

# **SECTION 42A REPORT**

Rebuttal Evidence

## **Hearing 27F: Natural Hazards – Fire, Climate Change and Definitions**

Report prepared by Neil Taylor

Date: 30 April 2021

# Waikato



**DISTRICT COUNCIL**

*Te Kaunihera aa Takiwaa o Waikato*

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## **I Introduction**

1. My name is Neil Christopher Taylor. I am employed by Waikato District Council as a Team Leader Resource Management Policy.
2. I am the writer of the original s42A report for Hearing 27F: Fire, Climate Change and Definitions.
3. In the interests of succinctness, I do not repeat the information contained in sections I.1 to I.4 of that s42A report and request that the Hearings Panel take this as read.

## **2 Purpose of the report**

4. The directions of the Hearings Panel dated 26 June 2019, paragraph 18, state:
 

*If the Council wishes to present rebuttal evidence it is to provide it to the Hearings Administrator, in writing, at least 5 working days prior to the commencement of the hearing of that topic.*
5. The purpose of this report is to consider the primary evidence and rebuttal evidence filed by submitters.
6. Evidence relevant to Hearing 27F: Fire, Climate Change and Definitions was filed by the following submitters within the timeframes directed by the Hearings Panel<sup>1</sup>:
  - (a) Fire and Emergency New Zealand [2103]
  - (b) Heritage New Zealand Pouhere Taonga [2107] (Carolyn McAlley)
  - (c) Ports of Auckland Ltd [2139] (Mark Arbuthnot)
  - (d) Genesis Energy Limited [2104] (Richard Matthews)
  - (e) Kāinga Ora-Homes and Communities [2094] (Craig Sharman)
  - (f) Waikato Regional Council [2102] (James Beban and Sarah Gunnell).
7. This evidence has been provided by planners identified above. For simplicity in this report, I reference the evidence by the names of the relevant submitters, rather than the reporting planners.
8. Late evidence was filed by the following submitter:
  - (a) Transpower New Zealand Ltd [2102] on 20 April 2021.

## **3 Consideration of evidence received**

### **3.1 Evidence not requiring response in this report**

9. The evidence of the following submitters does not require response in this report and is not considered further:
  - (a) Fire and Emergency NZ, which supports the recommendations in s42A report 27F and does not wish to be heard;
  - (b) Heritage New Zealand Pouhere Taonga, which concurs with the recommendations in the s42A report 27F;
  - (c) Ports of Auckland Ltd, which mentions s42A report 27F in passing but raises no issues in relation to that report;

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<sup>1</sup> Hearings Panel Directions 21 May 2019

- (d) Transpower New Zealand Ltd, which accepts the recommendations in s42A report 27F. Transpower is not proposing to adduce evidence to Hearing 27 on these points.

### 3.2 Matters addressed by this report

10. This report addresses the evidence of Genesis Energy Limited, Kāinga Ora-Homes and Communities and Waikato Regional Council where they disagree with the s42A report. There are no common elements and I have structured my response by addressing in turn each submitter and their points raised.
11. Each of these submitters has agreed with some of my s42A report conclusions. The points of agreement are not further discussed here.
12. I have one correction to make to the s42 report. This is addressed in the final section of this report.

## 4 Genesis Energy Limited

13. Genesis Energy Limited (Genesis) disagreed with my recommendation to reject submission [2104.10] about the definition of “minor upgrading.”
14. References:

Evidence	Page/paragraph
<i>Minor upgrading</i>	
Genesis evidence	Pages 9-12, Paragraphs 37-45
S42A report 27F	Page 51, Paragraphs 240-244

