

UNDER

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

IN THE MATTER

of the Proposed Waikato District
Plan: Hearing 27 – Natural Hazards
and Climate Change.

**EVIDENCE OF CRAIG MELVILLE SHARMAN ON BEHALF OF KĀINGA
ORA-HOMES AND COMMUNITIES**

PLANNING EVIDENCE

16 April 2021

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1. Summary Statement

- 1.1 My full name is Craig Melville Sharman. I am a Senior Associate at Beca Limited. I am providing planning evidence on behalf of Kāinga Ora-Homes and Communities (“**Kāinga Ora**”) in relation to its submissions¹ on Stage 2 of the Proposed Waikato District Plan (“**the Proposed District Plan**” or “**PDP**”) insofar as they relate to this hearing. Specifically, this evidence relates to the proposed natural hazards and climate change provisions being considered within Hearings 27A-27F.
- 1.2 My evidence largely supports the recommendations in the Section 42A Report in respect of Hearing 27 – Natural Hazards and Climate Change. This evidence focuses on the submission points where the recommendations are not accepted.
- 1.3 In this evidence I conclude that:
- (a) minor amendments to an objective and policy would enhance the effectiveness of the provisions;
 - (b) that Council should proceed with the mapping of liquefaction-susceptible locations as a matter of urgency and delay the release of decisions on Hearing 27E until that is complete;
 - (c) Council should adopt a set of non-statutory ‘interactive maps’ modelled on the Auckland Unitary Plan for mapping of liquefaction-susceptible locations;
 - (d) that explicit recognition within the rule framework should be made for “reconstruction” and “additions” to existing buildings, rather than reliance on implicit recognition; and
 - (e) that restricted discretionary activity status (rather than full discretionary) is appropriate where standards are not complied with and as a suitable means to give effect to the objective and policy framework.

¹ Sub No. 2094, Further Sub No. FS3033

- 1.4 I consider that adopting the amendments set out in this statement will set an appropriate framework for managing land use and development in the District in response to both the known and potential risks arising from natural hazards and in the face of uncertainty of future sea levels and climatic conditions – using a precautionary approach to direct the mitigation, adaptation and assessment of future impacts of climate change. Furthermore, the matters addressed in this statement will better enable the sustainable management of natural and physical resources in a manner consistent with Part 2 of the RMA.

2. Introduction

- 2.1 My name is Craig Melville Sharman. I have practised as a planning professional for over 20 years. I hold a Bachelor of Resource and Environmental Planning from Massey University (1996) and a Master of Philosophy (Geography) from Massey University (1998). I have been a full member of the New Zealand Planning Institute since 2003.
- 2.2 I am currently employed by Beca Limited in the position of Senior Associate – Planning. I have been employed in this capacity with Beca since 2017. Prior to 2017 I worked in a variety of planning roles within consultancies and local government.
- 2.3 I am providing planning evidence on behalf of Kāinga Ora in respect of submissions made on the proposed natural hazard and climate change provisions.
- 2.4 I was involved with the preparation of primary and further submissions by Kāinga Ora in relation to the PDP. I am familiar with Kāinga Ora's corporate intent in respect of the provision of housing within Waikato. I am also familiar with the national, regional and district planning documents relevant to the PDP.

3. Code of Conduct

- 3.1 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. I agree to comply with this code of conduct. Except where I am relying on evidence of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

4. Scope of Evidence

4.1 Sections 5 and 6 of my evidence identify the Kāinga Ora submission points which the Council have recommended accepting either in whole or in part, and which I support. The evidence also addresses Kāinga Ora further submissions on submissions lodged by other parties where the subject matter is closely aligned.

4.2 For the balance of my evidence (i.e. addressing outstanding matters), I have structured my statement into broad planning themes of:

- (a) objectives and policies – specific amendments (section 7);
- (b) management of liquefaction (section 8);
- (c) rule provisions applying to ‘additions to’, and ‘reconstruction of buildings (section 9)’; and
- (d) activity status for resource consents required (section 10);

all in the context of the proposed natural hazard and climate change provisions.

