

UNDER

the Resource Management Act 1991
(**"RMA"**)

IN THE MATTER

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

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

PLANNING

5 May 2021

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1. Introduction

1.1 My full name is Craig Melville Sharman. 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 (“**PDP**”). My role, qualifications and experience are set out in Section 2.0 of my Evidence in Chief (“**EIC**”) dated 16 April 2021.

2. Summary of EIC and Rebuttal

2.1 My EIC largely supports the recommendations in the Section 42A Reports (“**42A Report**”) in respect of the PDP Hearing 27 – Natural Hazards and Climate Change. On review of the commentary and recommendations provided in Council’s rebuttal evidence on topics Hearing 27B – 27F, the following should be noted:

- (a) I **retain** my position that minor amendments to Objective 15.2.3 and Policy 15.2.3.4 would enhance the effectiveness of the provisions;
- (b) I **retain** my position that explicit recognition within the rule framework should be made for “reconstruction” and “additions” to existing buildings, rather than reliance of implicit recognition;
- (c) I **retain** my position 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;
- (d) I **retain** my position that Council should delay the decision on Hearing 27E until the mapping of liquefaction-susceptible locations is complete; and

2.2 My response to the recommendations put forward in Council’s rebuttal where the recommendations address Kāinga Ora’s submission are provided in the subsequent paragraphs.

Hearing 27B – Objectives, Policies and General Submissions

2.3 The Reporting Officer provides a recommendation on Kāinga Ora’s submission² that was inadvertently omitted from the Hearing 27B 42A Report. This submission sought to retain Objective 1.12.8(d), as notified. The Reporting Officer recommends retaining this Objective and relocating it into the Introduction 1.23.8(b)(vii) and into Chapter 15. I support this approach for the reasons provided by the Reporting Officer.

¹ Sub No. 2094, Further Sub No. FS3033

² Submission No. 2094.71

- 2.4 In response to my EIC regarding rule provisions applying to ‘additions to’, and ‘reconstruction of buildings’, the Reporting Officer recommends no further amendments than those addressed in the 42A Report. I do not support this for the reasons provided in Section 9 of my EIC.

Hearing 27D – Coastal Hazards

- 2.5 The Reporting Officer provides a recommendation on Kāinga Ora’s submissions³ on both Rule 15.8.2 RD1 and 15.8.3 D2. Regarding Rule 15.8.2 RD1, Kāinga Ora’s submission sought to explicitly reference ‘reconstruction’. The Reporting Office maintains rejecting this submission point. No rebuttal is provided in response to my EIC regarding the onerous of proving existing use rights. I still consider it important that the rules are clear in distinguishing ‘new development’ from ‘redevelopment’ given the respective “avoid” and “manging” policy framework. Reliance on existing use rights has the potential to be overly onerous for property owners and such a scenario can be avoided by simply providing a clear distinction within the rule framework. Furthermore, I do not consider ‘reconstruction’ is not necessarily clearly implicit within the term ‘construction’ as suggested by the Reporting Officer.
- 2.6 Regarding Rule 15.8.3 D2, Kāinga Ora’s submission sought to alter the activity status to Restricted Discretionary with matters of discretion inserted. The Reporting Officer has accepted this change in the activity status, albeit adopting matters of discretion proposed by both Kāinga Ora and Rangitahi Limited⁴. I support this recommendation.

Hearing 27E – Subsidence, Liquefaction & Other Hazards

- 2.7 The Hearing 27E rebuttal primarily provides commentary on Kāinga Ora’s submission regarding the completion of a District wide liquefaction assessment. The Reporting Officer does not make any changes to the recommendations provided in the 42A Report.
- 2.8 I agree with the Reporting Officer that it would be advantageous if the District Wide assessment could be completed in time to be factored into a Decisions Version of the PDP. However, I do not agree that the Ministerial extension to the timeframes necessitates an avoidance of any further delay, when there is merit to such as delay as in the present circumstance. The legal submissions for Kāinga Ora also address this point, and in particular the statutory requirements regarding issuing of decisions.

³ Submission No. 2094.42 and 2094.43

⁴ Submission No. 2115.5

2.9 I consider that the proposed approach to liquefaction as sought by Kāinga Ora is best practice and should be acted upon with urgency. This course of action would avoid an interim period of uncertain duration where the notified provisions of the PDP in respect of liquefaction have legal effect. For the reasons described in my EIC, the notified provisions will generate potentially significant costs for applicants and landowners, and will not be an effective or efficient set of plan provisions to manage potential liquefaction effects.

Hearing 27F – Fire, Climate Change, and Definitions

2.10 The Reporting Officer provides a recommendation on Kāinga Ora's submissions⁵ on both Objective 15.2.3 and Policy 15.2.3.4. Regarding Objective 15.2.3, Kāinga Ora's submission sought that if clause (b) was retained it be amended to align with Objective 8 of the NPS-UD. The Reporting Officer continues to recommend that this amendment should be rejected. Regardless of whether clause (b) is considered to be out of scope or not, should the clause be retained I consider that the relief sought by Kāinga Ora is a better policy outcome than retaining the clause as notified. The rationale for this support is provided in paragraphs 7.2 – 7.4 in my EIC.

2.11 For clarity, I do not have issue with the deletion of clause (b) for the reasons provided in both Federated Farmers submission⁶ and the commentary provide by the Reporting Officer in response.

2.12 Regarding Policy 15.2.3.4, Kāinga Ora's submission sought to amend clause (b) to reference "for new development" to ensure that the policy can only be applied to 'new development'. The Reporting Officer has now recommended accepting this submission point and I support this.

3. Conclusion

3.1 I consider that adopting the amendments set out in my EIC, and, where altered, in this summary statement, will set an appropriate framework for managing land use and development in response to both the known and potential risks arising from natural hazards and climate change.

Craig Melville Sharman

5 May 2021

⁵ Submission No. 2094.17 and 2094.21

⁶ Submission No. 2173.29