15. Genesis [2104.10] asked for the definition of minor upgrading to be amended. It emerges from the evidence that the practical outcome that Genesis seeks is to be able to do minor upgrading of Huntly Power Station as a permitted activity. Parts of the power station are in flood hazard overlays.
16. Huntly Power Station is within the definition of infrastructure but not the definition of utility. Huntly Power Station is therefore not covered by the rules that permit minor upgrading of utilities in flood hazard overlays (Rules 15.4.1 P5 and P6, and 15.5.1 P1).
17. Genesis has interpreted the rules as requiring resource consent for minor upgrading of Huntly Power Station. I believe that is incorrect. There are no rules in Chapter 15 that control infrastructure generally. (Some activities that are elements of an infrastructure development may be controlled under Chapter 15, such as building or earthworks in flood overlays.) The minor upgrading rules refer only to utilities. This means that minor upgrading of Huntly Power Station is not controlled under Chapter 15. There is no general default rule stating that activities not mentioned require consent.
18. Chapter 14 contains a district-wide approach to infrastructure. Rule 14.3.1 P2 permits minor upgrading of existing infrastructure.
19. In my view, that is sufficient ground for rejecting the submission. There is no value in adding extraneous words to the definition of “minor upgrading” that do not affect the practical outcome.
20. I commented in my s42A report that if a change were found to be desirable, it would be better implemented by amending rules to give appropriate activity status to named activities, instead of by amending a definition. Genesis separately submitted [2104.6, 2104.7, 2104.8] for infrastructure to be added to Rules 15.4.1 P5 and P6, and 15.5.1 P1, as set out in Appendix

One to Genesis' evidence. The s42A report H27C addressed those submissions and recommended that they be rejected.

21. If the Panel wished to consider that option further, the simplest approach would be to add new permitted activity rules specific to Huntly Power Station, accompanied by resource consent rules to cover non-compliance with conditions in the permitted activity rules. If the expression "minor upgrading" appeared in the new rules, then that definition would need to be amended to cover Huntly Power Station.
22. In my view, that drafting effort would be redundant, adding unnecessary clutter to the plan, without making any difference to planning outcomes.

#### 4.2 Recommendation

23. Having considered the points raised in evidence and rebuttal evidence, I have not changed my recommendation to reject Genesis [2104.10].

## 5 Kāinga Ora-Homes and Communities

### 5.1 Introduction

24. Kāinga Ora-Homes and Communities (Kāinga Ora) disagreed in part with my recommendation to reject submission [2094.17] about Objective 15.2.3 and submission [2094.21] on Policy 15.2.3.4.

### 5.2 Objective 15.2.3

25. References:

Evidence	Page/paragraph
<i>Objective 15.2.3 – Climate change</i>	
Kāinga Ora evidence	Pages 4-6, Paragraphs 7.1-7.4
S42A report 27F	Page 20, Paragraphs 89-90

26. I accepted in part submission [2094.17] and overall, Kāinga Ora (para 7.4) supports the recommended version of Objective 15.2.3.
27. The outstanding aspect relates to paragraph (b) of the objective as notified. In response to another submission, I recommended that (b) be deleted. Kāinga Ora (para 7.3 c) supports this but says that if (b) is retained, they would like to see it amended as set out at para 7.2 of their evidence.
28. My recommendation to delete (b) was because (b) goes beyond addressing the effects of climate change (which is within the scope of the RMA), and strays into the causes of climate change, which is out of scope. The amendment to (b) sought by Kāinga Ora would not correct this.
29. I do not change my recommendations on Objective 15.2.3.

### 5.3 Policy 15.2.3.4

30. References:

Evidence	Page/paragraph
<i>Policy 15.2.3.4 – Provide sufficient setbacks for new development</i>	
Kāinga Ora evidence	Pages 6-7, Paragraphs 7.5-7.10
S42A report 27F	Page 36, Paragraphs 160-161

31. Kāinga Ora [2094.21] seeks to amend the opening words of Policy 15.2.3.4(b) to read:

- (b) Ensure that, in establishing development setbacks for new development, adequate consideration is given to: [...]

32. I rejected this submission because I considered that by its nature the policy can only apply to new development and it was not clear to me what outcomes would be changed by adding these words.

33. I am now prepared to change my position. Kāinga Ora point out that para (a) of the policy refers to “new development.” I agree that internal consistency of drafting of the policy is desirable and note that “new development” also appears in the title of the policy.