4.3 In doing so, I have concisely addressed the matter of the proposed objectives, policies and development standards for flood hazards, defended areas, coastal hazards, subsidence, liquefaction, mine subsidence and climate change.

5. Submission Points Accepted

5.1 I have reviewed all of the Council’s section 42A hearing reports (“**s42A report**”) and concur with the assessment and recommendations of Council’s section 42A reporting officers, insofar as they relate to the Kāinga Ora submission points set out below.

5.2 The reporting officer’s report has recommended acceptance of 53 out of 90 Kāinga Ora submissions points in relation to the proposed natural hazard and climate change provisions. These being submission points: 2094.3, 2094.5, 2094.9, 2094.12, 2094.14, 2094.18, 2094.19, 2094.20, 2094.22, 2094.24, 2094.25, 2094.26, 2094.27, 2094.28, 2094.29, 2094.32, 2094.33, 2094.37, 2094.40, 2094.41, 2094.44, 2094.45, 2094.46, 2094.47, 2094.49, 2094.51, 2094.54, 2094.55, 2094.56,

2094.58, 2094.59, 2094.60, 2094.61, 2094.62, 2094.63, 2094.64, 2094.65, 2094.70, 2094.71, 2094.73, 2094.74, 2094.75, 2094.76, 2094.77, 2094.78, 2094.79, 2094.80, 2094.81, 2094.82, 2094.83, 2094.84, 2094.85, 2094.89. Therefore, no further assessment of these submission points is necessary.

- 5.3 A Kāinga Ora submission point [2094.90] is also being considered in Hearing 25: Rezoning. The submission point is in respect of an amendment to cross-reference to the Medium Density Residential Zone provisions, upon which Kāinga Ora submitted on as part of PDP Stage 1 submissions. This is considered appropriate given the subject matter.

6. Submission Points Accepted in Part

- 6.1 The Reporting Officer's report has recommended acceptance in part of 16 out of 90 Kāinga Ora submissions points in relation to the proposed natural hazard and climate change provisions. The majority of these points are where Kāinga Ora supported the retention of a provision without further modification, and the s42A report recommendations are to amend in response to other submitters. I have reviewed all of these s42A report recommendations and accept the following recommendations, insofar as the amendments recommended are acceptable: 2094.2, 2094.6, 2094.8, 2094.10, 2094.11, 2094.13, 2094.57, 2094.66, 2094.67, 2094.68, 2094.69, and 2094.72.
- 6.2 The discussion below focuses on the remaining submission points, arranged under four separate headings.

7. Objectives and Policies – Specific Amendments

- 7.1 Kāinga Ora's submissions generally support the framework of objectives and policies as proposed by Council, with minor amendments proposed to enhance clarity. Specifically, Kāinga Ora sought to:
- (a) Amend Objective 15.2.3 – Climate Change [2094.17]
 - (b) Amend Policy 15.2.3.4 – Provide sufficient setbacks for new development [2094.21]

Objective 15.2.3 – Climate Change

7.2 Kāinga Ora's submission supported the intent of Objective 15.2.3, however requested the following amendments to the objective so that it more closely aligns with the terminology used within Objective 8 of the National Policy Statement on Urban Development 2020 ("**NPS-UD**"):

A well prepared community that:

- (a) *Is ~~resilient able to adapt~~ to the current and future effects of climate change; and*
- (b) *Supports reductions in ~~Has transitioned to development that prioritises lower~~ greenhouse gas emissions.*

