

# **SECTION 42A REPORT**

## **Hearing 27: Natural Hazards and Climate Change**

Hearing Opening Presentation by Neil Taylor

Reports 27A and 27E

Date: 10 May 2021



## I Introduction

1. This hearing is to consider submissions on Stage 2 of the Proposed Waikato District Plan, on Natural Hazards and Climate Change.
2. Council has prepared six s42A reports for this hearing. These reports and their authors are:
  - 27A: Background and process, by Neil Taylor
  - 27B: Objectives, policies and general submissions, by Yvonne Legarth
  - 27C: Flood hazards and defended areas, by Janice Carter
  - 27D: Coastal hazards, by Kelly Nicolson
  - 27E: Subsidence, liquefaction and other hazards, by Grant Eccles
  - 27F: Climate change and definitions, by Neil Taylor
3. Each of the authors will introduce their report this morning and will introduce their experts participating today.
4. Before we start, I would like to note that there is one more report on natural hazards still to come. Some submitters identified submissions omitted from the above reports in their evidence and more missed submissions have been found through internal council checking. The last report will address these missing submissions. The affected submitters will be advised of a separate hearing date for those submissions when the date is fixed.

## 2 Report 27A: Background and process

5. Report 27A records the process followed by Waikato District Council to develop Stage 2 of the Proposed Waikato District Plan, Natural Hazards and Climate Change, up to the commencement of hearings. This report does not discuss individual submissions and makes no recommendations.
6. No comment has been received about Report 27A, so I will speak to it only briefly.
7. Stage 1 was notified in 2018. It was an incomplete plan that omitted natural hazards provisions.
8. Stage 2 was notified on 27 July 2020. It supplies the missing natural hazards provisions. Stage 2 addresses the major hazard risks in Waikato District, which are river flooding and coastal hazards, along with other risks including liquefaction, subsidence, land instability fire and local ponding. The effects of climate change on natural hazards are also addressed in Stage 2.
9. All of these topics will be introduced in more detail shortly.
10. Stage 2 has three components:
  - Variation 2, which contains changes to Stage 1 text add references to natural hazards;
  - New Chapter 15, containing objectives, policies, rules, definitions and explanatory text on natural hazards;
  - New Planning Maps of natural hazard overlays.
11. Submissions were received from 189 individuals and organisations, making 953 original submission points. Further submissions were received from 34 individuals and organisations, making 746 further submission points.
12. A relatively small number of those submitters asked to be heard at this hearing.

13. Finally in my general overview, I note that submissions have highlighted some wording issues in the Stage 2 documents and inconsistencies between Stage 1 and 2 documents. In resolving these, report authors have sometimes relied on a submission from Tata Valley Ltd [2093 .17] which asks for unnecessary complication to be removed from the Stage 2 provisions. The Panel might derive further assistance from this submission as the hearing unfolds.

## 3 Report 27F: Fire, Climate Change and Definitions

### 3.1 Fire

14. In Waikato District, fire risk is of local scale and lower significance at present. This is made clear in the section 32 report.
15. Chapter 15 contains only limited provisions on fire, with a focus on assessment of subdivision proposals. 15.1 notes that fire hazards are controlled by other government agencies and legislation other than the RMA.
16. There is one proposed policy on fire and references to fire hazards are added to subdivision rules in zone chapters.
17. Policy 15.2.1.18 calls for buffer areas or setbacks around new residential subdivision and development in areas subject to elevated fire risk. The fire risk areas are primarily identified as areas close to plantation forests. Eight submissions were made on the policy, three of them asking for the policy to be retained as notified.
18. One submission calls for the policy to extend beyond residential development to cover all development. This was not supported by evidence of wider risks requiring district plan intervention. I see no justification to widen the scope beyond residential subdivision and development, bearing in mind the lower scale and significance of the issue being addressed.
19. I have recommended amending the wording of the policy to include more detailed considerations suggested in submissions. I consider these details will assist the assessment of resource consents in future.
20. I did not support a submission asking for forests to be set back from power lines. I was unsure what this proposal was aiming to achieve, whether to protect the powerlines from the trees, or the trees from the powerlines. In any case, I considered that this district plan control on the forestry would be contrary to the National Environmental Standard on Plantation Forestry.
21. Variation 2 amends restricted discretionary activity subdivision rules in the Stage 1 zone chapters. Amendments are proposed to the residential, rural, country living, and village zones subdivision rules. In some of these zones Variation 2 adds new matters of discretion to consider natural hazards including fire risk, and in other zones it amends existing references to natural hazards to include fire. No submissions were received on the Variation 2 provisions.
22. The submitters' written evidence does not take issue with my recommendations in relation to the fire provisions, so I have nothing further to say on this topic for now.

### 3.2 Climate change

23. Chapter 15 is called "Natural hazards and climate change", possibly giving the impression that it contains a comprehensive response to the effects of climate change. This is not the case.
24. The proposed provisions on climate change relate only to the effects of climate change on natural hazards, such as increased flooding and sea level rise.

25. One submission sought to expand the provisions beyond natural hazards, to encompass issues referenced in Waikato District Council's Climate Response and Resilience Policy 2020. Much of the policy is internally directed at the councils' own activities and investment decisions. However, the general point raised in the submission is that the district plan should take a wider approach to climate change, and I see some merit in that.
26. One wider aspect that the submitter suggests is that the district plan should include conservation and enhancement of natural environments to aid in emissions reduction and mitigation of climate change effects. While I see merit in this, wider practical measures were not detailed by the submitter and can only be developed by research and policy development over time, leading to a plan change or notified variation. Accordingly, I recommend rejecting this submission for now.
27. One objective and five policies address the effects of climate change on natural hazards. These aim to bring considerations of the effects of climate change into the assessment of resource consents.
28. The objective as notified includes transitioning to development that prioritises lower greenhouse gas emissions. This was challenged in submissions. I consider that under legislation currently in force, district plans can only address the effects of climate change, as opposed to the causes. The RMA section 7(i) references the effects of climate change, and territorial authorities are given no wider function. This influenced my response to two submissions, and I recommended that part of the objective be removed.
29. As notified, the climate change objective and policies were arranged together, implying that those policies respond only to that objective. I think this is slightly misleading, as in fact the climate change policies respond to the climate change objective as well as the other two objectives in Chapter 15. I have recommended rearranging the chapter to bring all three objectives together. This approach is consistent with the National Planning Standards.
30. Submissions were made on all five climate change policies. Most of the submitters seek small wording changes to the provisions, some of which I support. I feel it is unnecessary to detail these small adjustments in this introduction.

### **3.3 Definitions**

31. Chapter 15.14 contains definitions of 16 terms used in the provisions. Submissions on definitions are addressed in the s42 reports that deal with the relevant substantive provisions. My report 27F deals with submissions on seven definitions that did not fit under another report.
32. Several submitters asked for the Chapter 15 definitions to be moved Chapter 13, which contains the other definitions used in the proposed plan. I have recommended moving the definitions, both for convenience of plan users and because the National Planning Standards require that plans have only one definitions chapter.
33. A theme in the submissions is to request changes to definition wording to change the consent status of activities. For example, a submission asks for the definition of "minor upgrading" to be extended to all infrastructure. I have generally taken the view that if a change to consent status is found to be desirable, it would be better implemented by amending rules to give appropriate activity status to named activities, instead of by amending a definition. Caution needs to be exercised in amending definitions, because the changes can have unintended consequences across many plan provisions.