34. Kāinga Ora also refers to the rules that permit alterations and additions to existing buildings. I understand the submitter to be arguing that existing buildings can be regarded as “old” development and should not be subject to this policy. On reflection, I believe that Policy 15.2.3.4 is intended to cover new builds only. Alterations and additions requiring consent are intended to be assessed under the next Policy 15.2.3.5.

35. Accordingly, I am persuaded to change my recommendation on Kāinga Ora [2094.21].

### 5.4 Recommendations

36. Having considered the points raised in evidence and rebuttal evidence I recommend:

- (a) No change in respect of submission Kāinga Ora [2094.17]  
 (b) Changing my recommendation on Kāinga Ora [2094.21] to accept the submission and amend Policy 15.2.3.4(b) accordingly.

### 5.5 Recommended amendments

#### **Policy 15.2.3.4 - Provide sufficient setbacks for new development**

(a) Protect people, property and the environment from the projected adverse effects of climate change, including sea level rise, by providing sufficient setbacks from water bodies and the coast when assessing new development.

(b) Ensure that, in establishing development setbacks for new development, adequate consideration is given to:

- i) the protection of natural ecosystems, including opportunities for the inland migration of coastal habitats;
- ii) the vulnerability of the community;
- iii) the maintenance and enhancement of public access to the coast and public open space;
- iv) the requirements of infrastructure; and
- v) natural hazard mitigation provision, including the protection of natural defences.<sup>2</sup>

<sup>2</sup> Kāinga Ora [2094.21]

## 5.6 Section 32AA Evaluation

37. The s32 report 'Natural Hazards and Climate Change' (2020) evaluates this policy. No additional evaluation of the amended text under s32AA is required, because the s32 evaluation of the original text adequately covers and justifies the minor amendments now proposed to improve the internal consistency and clarity of the wording.

## 6 Waikato Regional Council

### 6.1 Introduction

38. Waikato Regional Council (WRC) takes issue with my recommendations on their submissions in relation to:
- (a) Policy 15.2.3.1 - submission [2102.86]
  - (b) Policy 15.2.3.2 - [2102.86]
  - (c) Definition of 'Risk Assessment' - [2102.93]
  - (d) New definition for 'Natural Hazard Sensitive Land Use' - [2102.19].

### 6.2 Policy 15.2.3.1

39. References:

Evidence	Page/paragraph
<i>Policy 15.2.3.1 – Effects of climate change on new subdivision and development</i>	
WRC evidence	Pages 27-30, Paragraphs 8.5-8.14
S42A report 27F	Page 24-25, Paragraphs 107-112

40. WRC [2102.86] asks for several amendments to Policy 15.2.3.1, indicated here in red:

- “(a) Ensure ~~that adequate allowances are made for~~ the projected effects of climate change are reflected through dynamic adaptive options in the design and location of new subdivision, use and development including new urban zoning throughout the district, including undertaking assessments where relevant that provide for:
- (i) the projected increase in rainfall intensity, as determined by national guidance, but being not less than 2.3°C by 2120;
  - (ii) the projected increase in sea level, where relevant, as determined by national guidance and the best available information, but being not less than 1m by 2120;
  - (iii) in respect to new urban zoning, stress testing under the RCP 8.5 scenario for rainfall [1] and RCP 8.5H+ for sea level rise [2]; and
  - (iv) in respect to the coastal environment, increases in storm surge, waves and wind.
  - (v) the ability for natural systems to respond and adapt to the projected changes included in (i) to (iv) above.
  - (vi) a consideration of regionally specific vertical land movement.