7.3 The Council's Hearing 27F s42A report recommends:

- (a) Accepting the part of Kāinga Ora's submission which seeks to replace the term "able to adapt" in clause (a) with "resilient". I support this amendment and agree this ensures consistency with the terminology of other provisions of the PDP.
- (b) Rejecting Kāinga Ora's request to introduce "current and future" into clause (a) on the basis that this "*merely duplicates parts of the RMA definitions of effects*"². I support this recommendation given that the RMA definition of 'effect' does include "*any past, present, or future effect*"³ and therefore that meaning is implicitly incorporated into the policy.
- (c) Deleting clause (b) in its entirety. This recommendation is in response to the submission of Federated Farmers of New Zealand's [2173.29] which noted that the focus of the objective should be on the adverse effects of climate change under the RMA section 7(i), rather than avoiding or remedying climate change itself. Upon review of Federated Farmers submission [2173.29] and the commentary provided by the Reporting Officer in response, I concur with the rationale and support the deletion of clause (b).
- (d) However, if clause (b) is to be retained, I support the changes sought by Kāinga Ora to ensure alignment of clause (b) with

² Hearing 27F s42A Report. Paragraph 90, page 20.

³ Section 3 RMA

Objective 8 of the NPS-UD. The NPS-UD was gazetted subsequent to the plans and documents for the PDP being notified and it provides clear guidance on the issue of planning for urban form and achieving more alignment and efficiencies between infrastructure, land use and urban development. Therefore, under the new direction afforded to Council's through the NPS-UD, it is appropriate to align land use and urban development in the context of climate change preparedness with that of the NPS-UD.

- 7.4 Overall I support the version of Objective 15.2.3 recommended in the Hearing 27F s42A report.

Policy 15.2.3.4 – Provide sufficient setbacks for new development

- 7.5 Kāinga Ora's submission sought one change to this policy to clarify that it only applies to 'new development' (rather than existing development), through incorporating the phrase "new development" into clause (b) as follows:

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."

- 7.6 The Council's Hearing 27F s42A report recommends retaining Policy 15.2.3.4 as notified. In relation to the issue raised by Kāinga Ora, the Reporting Officer states that "by its nature the policy can only apply to

*new development and it is not clear to me what outcomes would be changed by adding these words*⁴.

- 7.7 I support Kāinga Ora's submission to ensure that it is abundantly clear that consideration of development setbacks is afforded to 'new development' only. I agree, in part, with the Reporting Officer's comments that the policy implicitly applies only to 'new development' (and does so explicitly within clause (a) of the policy) however, given that the associated rule framework provides for additions, alterations and reconstruction activities (which, by definition, still constitutes 'development') as well as construction activities ('new development'), I consider that it is important to ensure that consideration of development setbacks are not applied to activities other than 'new development' also within clause (b) of the policy, as intended.
- 7.8 The rule framework for the additions, alterations, construction and reconstruction activities within identified natural hazard areas sets a high threshold to achieve a permitted activity status – with the majority of the activities more likely to default to a Restricted Discretionary or Discretionary status. This will mean an assessment of the 'relevant' objectives and policies is often required for development (including redevelopment) within identified natural hazards. For this reason I consider it is important to ensure it is abundantly clear to plan users which objectives and policies apply to which activities. By keeping the policy "general", as recommended by the Reporting Officer, may cause inconsistency with its application.
- 7.9 The changes sought by Kāinga Ora will make the intent of the policy abundantly clear to plan users and ensure that the policy is only applied (as intended) to 'new development'. I note that in accepting this approach, the intent of Policy 15.2.3.4 will not be altered, only the clarity of its application improved.
- 7.10 Overall, I disagree with the version of Policy 15.2.3.4 recommended in the Hearing 27F s42A report and consider the changes sought by Kāinga Ora should be incorporated.

⁴ Hearing 27F s42A Report. Paragraph 161, page 37.

