

Closing Reply

Hearing 28: Natural Hazards Other Matters

Report prepared by: Yvonne Legarth
on behalf of Waikato District Council

Date: 22 July 2021



Introduction

1. I am the author of the RMA s42A report, rebuttal and opening statement for the Other Matters: Natural Hazards (Hearing 28). This closing reply deals with submissions and evidence heard in Hearing 28.
2. Hearing 28: Other Matters dealt with those submissions on Stage 2 Natural Hazards provisions that were not addressed in the earlier hearings and reports.

Evidence lodged by submitters

3. Evidence was received from the following submitters on the matters discussed in my section 42A Report 28 Natural Hazards Other Matters:
 - a) Craig Sharman on behalf of Kāinga Ora-Homes and Communities submitter no. 2094 and FS3033
 - b) Lynette Wharfe for Horticulture New Zealand (further submitter no. FS3027)
 - c) Ports of Auckland Limited submitter no. 2139 and FS1087 (tabled letter)
 - d) Transpower New Zealand Ltd (“Transpower”) submitter no. 2101 (tabled letter)
 - e) Fire and Emergency New Zealand (Fire and Emergency) submitter no. 2103 and FS3025 (tabled).
4. Mr Sharman appeared at the hearing and answered questions from the Panel on the recommended amendments to proposed Policy 15.2.1.11, and his evidence raised a concern about my recommendation to amend the wording in a manner that extended the scope of the policy to areas that are not mapped.

Response

5. As notified, proposed Policy 15.2.1.11 and the rules that implement it apply to the ‘High Risk’ flood and coastal hazard areas mapped in the proposed plan. In my s42A report H28 I recommended that the policy approach apply to new development requiring new structural protection works in all areas at risk from natural hazards. In my response to the planning evidence of Craig Melville Sharman on behalf of Kāinga Ora-Homes, I recommended as an alternative, that the policy approach be applied to new development requiring new structural protection works in all areas at risk from flooding and inundation, not just in the mapped high risk overlays.
6. I agree that extending the reach of the policy, as recommended in the alternative policy set out in my rebuttal, may have unintended consequences, and has implications for the rules that implement it that would need to be the subject of further analysis.
7. I have given the issue further consideration, and I agree with Mr Sharman that the policy should not be extended to unmapped areas. I now revise my recommendation, and am of the view that the policy should only apply to the areas identified as being at high risk from natural hazards.

8. I therefore now recommend that Policy 15.2.1.11 be retained as notified, and the submissions made by Fire and Emergency New Zealand [2103.11], Director General of Department of Conservation [2108.11], Federated Farmers of New Zealand [2173.13] and Kainga Ora Homes and Communities [2094.7] be accepted in part, to the extent that Policy 15.2.1.11 be retained as notified, but the names of the overlays are changed as recommended in my s42A report H27B¹ - by renaming the references to 'High risk coastal (inundation) and (erosion) areas', as follows:

Policy 15.2.1.11 - New development that creates demand for new protection structures and works

Avoid locating new subdivision, use and development in High Risk Flood, High Risk Coastal ~~Hazard (Inundation)~~ and High Risk Coastal ~~Hazard (Erosion)~~ Areas² where a demand or need for new structural protection works will be required to reduce the risk from natural hazards to acceptable levels.

Y Legarth

¹ Amended text with renamed hazard overlays is shown in s42A report H28 section 10 in paragraph 152

² Hearing 27B: rename coastal overlays discussion at paragraphs 395, and recommendation at paragraph 413