41. I supported the change to para (ii) but recommended rejection of the other changes.
42. WRC evidence states that “dynamic adaptive options” include such measures as dwellings being relocatable when sea level rise thresholds are met, the trigger for the installation of natural systems to buffer the impacts of natural hazards, and dwellings being able to be raised to address increased flood depths. Chapter 15 already includes much of that. In Coastal Sensitivity Areas, Rule 15.7.2 RDI provides discretion to mitigate coastal hazard risk through building materials, structural or design work, future relocation of buildings, mitigation through natural features and buffers and time limits or triggers to determine when buildings and services are to be removed or relocated.
43. WRC evidence goes on to say that dynamic adaptive responses are recognised as best practice in relation to natural hazards that change because of climate change. It references the Ministry for the Environment publication “*Coastal Hazards and Climate Change - Guidance for Local Government*” (2017), which introduces and details the concept of Dynamic Adaptive Policy Pathways (DAPP). (Policy 15.2.3.1 references the MFE guide in a footnote.) The words requested in the submission appear to be intended as a loose reference to DAPP.
44. My main concern is that the submitted wording has the effect of narrowing the scope of the policy. The essence of this policy is to manage the location and design of subdivision and development in places affected by climate change.
45. The opening words of the policy as notified, “Ensure that adequate allowances are made for the projected effects of climate change ...” are criticised by the submitter as vague. I see those words as enabling the widest and most flexible consideration to be given to all aspects of location and design, including the adaptive options mentioned in the rules.
46. In contrast, the submitted words would limit location and design considerations to dynamic adaptive options. That seems to me to rule out options that are not dynamic and adaptive, such as an initial increased setback from the coast, or outright refusal of consent for certain proposals.
47. My second concern, as a generalist planner, is that the expression “dynamic adaptive options” is jargon that will be unfamiliar and meaningless to most consent planners, developers and the community generally. I maintain my recommendation to reject that change, for both reasons.
48. The submission also asks to insert the word “use” so that the policy refers to subdivision, use and development. WRC evidence says that that the inclusion of the word ‘use’ in the policy is important, as some activities may not be appropriate in areas subject to the potential impacts from climate change, including sea level rise and increased flood depths.
49. No examples of inappropriate land uses are given. My view is that land uses can be distinguished from subdivision and development in this context. Policy 15.2.3.1 is to manage the design and location of subdivision and development (including building and earthworks) in areas liable to be affected by climate change. Subdivision and development increase vulnerability to hazards and are often irreversible. By contrast, day-to-day uses of land (such as farming) are resilient to hazards and can easily be adapted when the effects of climate change are felt. I consider it unnecessary for this general district-wide policy to manage the design and location of all land uses and I do not change my recommendation.
50. The third submitted change to the opening words of Policy 15.2.3.1 is to add after development, “including new urban zoning ...”. I initially believed this was redundant but accept now it may have value in shaping private plan changes, and I now recommend that those words be added.



51. Proposed new para (v) relates to the ability of natural systems to respond and adapt to climate change. I invited the submitter to clarify the intention of this in evidence.
52. WRC evidence (para 8.12) is that natural systems can reduce the impacts of sea level rise and other climate change impacted hazards. For example, dune systems are effective at reducing the impacts from wave damage. As the sea level rises, they need space to migrate inland to continue to provide this protection. The same applies to gravel storm berms, and wetlands.
53. I accept that evidence and recommend that (v) be added.
54. The final point in this submission was to add para (vi) to read: “A consideration of regionally specific vertical land movement.” WRC now proposes that (vi) be reworded as “a consideration of site-specific vertical land movement”, saying that vertical movement includes local land instability and subsidence and can have a significant impact on the rates of sea level rise.
55. I originally rejected (vi) because I thought that regional vertical land movement relates to earthquakes, which is not an effect of climate change. The submitter is not now pursuing the originally submitted wording. The proposed new wording referring to site-specific vertical movement would duplicate Policy 15.2.1.19, which already covers local land instability and subsidence. I recommend that the revised wording of para (vi) be rejected to avoid duplication within Chapter 15, and because the changed wording is out of scope of the original submission.