8. Management of Liquefaction

- 8.1 Kāinga Ora's submissions sought to delete the liquefaction rules as notified and recommended Council review its approach to providing a framework to appropriately manage the risk to people's safety, well-being and property.
- 8.2 The submission support a framework to manage the risks of liquefaction on people's safety, well-being and property. While Kāinga Ora broadly supports the Council intent and approach as it relates to the structure of the provisions, it has a fundamental concern with the absence of mapping of liquefaction-susceptible areas within the district. This has the effect of requiring an applicant or landowner to undertake an assessment at a property-specific level to identify whether or not the property is susceptible to liquefaction effects.
- 8.3 To address this issue Kāinga Ora sought that the provisions which provided for this approach be deleted in full and that the Council introduce a mapped liquefaction management area with a suite of provisions relevant to subdivision and development within this area as per the other hazard areas. An alternative relief sought is that a non-statutory interactive set of liquefaction maps be prepared, as described in more detail below. Specifically, Kāinga Ora sought to:
- (a) Delete Policy 15.2.1.22 – Liquefaction Land Risk Assessment [2094.15]
 - (b) Amend Policy 15.2.1.23 – Control Activities on Land Susceptible to Damage from Liquefaction [2094.16]
 - (c) Delete Section 15.12.1 – Overview of Method [2094.50]
 - (d) Retain Rule 15.12.2 – Additional Matters of Restricted Discretionary for Subdivision to Create One or More Additional Vacant Lots – Liquefaction Risk – provided Council identifies areas susceptible to liquefaction [2094.51]
 - (e) Delete Rule 15.12.3 – Additional Matters of Restricted Discretion for New Land Use (e.g. multiunit development) – Liquefaction Risk [2094.52]
 - (f) Delete Section 15.13.2 – Liquefaction Potential [2094.53]

- (g) Amend the approach taken to identification of liquefaction hazard areas by adopting a set of non-statutory interactive maps of hazard areas outside the district plan [2094.69]
- 8.4 Placing the onus of identifying areas subject to liquefaction risk entirely onto applicants will result in an inefficient, ad hoc, and potentially expensive exercise for applicants without sufficient justification. In my view it is more appropriate for Council to initially undertake the identification of areas subject to liquefaction risk and provide a framework to appropriately manage the risk to people's safety. I note this was the approach taken by Council in relation to the other natural hazards identified within Chapter 15. This would enable a focusing of effort to locations where liquefaction is a real issue, as opposed to the entirety of the district in the 'as notified' set of provisions.
- 8.5 By way of example, the Auckland Unitary Plan ("**AUP**") adopts a set of non-statutory flood hazard overlay maps which operate as interactive maps on Auckland Council's 'Geo Maps' website – a separate viewer to the statutory natural hazard maps that form part of the AUP geographical information systems 'Map Viewer'. The significant advantage of this approach is the ability to operate interactive maps that are subject to continual improvement without reliance on the Schedule 1 Resource Management Act process (and the subsequent expense and delays associated with such a process to update and refine the maps). The interactive maps are able to be relied upon in a legally robust manner on the basis that the corresponding rules do not rely on the interactive maps for evaluation of compliance with the rules, with instead the rule being drafted in a manner that is "self-contained" in a legal sense.
- 8.6 Council engaged Tonkin & Taylor Limited ("**T+T**") to undertake a technical review of the submissions received on Stage 2 (Natural Hazards) relating to land stability and liquefaction. This report is appended to the Hearing 27E s42A report (Appendix 4) and specifically addresses Kāinga Ora's submission, stating that the adoption of interactive maps outside of the district plan "*is a sensible approach, particularly as it allows for refinement of liquefaction hazard areas as more detailed assessments are carried*

*out by applicants, and it avoids the need to go through the formal plan change process to make changes to the map”.*⁵

