

# SECTION 42A REPORT

Opening Statement

## Hearing 27B: Natural Hazards General

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## I Introduction

1. My name is Yvonne Legarth and I am the writer of the original s42A report and rebuttal for Hearing 27B: Natural Hazards General Submissions, and my qualification and experience are set out in my s42A Report Hearing 27B: Natural Hazards General Submissions.

### I.1 Background

2. My section 42A report<sup>1</sup> and rebuttal discusses submissions and evidence on the Introduction sections of Chapters 1, 12 and 15; and the sections on how to use the plan, how to use and interpret the rules, the information requirements for resource consents, the strategic objective for natural hazards, the two objectives that deal with natural hazard resilience and community awareness of natural hazard risk, and the policies that implement them.

### I.2 Corrections to the Section 42A Report

3. In my response report I have made some corrections to my 42A report to include recommendations on submissions and further submissions where the issue is covered in my original s42A report, but the submitter references were omitted in error. A list is attached as Appendix 2 to my response report.

### I.3 Provisions discussed in my s42A and rebuttal reports

#### Strategic objectives

4. Chapter 1 of the proposed plan contains a summary of the overarching strategic objectives. The strategic objectives themselves are located at the beginning of the relevant chapter. I consider that the plan would benefit from some restructuring to locate 'like provisions' such as the objectives, definitions, and information about 'how to use the plan' together.
5. Variation 2 notified a change to Chapter 1.12.8 'Strategic Objectives' to include:
 

**[Strategic] Objective: Natural Hazards and Climate Change**

**The choice, location and design of development in the district takes into account the risks from natural hazards and potential impacts of climate change**
6. The submissions support the strategic objective for natural hazards, and one submitter seeks the addition of references to the objectives in Chapter 15.

#### Resilience to natural hazard risk

7. Chapter 15 contains the objectives specific to natural hazards, and my s42A and rebuttal reports discuss the submissions and evidence on Objective 15.2.1, Policy 15.2.1.4, Policy 15.2.1.5, Policy 15.2.1.6 and 15.2.1.9.
8. Objective 15.2.1 Resilience to Natural Hazards, and the policies that implement it, manage the avoidance or mitigation of hazard risk. Policy 15.2.1.4 deals with new infrastructure and utilities in areas of significant risk, Policy 15.2.1.5 deals with existing infrastructure and utilities in areas of significant risk, Policy 15.2.1.6 manages natural hazard risk in areas outside high risk overlays; and Policy 15.2.1.9 recognises that natural features can provide a natural defence against the effects of natural hazards.

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<sup>1</sup> Scope of the topic is identified in para 18 of my s42A Report Hearing 27B: Natural Hazards General Submissions

9. While there are submitters that seek changes to the management terms of 'avoid and mitigate', there was a high level of support for retaining Objective 15.2.1 as notified.

### **Awareness of natural hazard risks**

10. My s42A and rebuttal reports discusses submissions and evidence on Objective 15.2.2, Policy 15.2.2.1 and 15.2.2.2.
11. Objective 15.2.2 deals with community awareness and the ability to respond and recover from a natural hazard event, and Policies 15.2.2.1 is about making information available and having access to information about natural hazards affecting their properties; and 15.2.2.2 deals with improving response and recovery by increasing awareness of Community Response Plans.
12. Submissions sought that Objective 15.2.2 be retained, with one submitter seeking that the objective be relocated to sit alongside Objective 15.2.1.

### **Introduction sections**

13. My s42A and rebuttal reports also discuss submissions and planning evidence on the introductory and explanatory sections of the plan.