### 6.3 Policy 15.2.3.2

56. References:

Evidence	Page/paragraph
<i>Policy 15.2.3.2 - Future land use planning and climate change</i>	
WRC evidence	Pages 30-32, Paragraphs 8.15-8.17
S42A report 27F	Page 30, Paragraphs 125-128

57. WRC [2102.86] suggests adding a reference to consent applications in Policy 15.2.3.2(a) opening words and a change to para (a)(ii), being to change “encouraging sustainable design measures” to “requiring” these. I recommended rejecting these changes, noting that the opening words of the policy are to increase the ability of the community to adapt to the effects of climate change and the tone of the objective and policy is to change community attitudes through educative processes. I considered that it would be out of place to add “requirements” or refer to consent applications in this context.
58. I do not change my recommendation to reject WRC [2102.86].

### 6.4 Definition of risk assessment

59. References:

<i>“Risk assessment”</i>	
WRC evidence	Page 33, Paragraphs 8.24-8.25
S42A report 27F	Page 52, Paragraphs 248-258; specific to WRC para 255-8

60. I recommended rejecting submission WRC [2102.93] asking to replace the “risk assessment” definition with different wording. I took a pragmatic view, bearing mind:
- The defined term is used in Chapter 15 in only five provisions, each with limited application.
  - The same definition was notified in Stage 1 of PWDP. It drew no submissions and is now settled. The duplicate definition notified in Chapter 15 was included by mistake.
  - It would be confusing to have two different definitions of risk assessment within the plan.
  - Neither the notified definition, nor the WRC proposed replacement, detail any particular methodology – both are short, generalised descriptions that leave significant discretion to experts.
61. While I have no expertise in this field, I note that the notified definition of risk assessment has credible provenance, being derived from Australia-New Zealand Standards, AS/NZS 4360:2004 *Risk Management* and NZS 9401:2008 *Managing Flood Risk – A Process Standard*.
62. I do not change my recommendation to reject WRC [2102.93].

## 6.5 Definition of Natural Hazard Sensitive Land Use

63. References:

“Natural Hazard Sensitive Land Use”	
WRC evidence	Page 34, Paragraphs 8.26-8.28
S42A report 27F	Page 51, Paragraphs 245-247

64. WRC [2102.19] asked for a new definition of sensitive land use to be added. This is to support rule amendments proposed by WRC that would include the term.<sup>3</sup> The proposed rule amendments were considered in reports H27C and H27D and recommended to be rejected.
65. The proposed definition is redundant if the Panel accept those recommendations, and [2102.19] should be rejected in that case.
66. If the Panel considers accepting the submissions on the rules, then the definition wording would also need to be assessed in terms of its fit with the final wording of the rules. I note that WRC in its evidence (para 8.28) has suggested a modified wording for the definition. I see no difficulty with the revised wording in isolation, but the fit can only be assessed when rule wording is settled. An option that might be considered if a change to the rules is considered, is whether a definition needs to be employed at all, and whether it would be better to insert the material words directly into the rules as needed.
67. I do not change my recommendation to reject WRC [2102.19] at this stage.

## 6.6 Recommendations

68. Having considered the points raised in evidence and rebuttal evidence I am persuaded to change my recommendation to the following:
- (a) **Accept in part** Waikato Regional Council [2102.86], to the extent that Policy 15.2.3.1 is amended as follows:

<sup>3</sup> Submissions WRC [2102.19, 2102.20, 2101.63, 2102.64.]

- add a reference to new urban zoning in the opening words
- amend (a)(ii) as previously recommended
- add new para (a)(v).

## 6.7 Recommended amendments

### **Policy 15.2.3.1 – Effects of climate change on new subdivision and development –**

- (a) Ensure that adequate allowances are made for the projected effects of climate change in the design and location of new subdivision and development including new urban zoning<sup>4</sup> throughout the district, including undertaking assessments where relevant that provide for:
- (i) the projected increase in rainfall intensity, as determined by national guidance, ~~but being in the event of a temperature rise of~~<sup>5</sup> not less than 2.3°C by 2120;
  - (ii) the projected increase in sea level, where relevant, as determined by national guidance but not less than 1m by 2120;
  - (iii) in respect to new urban zoning, stress testing under the RCP 8.5 scenario for rainfall [1] and RCP 8.5H+ for sea level rise [2]; and
  - (iv) in respect to the coastal environment, increases in storm surge, waves and wind.<sup>6</sup>
  - (v) the ability for natural systems to respond and adapt to the projected changes included in (i) to (iv) above.<sup>7</sup>