- 8.7 Further, T+T’s technical review recognises that the process of preparing non-statutory interactive maps identified by Kāinga Ora (and other submitters⁶) represents, *“the best practice industry approach for dealing with liquefaction for planning purposes”*⁵ and recommended Council to *“adopt the current industry best practice approach for managing liquefaction hazards and carry out a high-level assessment of the Waikato District, to identify areas where liquefaction is possible.”*⁷.
- 8.8 In the Council’s Hearing 27E s42A report, the Reporting Officer agrees with the advice provided in T+T’s technical review noting that, *“providing district-wide liquefaction information will reduce the onus placed on applicants, reduce complexity and cost, and ensure consistency across the district in terms of liquefaction hazard management”*⁸. In addition, the Reporting Officer states that, *“the provision of such a district-wide liquefaction risk overlay would, in my view, be entirely consistent with the approach taken to other natural hazards in the Proposed District Plan”*⁸ and that, *“the onus is not placed on the applicant to establish whether or not there is the potential for the hazard in the first place”*⁸.
- 8.9 I agree with the points raised by both T+T and the Reporting Officer and consider that Council should introduce a mapped ‘Liquefaction Management Area’, or similar, with a suite of provisions relevant to subdivision and development within this area (but not elsewhere in the District). This would avoid placing the burden of hazard identification entirely on the landowner and is considered the best practice approach to managing liquefaction.
- 8.10 However, and despite the comments above, the Reporting Officer recommends no change (i.e. maintaining the onus on applicants) on the basis that a district-wide liquefaction assessment will take some time to

⁵ *Proposed Waikato District Plan – Stage 2 Chapter 15 Land Stability and Liquefaction Specialist Input Review* [Section 4.1, page 5].

⁶ Transpower and Pokeno Village Holdings

⁷ *Proposed Waikato District Plan – Stage 2 Chapter 15 Land Stability and Liquefaction Specialist Input Review* [Section 5, page 6].

⁸ Hearing 27E s42A Report. Paragraph 77, page 19.

prepare and cannot be completed in sufficient time for it to be included in the decisions version of the Proposed District Plan – noting a future variation or plan change will be required to address this. In the interim the notified provisions would remain in place.

8.11 In response I consider that:

- (a) the current Proposed District Plan process is the most opportune and appropriate time and process for addressing the issues arising from the notified approach to liquefaction.
- (b) Deferring this to a later date, as suggested by the Reporting Officer, will only create a duplication of processes, meaning additional time and resource for not just Council staff, but also for future submitters.
- (c) Further, landowners will bear the costs with the current approach retained as a “stop gap” until such a time a variation or plan change process is undertaken.

8.12 In my view, a delay to the release of decisions on Hearing 27E would be appropriate to allow time for the district-wide mapping of a ‘Liquefaction Management Area’ to be undertaken, following completion of a district-wide study by suitably qualified practitioners. Whilst this would constitute a significant delay in the release of decisions for Hearing 27E, this would impact only on a discrete portion of the PDP and would in my opinion remain preferable to a “stop gap” approach as proposed by the Reporting Officer.

8.13 I consider this approach to mapping liquefaction, in conjunction with amendments to the related rule provisions to reflect the fact that the maps do not define the spatial extent of the rule would constitute the most efficient and effective means of managing liquefaction risk while enabling Council to regularly update the information to ensure it is accurate – without the expense and delay associated with the Schedule 1 process.

9. Rule Provisions Applying to ‘Additions to’, and ‘reconstruction of buildings’

9.1 Kāinga Ora’s submission [2094.88] sought to amend the proposed provisions to clearly distinguish between ‘new development’ and

'redevelopment' of existing dwellings / structures - particularly within existing urban areas where development and a variety of land uses have already been established within identified hazard areas (such as floodplains).

