

# SECTION 42A REPORT

Rebuttal Evidence

## Hearing 27E: Chapter 15: Natural Hazards and Climate Change – Land Stability, Liquefaction, Mine Subsidence

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Date: 28 April 2021



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# 1 Introduction

## 1.1 Background

1. My name is Grant Robert Eccles.
2. I am the author of the original S42A report for Hearing 27E: Natural Hazards and Climate Change – Land Stability, Liquefaction, Mine Subsidence.
3. In the interests of succinctness I do not repeat the information contained in section 1.1 to 1.4 of that S42A Hearing Report and request that the Hearings Panel take this as read.

## 2 Purpose of the report

4. In the directions of the Hearings Panel dated 26 June 2019, paragraph 18 states:  
*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 was filed by the following submitters within the timeframes outlined in the directions from the Hearings Panel<sup>1</sup>:
  - a. Fire and Emergency New Zealand [378] and [FS 1114]
  - b. Kainga Ora [2094] and FS [3033]
  - c. Transpower NZ Ltd [2101] and [FS 3003]
  - d. Waikato Regional Council [2102]
  - e. Heritage New Zealand Pouhere Taonga [2107] and FS [3013]
  - f. Ports of Auckland Limited [2139]
  - g. Renee Laker [FS3032]

## 3 Consideration of evidence received

### 3.1 Matters addressed by this report

7. All of the submitter evidence listed above, apart from that from Kainga Ora, agrees with my recommendations on the submitters relevant submission points as set out in the Hearing 27E section 42A report.
8. Accordingly, the only matter that this report addresses is the disagreement with my recommendation (see section 5.1.5, para 82, of the section 42A report) recorded by Kainga Ora in their evidence with regards to what to do with the Proposed District Plan liquefaction provisions in the interim period between the conclusion of Hearing 27E and the completion of a District wide liquefaction assessment.

### 3.2 Corrections to the Section 42A Report

9. There are no corrections that need to be made to my section 42A report.

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<sup>1</sup> Hearings Panel Directions 21 May 2019  
Proposed Waikato District Plan

## 4 Liquefaction Rules – Apply in the interim or Defer Decisions?

### 4.1 Analysis

10. In my s42A report I recommended that a “Level B” district wide liquefaction assessment be prepared and the maps arising from it be held outside of the District Plan, and in the interim period until the District wide assessment is ready the as-notified rules should continue to apply (ie that require consent applicants to undertake individual liquefaction risk assessments).
11. While Kainga Ora agree with my recommendation to prepare a “Level B” district wide liquefaction assessment, they disagree with my recommendation that in the interim period the as-notified rules should continue to apply.
12. The Kainga Ora view<sup>2</sup> is that the decisions on Hearing 27E should be delayed to allow time for the District wide assessment to be undertaken, rules prepared and maps amended accordingly, and then be reflected in the decisions. This would avoid the time and financial costs of a later 1<sup>st</sup> Schedule process, and the decision delay would in the view of Kainga Ora affect only a discrete part of the Proposed District Plan.
13. I do not fundamentally disagree with Kainga Ora. Clearly it would be advantageous if the District wide assessment could be completed in time to be factored into a Decisions version of the Proposed District Plan. However, the information available to me indicates that there is no certainty this will be able to occur.
14. I regard it as important that the Proposed District Plan decisions be issued in a timely and co-ordinated manner, especially when it is recognised that Council has already been provided a Ministerial extension to the timeframes within which it must issue its decisions on the Proposed District Plan. Delaying the decisions on Hearing 27E would require a second application to the Minister for the Environment for a time extension which I surmise might be difficult to obtain.
15. In my view, any future 1<sup>st</sup> schedule process that would be needed to incorporate the outcomes of the District wide liquefaction assessment would be straight-forward and not unduly onerous on Council or submitters.
16. On that basis I continue to recommend that in the interim period until a District wide liquefaction assessment is prepared and corresponding provisions brought in to the District Plan, the as-notified provisions should apply.

### 4.2 Recommendations

17. Having considered the points raised in evidence I have not changed my recommendations.

### 4.3 Recommended amendments

18. There are no recommended amendments.

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<sup>2</sup> See paras 8.10-8.13, Planning Evidence of Craig Sharman for Kainga Ora, dated 16 April 2021