## 6.8 Section 32AA Evaluation

### *Addition to paragraph 15.2.3.1(a) – new urban zoning*

69. The s32 report 'Natural Hazards and Climate Change' (2020) evaluates this policy. The s32 evaluation of the original text adequately covers and justifies the minor amendment proposed to add the words in Policy 15.2.3.1(a), "including new urban zoning ..." after "development" in the opening words.
70. The reference to new urban zoning does not change planning outcomes. It makes clear to any future private plan change applicants that the various rainfall and sea level rise scenarios need to be considered within their respective s32 assessments. This is consistent with the MfE guidance on this matter (which is non-statutory) and brings this guidance into a statutory context.
71. The only practical alternative approach would be to leave the matter to be explained to applicants by planners at the time of application. Placing the words in the policy is more effective and efficient because it gives greater lead time to applicants to respond. No additional costs arise from the change.
72. The change makes no difference to the planning outcomes, being simply a clarification of the existing text. It is the most appropriate way to achieve Objective 15.2.3(a), "A well-prepared community that is able to adapt to the effects of climate change."

### *New Paragraph 15.2.3.1(a)(v) – natural systems*

73. New paragraph (v) adds consideration of natural systems to the policy. Natural systems are an important buffer to reduce the impacts of sea level rise and other climate change impacted hazards. However, for these buffers to work effectively, they need space to move and adjust.

<sup>4</sup> Waikato Regional Council [2102.86]

<sup>5</sup> Director General of Department of Conservation [2108.12]

<sup>6</sup> Tainui Hapu Environmental Management Committee [2097.1] and Department of Conservation [2108.13]

<sup>7</sup> Waikato Regional Council [2102.86]

For example, dune systems are very effective at reducing the impacts from wave damage. However, as the sea level rises, they need space to migrate inland to continue to provide this protection. The same applies to gravel storm berms, and wetlands. The inclusion of natural systems into the policy will ensure that these features are considered and provided for in the design of future subdivision, use and development.

74. New para (v) addresses an issue that is not otherwise dealt with in the plan. The only alternative is the “do nothing” option, which would leave consideration of natural systems to chance. Adding new para (v) into the policy is more effective in ensuring natural systems are considered. This will help to ensure greater efficiency in future development, especially by encouraging designs and locations that benefit from natural systems and do not work against these. Any additional development costs will be offset by later benefits.
75. There are no additional risks in not acting. There is sufficient information on the costs to the environment, and benefits to people and communities, to justify the amendment to the policy. The amendment is more appropriate than the notified version in achieving Objective 15.2.3(a), “A well-prepared community that is able to adapt to the effects of climate change”.

## 7 Corrections to the Section 42A Report

### 7.1 Policy 15.2.3.1(a)(i)

76. The following submission was discussed in my Section 42A report:

Submission point	Submitter	Summary of submission
2108.12	Ray Scrimgeour on behalf of Lou Sanson, Director General of Department of Conservation	Amend Policy 15.2.3.1(a)(i) to include a more appropriate measure for rainfall.

77. I responded to the submission briefly (my s42A report H27F para 116) as follows:
- I understand this submission to be asking for grammatical changes to clarify the wording. I agree that the wording could be improved, and recommend that this submission be accepted in part, with the following change to (i):
- “(i) the projected increase in rainfall intensity, as determined by national guidance, ~~but being in the event of a temperature rise of~~ not less than 2.3°C by 2120;”
78. It has now come to my attention that there was a typographical error in this provision as notified. It was originally intended to read:
- “(i) the projected increase in rainfall intensity, as determined by national guidance, ~~but assuming a temperature increase of~~ not less than 2.3°C by 2120;”
79. This wording corrects the grammatical issue in the notified version, and it more closely follows the wording of Waikato Regional Policy Statement Method 4.1.13(b), giving better effect to the requirement that district plans recognise and provide for the projected effects of climate change.