- 9.2 Council's General Submissions Hearing 27B s42A report accepted this approach in part. At a high-level, Council notes that the approach sought by Kāinga Ora is "*consistent with the approach taken in Variation 2*"⁹ and recommends no changes as a result of the submission.
- 9.3 However, Kāinga Ora's submissions sought minor amendments to various rules governing construction of buildings to include, where relevant, "additions to" and the "reconstruction" of buildings. Kāinga Ora's submissions states that the term "reconstruction" should be considered to mean the replacement of a building in the same location and at the same or similar scale as the previous building on the same property.
- 9.4 I support this interpretation and similarly agree that this is an appropriate activity to provide for in the identified hazard areas applicable to the rules stated in the above paragraph. I consider that the "reconstruction" of existing buildings and "additions to" existing buildings should be included within the rules identified in paragraph 9.4 above to ensure that this activity is appropriately provided for within the Chapter 15 rule framework.
- 9.5 The proposed provisions should be clear in distinguishing 'new development' within hazard areas, from 'redevelopment' of existing dwellings / structures. It is appropriate to apply a general approach of seeking to "avoid" establishing new development / sensitive land uses within significant natural hazard risk areas, while "managing" the effects of redevelopment of existing established activities / development in relation to hazard risks.
- 9.6 While Council accepted incorporating the reconstruction of buildings in identified Mine Subsidence Areas (Rule 15.11.3 D1) [2094.48], a handful of similar amendments were rejected, as follows:
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- (a) Rule 15.8.2 RD1 – Coastal Sensitivity Area [2094.42], Rule 15.6.3 D1 – Defended Area [2094.38], Rule 15.5.2 RD2 – High Risk Flood Area [2094.33], Rule 15.4.3 D1 – Flood Plain Management Area [2094.30], Rule 15.4.1 P1 – Flood Plain Management Area [2094.23] and Rule 15.5.4 – High Risk Flood Area [2094.35].

9.7 The Reporting Officer's rationale for rejection of these points is twofold. Firstly, that existing use rights pursuant to section 10 RMA would apply in most cases. Secondly, that the meaning of the term "construction" would also implicitly encapsulate the terms "reconstruction" and "additions" to existing buildings and therefore the amendments sought are unnecessary.

9.8 I do not agree, on the basis that it can be onerous for a property owner to demonstrate existing use rights apply in accordance with section 10 RMA, for a wide variety of reasons. Furthermore, that an explicit recognition of the wording within the rules is preferable to reliance on an implicit assumption that such works are encapsulated within the meaning of the term "construction". If that is so, then inclusion of specific wording within the rules is an appropriate accommodation with the rule framework to enhance clarity and effectiveness of the provisions.

9.9 For the above reasons I consider that Kāinga Ora's submission points should be accepted and that the "reconstruction" of existing buildings and "additions to" existing buildings should be included within the rules identified in paragraph 9.6 above.

10. Activity Status

10.1 Kāinga Ora's submission sought to change the activity status for non-compliance with the proposed permitted and / or controlled activity standards from a default discretionary activity to a restricted discretionary activity (with associated matters of discretion).

10.2 In the s42A report, Council recommended accepting the change in activity status for non-compliance with the following rule:

- (a) Rule 15.11.3 D1 – Mine Subsidence Risk Area [2094.48]

10.3 However, the Council rejected the change in activity status for non-compliance with the following rules:

- (a) Rules in general [2094.87], Rule 15.4.3 D1 & D2 – Flood Plain Management Area and Flood Ponding Areas [2094.30-31], Rule 15.5.3 D1 – High Risk Flood Area [2094.34], Rule 15.5.4 – High Risk Flood Area [2094.36], Rule 15.6.3 D1 & D2 - Defended Areas [2094.38-39] and Rule 15.8.3 – Coastal Sensitivity Area (Inundation) [2094.43].
- 10.4 I do not support the retention of discretionary activity status for non-compliance with the rules set out in the above paragraph. I consider that that the use of a restricted discretionary activity framework, rather than the discretionary activity approach as notified, provides for better certainty for plan users as to the nature of effects that need to be assessed in relation to the activity in question.
- 10.5 In the context of Kāinga Ora’s submission, this relates to the following activities within an identified natural hazard overlay:
- (a) The construction of new buildings and additions to existing buildings.
 - (b) Subdivision to create one or more vacant lots
 - (c) The construction of buildings and earthworks within 50 metres of the top of a stop-bank.
- 10.6 Following a review of the Reporting Officer’s recommendations in this regard it is apparent that the Reporting Officer considers there is a strong distinction to be made between full discretionary and restricted discretionary activity status. In particular, that discretionary activity status provides appropriately for the “avoid” wording of the associated policies, whereas restricted discretionary status does not.
- 10.7 I disagree and consider that discretionary status should be favoured in circumstances where matters of discretion cannot be identified, but in all other respects are the same. I consider in this instance that matters of discretion can be suitably identified, and that a discretionary activity status unnecessarily creates uncertainty for a consent applicant without a corresponding benefit. A consent authority may still grant or refuse the application, the analysis of objectives and policies remains effectively the same, and the ability to impose conditions remains with both (albeit with

