

UNDER

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

IN THE MATTER

of the Proposed Waikato District
Plan: Hearing 28 – Natural Hazards
Other Matters.

**SUMMARY STATEMENT OF CRAIG MELVILLE SHARMAN ON BEHALF
OF KĀINGA ORA - HOMES AND COMMUNITIES
(Sub No. 2094, Further Sub No. FS3033)**

PLANNING

07 July 2021

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1. Introduction and Summary of EIC

- 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 submissions 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 21 June 2021.
- 1.2 My EIC largely supports the majority of the recommendations in the Section 42A Report (“**42A Report**”) in respect of the PDP Hearing 28 – Natural Hazards Other Matters. The exception to this is the proposed amendment to Policy 15.2.1.11, where an amendment is being recommended in the s42A Report in response to a submission from the Waikato Regional Council - of which I oppose.
- 1.3 The rationale behind my position is provided in my EIC and summarised in the subsequent paragraphs. In addition, this statement includes my comments on the rebuttal evidence lodged by Council in relation to Hearing 28 – Natural Hazards Other Matters.

Submissions on Plan Structure (Sub No. 2094.1)

- 1.4 I support the recommendation to retain a stand-alone natural hazards and climate change chapter for the reasons provided by the Reporting Officer in the s42A Report.

General Submissions – All Objectives and Policies (Sub No. 2094.86)

- 1.5 I support the recommendation to amend the proposed Objective and Policy framework to ensure clarity for Plan Users for the reasons provided by the Reporting Officer in the s42A Report.

Policy 15.2.1.1 – New development in areas at high risk from natural hazards (Sub No. 2094.3)

- 1.6 I support the recommendation to refine the wording of Policy 15.2.1.1 for the reasons provided by the Reporting Officer in the s42A Report.

Policy 15.2.1.2 – Changes to existing land use activities and development in areas at significant risk from natural hazards (Sub No. 2094.4)

- 1.7 I support the recommendation to refine the wording of Policy 15.2.1.2 for the reasons provided by the Reporting Officer in the s42A Report.

Policy 15.2.1.11 – New development that creates demand for new protection structures and works (Sub No. 2094.7)

- 1.8 Kāinga Ora's submission sought to retain Policy 15.2.1.11, as notified. The Reporting Officer recommends refining the wording of the policy by way of removing reference to the specified (and mapped) hazard areas and inserting the phrase, "*areas at risk from natural hazards*". This amendment substantially broadens the scope of the policy with the potential for the policy to apply its "avoid" approach to all areas prone to natural hazard risk – irrespective of whether or not they are (a) within an area of high risk; or (b) mapped. Consequently, this provides a much lower level of certainty for landowners and developers.
- 1.9 I consider that the core purpose of the spatial mapping of hazard-prone areas within the district plan planning maps, supported by technical assessments to determine the extent of the mapped areas, is to target the corresponding rule framework to those locations. The Reporting Officer's recommended amendments to the policy introduces a high level of uncertainty for all parties, as it applies an 'avoid' threshold to 'areas at risk from natural hazards' and deletes the specific references in the policy to the high risk natural hazard areas themselves. I consider that this has the statutory effect of potentially widening the application of the 'avoid' threshold within the policy to a much wider area within the district, given that the meaning of the phrase 'areas at risk from natural hazards' is effectively being 'un-hitched' from the mapped hazard areas.
- 1.10 In this case, an 'avoid' threshold is appropriate to apply only to an identified 'high-risk' mapped hazard area given its absolute meaning (and consistent with the policy approach taken throughout the balance of Chapter 15 which generally seeks to avoid establishing new development / sensitive uses within significant natural hazard risk areas, while managing the effects of development within other hazard risk areas).
- 1.11 Uncertainty arises when this threshold has the potential to be applied generally throughout the District. This creates an ambiguous meaning for the policy as a result and serves to undermine the intent of the overall framework of provisions. I consider that the retention of the policy as notified provides a clear, effective and efficient response to the wider framework of objectives and should be retained without change. Specifically, that the 'avoid' approach regarding Policy 15.2.1.11 be applied to 'high risk' natural hazard areas only – as notified.
- 1.12 Accordingly, I do not support the recommendation of the Reporting Officer for the reasons stated in paragraphs 6.6 – 6.9 of my EIC, and as summarised above.

2. Council Rebuttal Evidence

- 2.1 I have now reviewed the s42A rebuttal evidence from Council regarding Hearing 28 – Natural Hazards Other Matters. In respect of the rebuttal statement, I:

- (a) Note that the proposed amendments to Clause (a) of Policy 15.2.1.11, and the sequent addition of Clause (b) to Policy 15.2.1.11 are as follows (rebuttal recommendations shown in blue):

Avoid locating new subdivision, use and development in ~~High Risk Flood, High Risk Coastal Hazard (Inundation) and High Risk Coastal Hazard (Erosion) Areas~~ areas at risk from natural hazards of flooding or inundation where...

The formation of a raised building platform to achieve minimum floor levels does not constitute structural protection works under this policy.

- (b) Recognise that this constitutes an improvement on the initial recommended amendment to Policy 15.2.1.11 insofar as it confines the scope of the policy to 'areas at risk of flooding or inundation' rather than any area 'at risk of natural hazards'.
- (c) Maintain my position that deleting reference to spatially mapped high-risk natural hazard areas continues to facilitate uncertainty for the application of the 'avoid' threshold within the District, is an overly onerous approach given the implications of that policy for land to which it applies and is inconsistent with the balance of the natural hazards provisions.

2.2 On that basis, I disagree with the amended recommendation contained in the rebuttal evidence for the reasons stated in paragraphs 6.6 – 6.9 of my EIC, and summarised above.

3. Conclusion

3.1 With the exception of the recommended changes to Policy 15.2.1.11 I support the majority of the recommendations in the s42A Report insofar as they relate to Kāinga Ora submission points. In my view, retaining the notified wording of Policy 15.2.1.11 will set an appropriate and consistent 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

07 July 2021