80. I continue to recommend acceptance in part of Department of Conservation [2108.12]. However, instead of the wording originally recommended, I now recommend the originally intended wording quoted above.
81. There are no further submissions to Department of Conservation [2108.12] and no other submissions specific to the wording of this provision. No evidence was filed by any submitter on this point. I advised the representative of the Director-General of Conservation of this recommendation change. They agree with the proposed wording change and believe it adequately addresses the grammatical concerns in their submission.

## 7.2 Amended recommendation

- (a) **Accept in part** Department of Conservation [2108.12] to the extent that grammatical changes are made to Policy 15.2.3.1 (a)(i).
- (b) **That** Policy 15.2.3.1 (a)(i) be amended to read:

“(i) the projected increase in rainfall intensity, as determined by national guidance, but **being assuming a temperature increase of** not less than 2.3°C by 2120;”<sup>8</sup>

## 7.3 Section 32AA evaluation

82. The s32 report 'Natural Hazards and Climate Change' (2020) evaluates this policy. No additional evaluation of the amended text under s32AA is required, because the s32 evaluation of the original text adequately covers and justifies the minor amendments now proposed to correct a drafting error in the notified plan.

## 7.4 Definitions

83. Primary submission [2193.11] and two further submissions supporting primary submission [2146.10] were omitted in error from my s42A report H27F. All are seeking that the definitions in chapter 15 be moved to chapter 13. The table in the report (section 13) should have appeared like this:

Submission point	Submitter	Decision requested
2193.11	TaTa Valley Limited	Amend chapter 15 to relocate the definitions to Chapter 13 Definitions.
2146.10	Waikato District Council	Move all definitions in Chapter 15.14 Definitions to Chapter 13 Definitions, AND any consequential amendments as required.
FS3003.1	Transpower	Support 2146.10
FS3030.42	Federated Farmers NZ	Support 2146.10

84. I addressed Waikato District Council [2146.10] in my report and recommended that it be accepted. My reasons were that this would simplify the plan layout, benefiting plan users, and

<sup>8</sup> Department of Conservation [2108.12]

comply with the National Planning Standards requirement for district plans to have a single definitions list.

85. I now make the same recommendation to accept TaTa Valley Limited [2193.11], Transpower [FS3003.1] and Federated Farmers NZ [FS3030.42], for the same reasons.

### 7.5 Recommendation

86. **Accept** TaTa Valley Limited [2193.11], Transpower [FS3003.1] and Federated Farmers NZ [FS3030.42]

### 7.6 Policy 15.2.3.5

87. Further submission Horticulture NZ [FS3027.48] was omitted from my report. The table in the report (section 12) should have appeared like this:

Submission point	Submitter	Decision requested
2101.14	Transpower New Zealand Ltd	Amend Policy 15.2.3.5 to confine its scope of application to resource consents for activities and natural hazards that are of relevance.
<i>FS3027.48</i>	<i>Horticulture New Zealand</i>	<i>Support</i>
<i>FS3013.3</i>	<i>Heritage New Zealand Pouhere Taonga</i>	<i>Oppose</i>

88. I addressed Transpower New Zealand Ltd [2101.14] in my report (section 12.3, para 191-2) and recommended it be rejected and Heritage New Zealand Pouhere Taonga [FS3013.3] be accepted. I maintain those recommendations for the reasons given, and I now recommend that Horticulture NZ [FS3027.48] be rejected.