restricted discretionary applications only imposing conditions for those matters over which discretion is restricted).

- 10.8 I do not consider that there is a difference between full discretionary and restricted discretionary in regard to the “avoid” imperative of the policy framework,
- 10.9 I consider that the potential adverse effects for non-compliance with these rules / activities are discrete and well understood, meaning it is possible to identify appropriate matters of discretion (such as those matters proposed in Kāinga Ora’s submission).
- 10.10 Given the potential effects are well understood, there is no marginal benefit to retaining a full discretionary activity status over a restricted discretionary status. There is however a likely cost in retaining the discretionary activity status insofar as the perceived ‘consent risk / costs will influence development to be within the permitted activity thresholds, thereby resulting in predominantly one built form in each hazard overlay. The use of a restricted discretionary activity framework as the default for non-compliance with the permitted or controlled activity thresholds, rather than the discretionary activity approach, provides for better certainty for plan users as to the nature of effects that need to be assessed in relation to a specific activity.

11. Conclusion

- 11.1 My evidence largely supports the recommendations in the Section 42A Report in respect of the Proposed Waikato District Plan Hearing 27 – Natural Hazards and Climate Change.
- 11.2 The section 42A reporting officer’s reports have recommended acceptance of 53 out of 90 of Kāinga Ora submission points. There are 13 submission points accepted in part where the recommendations from the reporting officers are also supported. A submission point [2094.90] is being considered as part of Hearing 25: Rezoning. This evidence addresses the remaining 23 submission points where the recommendations are not accepted.
- 11.3 The above discussion highlights the remaining areas of concern relating to several provisions, and my opinion on those points. Subject to further consideration by the Hearing Commissioners in respect of the above

points and dependent on those resulting decisions, I consider that the topic of natural hazards and climate change within the Proposed Waikato District Plan will be effective in managing the actual and potential resource management issues arising from natural hazards and climate change.

- 11.4 In this evidence I conclude that minor amendments to an objective and policy would enhance the effectiveness of the provisions; that Council should proceed with the mapping of liquefaction-susceptible locations as a matter of urgency and delay the release of decisions on Hearing 27E until that it complete; Council should adopt a set of non-statutory 'interactive maps' modelled on the Auckland Unitary Plan for mapping of liquefaction-susceptible locations; that explicit recognition within the rule framework should be made for "reconstruction" and "additions" to existing buildings, rather than reliance of implicit recognition; and that restricted discretionary activity status (rather than full discretionary) is appropriate for where standards are not complied with and as a suitable means to give effect to the objective and policy framework.
- 11.5 I consider that adopting the amendments set out in this statement will set an appropriate framework for managing land use and development in the District in response to both the known and potential risks arising from natural hazards and the face of uncertainty of future sea levels and climatic conditions – using a precautionary approach to direct the mitigation, adaptation and assessment of future impacts of climate change.
- 11.6 Accordingly, the matters addressed in this statement will better enable the sustainable management of natural and physical resources in a manner consistent with Part 2 of the RMA.

Craig Melville Sharman

16 April 2021