with the manner in which hazards are managed in the Operative District Plan.
- (c) Map the flooding data as a non-statutory layer as it becomes available. Should this data be available prior to Stage 1 becoming operative, this can be linked to the risk assessment identified in (b) above. The Auckland Unitary Plan (AUP) adopted this approach to address hazards, recognising that information was based on models that would be periodically updated. The AUP includes rules and discretions regarding development and subdivision associated with floodplains, overland flow paths and the like, and the definitions of these reference the non-statutory

GIS layer and the opportunity for applicants to prepare more detailed studies. In this way appropriate discretions are available with Stage 1 of the PWDP process, and these can be amended in the future as more information is available.

- (d) Manage the risk through rezoning requests being considered through the PWDP by preparing hazard reports as part of evidence to confirm the appropriateness of the sites for rezoning in Stage 1 of the PWDP process.

5.2 These interim measures risk management measures can then be amended or refined, depending on the outcome of the Stage 2 hearing process, as consequential changes at the appropriate time.

Dated: 23 September 2019

CHRIS JAMES SCRAFTON

MARK SEYMOUR MANNERS TOLLEMACHE