## Appendix I: Table of amended recommendations

89. Recommendations on these submissions are changed from Appendix I of the s42A report H27F.

Submission number	Submitter	Submitter no.	Summary of submission	Recommendation	Section of this report where the submission point is addressed
[2094.21]	Kāinga Ora-Homes and Communities	2094	Retain Policy 15.2.3.4 except for the amendments sought below and Amend Policy 15.2.3.4(b) to read: (b) Ensure that, in establishing development setbacks <u>for new development</u> , adequate consideration is given to: [...]	Accept	5.4
[2102.86]	Waikato Regional Council	2102	<b>Amend</b> Policy 15.2.3.1 - Effects of climate change on new subdivision and development as follows: <b>Policy 15.2.3.1</b> - Effects of climate change on new subdivision, <u>use</u> and development (a) Ensure <del>that adequate allowances are made for</del> the projected effects of climate change <u>are reflected through dynamic adaptive options</u> in the design and location of new subdivision, <u>use</u> and development <u>including new urban zoning</u> throughout the district, including undertaking assessments where relevant that provide for: (i) [...] (ii) The projected increase in sea level, where relevant, as determined by national guidance <u>and the best available information</u> , but being not less than 1m by 2120; (iii) [...] (iv) [...]	Accept in part	6.6

Submission number	Submitter	Submitter no.	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			(v) <u>The ability for natural systems to respond and adapt to the projected changes included in (i) to (iv) above;</u> (vi) <u>A consideration of regionally specific vertical land movement.</u>		
2108.12	Ray Scrimgeour on behalf of Lou Sanson, Director General of Department of Conservation	2108	Amend Policy 15.2.3.1(a)(i) to include a more appropriate measure for rainfall.	Accept in part	7.2
2146.10	Waikato District Council	2146	Move all definitions in Chapter 15.14 Definitions to Chapter 13 Definitions, AND any consequential amendments as required.	Accept	7.4
FS3003.1	Transpower	3003	Support 2146.10	Accept	7.4
FS3030.42	Federated Farmers NZ	3030	Support 2146.10	Accept	7.4
2101.14	Transpower New Zealand Ltd	2101	Amend Policy 15.2.3.5 to confine its scope of application to resource consents for activities and natural hazards that are of relevance.	Reject	7.6
FS3027.48	Horticulture New Zealand	3027	Support	Reject	7.6



## Appendix 2: Recommended amendments

90. The following provisions are recommended to be amended differently from the amendments shown in Appendix 2 of the s42A report H27F.

### **Policy 15.2.3.1 – Effects of climate change on new subdivision and development –**

- (b) Ensure that adequate allowances are made for the projected effects of climate change in the design and location of new subdivision and development including new urban zoning<sup>2</sup> throughout the district, including undertaking assessments where relevant that provide for:
- (vii) the projected increase in rainfall intensity, as determined by national guidance, but ~~being~~ assuming a temperature increase of <sup>10</sup> not less than 2.3°C by 2120;
  - (viii) the projected increase in sea level, where relevant, as determined by national guidance and the best available information<sup>11</sup>, but being not less than 1m by 2120;
  - (ix) in respect to new urban zoning, stress testing under the RCP 8.5 scenario for rainfall [1] and RCP 8.5H+ for sea level rise [2]; and
  - (x) in respect to the coastal environment, increases in storm surge, waves and wind.<sup>12</sup>
  - (xi) the ability for natural systems to respond and adapt to the projected changes included in (i) to (iv) above.<sup>13</sup>

### **Policy 15.2.3.4 - Provide sufficient setbacks for new development**

- (a) Protect people, property and the environment from the projected adverse effects of climate change, including sea level rise, by providing sufficient setbacks from water bodies and the coast when assessing new development.
- (b) Ensure that, in establishing development setbacks for new development,<sup>14</sup> adequate consideration is given to:
- (i) the protection of natural ecosystems, including opportunities for the inland migration of coastal habitats;
  - (ii) the vulnerability of the community;
  - (iii) the maintenance and enhancement of public access to the coast and public open space;
  - (iv) the requirements of infrastructure; and
  - (v) natural hazard mitigation provision, including the protection of natural defences.

<sup>9</sup> Waikato Regional Council [2102.86]

<sup>10</sup> Director General of Department of Conservation [2108.12]

<sup>11</sup> Waikato Regional Council [2102.86],

<sup>12</sup> Tainui Hapu Environmental Management Committee [2097.1] and Department of Conservation [2108.13]

<sup>13</sup> Waikato Regional Council [2102.86]

<sup>14</sup> Kāinga Ora [2094.21]