### **1.4 Submissions and evidence received**

14. The main focus of evidence received on behalf of submitters is that there is a need to manage natural hazard risk, that the provisions could be clarified, and that the plan needs to deal with upgrading of infrastructure where the potential effects are likely to be more than minor.
15. Key themes in the submissions and evidence include:
  - a. amending the descriptions in the introduction sections to clarify how hazard risk is addressed in the plan, and to clarify how infrastructure is dealt with.
  - b. clarifying Objective 15.2.1 to recognise risk to historic heritage, sites and areas of significance to Maaori,
  - c. clarifying how the rules work in the description in 15.3 'how to use and interpret the rules'
  - d. that policies should provide for activities that are ancillary to infrastructure to be located within a hazard risk area,
  - e. amend the policies to deal with the upgrading of infrastructure and utilities that may be significant
  - f. that some activities that respond to climate change have beneficial outcomes and should be promoted rather than avoided
  - g. that there is a 'policy gap' and that a new Policy 15.2.1.5A is needed to provide for new infrastructure in all areas subject to natural hazards
  - h. that amendments need to be made to the introductory sections to clarify how the rules in the plan will be applied where there is no explicit rule in a hazard overlay.
  - i. whether the proposed plan gives effect to the Waikato Regional Policy Statement, and the relationship between the 'high hazard areas' in the proposed plan and the 'primary hazard zones' signalled in the Waikato Regional Policy Statement.
  - j. whether the non-regulatory approach is appropriate and whether the relationship with regulatory tools is properly adequately described and managed in the introductory section 15.1(7) of the proposed plan.

## **1.5 Recommendations to amend the proposed plan**

16. The submissions and further submissions on the general natural hazard provisions covered a number of different matters. In response to submissions and evidence:
17. I recommend an amendment to Chapter 1 – Introduction: '1.4 Issues for Waikato District', to explain that the approach in the plan is to reduce risks from natural hazards by avoiding the creation of new risks and ensuring risks do not exceed an acceptable level, and an amendment to Chapter 1.5.2 to signal that future demand for protection works will be taken into account.
18. As notified, Chapter 1.12.8(d) contains the Strategic objective for natural hazards. I recommend that this is retained as notified, that a summary be added to subsection 1.12.8(b), and the strategic objective as notified be relocated into Chapter 15. This approach is similar to the other chapters in the proposed plan.
19. There is a broad issue around how the rules the different chapters of the plan will be applied. I recommend a change to Chapter 12.1(k) 'Introduction to the Rule's' to clarify that rules in other parts of the plan that apply in addition to those in the natural hazards chapter.
20. I recommend that the definition of 'Annual exceedance probability (AEP)' be retained and relocated into the Chapter 13, alongside the other definitions in the plan.
21. I recommend that the explanation about how the plan manages natural hazards in Chapter 15.1 'Introduction' be expanded, but this does not change the approach in the proposed plan
22. I recommend a change to Objective 15.2.1 to more clearly state the outcome for managing risks to people, property, infrastructure and the community.
23. I recommend a change to Policy 15.2.1.4 to deal with a policy gap where infrastructure is upgraded and the effects of works may not be minor.
24. I recommend an amendment to section 15.3 'Using and interpreting the rules' to include a reference to the National Environment Standard for Electricity Transmission Activities, and to add an advice note about requirements under other legislation.
25. Following a discussion with Ms Nicolson, I recommended that the coastal hazard overlays be simplified, and rules 15.7 and 15.8 that deal with natural hazard overlays be amalgamated to removed unnecessary duplication. Ms Nicolson has recommended additional changes in her s42A report dealing with coastal hazards.

## **4 Conclusion**

26. The avoidance and mitigation of natural hazards is within the functions of the district council. The management of risks from natural hazards is a matter of national importance under RMA section 6(h). RMA section 7 is to have particular regard to the effects of climate change.
27. The Waikato Regional Policy Statement requires district plans to take a risk based approach to the management of subdivision, use and development in relation to the risk from natural hazards. The RMA s32 report identifies the Waikato District as being susceptible to a range of natural hazards.
28. Broadly, the approach taken in the submissions and evidence on those provisions assessed in my s42A report is that there is a need to manage natural hazards, the differences raised in submissions is about how that should occur.