

UNDER

the Resource Management Act 1991
(**"RMA"**)

IN THE MATTER

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

**EVIDENCE OF CRAIG MELVILLE SHARMAN ON BEHALF OF KĀINGA
ORA-HOMES AND COMMUNITIES**

PLANNING

21 June 2021

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REF: Douglas Allan / Alex Devine

1. Summary Statement

- 1.1 My full name is Craig Melville Sharman. I am a Senior Associate at Beca Limited. I am providing planning evidence on behalf of Kāinga Ora-Homes and Communities (“**Kāinga Ora**”) in relation to its submissions¹ on Stage 2 of the Proposed Waikato District Plan (“**the Proposed District Plan**” or “**PDP**”) insofar as they relate to this hearing. Specifically, this evidence relates to the proposed natural hazards and climate change provisions being considered within Hearing 28 - Other Matters. This evidence should be read in conjunction with the Statement of Planning Evidence prepared for Hearing 27 – Natural Hazards and Climate Change dated 16 April 2021.
- 1.2 My evidence largely supports the recommendations in the Section 42A Report in respect of Hearing 28 – Other Matters (“**s42A report**”) insofar as they relate to submissions lodged by Kāinga Ora. The one area of disagreement is in relation to Policy 15.2.1.11 (New development that creates demand for new protection structures and works) where the Council has recommended changes which have the effect of extending the application of the policy to many more areas, including those potentially beyond the mapped hazard areas. I address my reasons for this opposition in further detail at paragraphs 6.5 – 6.9 below.

2. Introduction

- 2.1 My name is Craig Melville Sharman. I have practised as a planning professional for over 20 years. I hold a Bachelor of Resource and Environmental Planning from Massey University (1996) and a Master of Philosophy (Geography) from Massey University (1998). I have been a full member of the New Zealand Planning Institute since 2003.
- 2.2 I am currently employed by Beca Limited in the position of Senior Associate – Planning. I have been employed in this capacity with Beca since 2017. Prior to 2017 I worked in a variety of planning roles within consultancies and local government.

¹ Sub No. 2094, Further Sub No. FS3033

2.3 I am providing planning evidence on behalf of Kāinga Ora in respect of submissions made on the proposed natural hazard and climate change provisions.

2.4 I was involved with the preparation of primary and further submissions by Kāinga Ora in relation to the PDP. I am familiar with Kāinga Ora's corporate intent in respect of the provision of housing within Waikato. I am also familiar with the national, regional and district planning documents relevant to the PDP.

3. Code of Conduct

3.1 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. I agree to comply with this code of conduct. Except where I am relying on evidence of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

4. Scope of Evidence

4.1 There are five Kāinga Ora submission points in relation to the 'Natural Hazards' topic within Hearing 28, and that are addressed within this statement of evidence. These are:

- (a) 2094.1 – Retain a stand-alone natural hazards chapter
- (b) 2094.3 – Retain Policy 15.2.1.1
- (c) 2094.4 – Retain Policy 15.2.1.2
- (d) 2094.7 – Retain Policy 15.2.1.11
- (e) 2094.86 – Amend Objectives and Policy Framework to ensure clarity,

4.2 There are also two further submissions lodged by other submitters (Fire and Emergency New Zealand, 3025.2; and Transpower New Zealand Ltd 3003.7) that are reported on. The Kainga Ora submission points that these further submissions relate (2094.16, 2094.57) were reported on in Hearing 27E and 27F and need not be addressed again here.

4.3 There are several other Kāinga Ora submission points addressed in the 'General - Other Matters' topic, but these have been addressed fully in other hearing topics and so I do not address them further in this statement.

5. Submission Points Accepted

5.1 I have reviewed the s42A report and concur with the assessment and support the recommendations of Council's s42A reporting officer, insofar as they relate to the Kāinga Ora submission points which have been recommended to be accepted (submission points 2094.1 and 2094.86).

6. Submission Points Accepted in Part

6.1 The s42A report has recommended acceptance in part of submission points 2094.3, 2094.4 and 2094.7. These three submissions are separately discussed below.

Submission point 2094.3 - Policy 15.2.1.1

6.2 Submission point 2094.3 is to retain Policy 15.2.1.1 as notified. The s42A report recommendation on this matter is to refine the wording of the policy in response to other submissions. In particular to simplify the proposed policy by removing some unnecessary words. The wording recommended in the s42A report is as follows [the purple text being the recommendation in the Hearing 28 s42A report, the red text being the recommendation in the Hearing 27 s42A report and the blue text being the recommendation following Hearing 27]:

Policy 15.2.1.1- New development in areas at ~~significant~~ high risk from natural hazards

(a) Avoid new subdivision, use and development where they will increase the risk to people's safety, well-being and property in the following areas: ~~identified as being at [significant] high risk from natural hazards:~~

- i. High Risk Flood Area;*
- ii. High Risk Coastal ~~Hazard~~ (Inundation) Area;*
- iii. High Risk Coastal ~~Hazard~~ (Erosion) Area.*

6.3 I support the wording recommended by the s42A report and consider it simplifies the policy without changing its meaning.

Submission point 2094.4 - Policy 15.2.1.2

6.4 Submission point 2094.4 is to retain Policy 15.2.1.2 as notified. The s42A report recommends no further changes to the policy within the context of

Hearing 28. There are amendments recommended through earlier s42A reports and these were supported by Kāinga Ora.

Submission point 2094.7 - Policy 15.2.1.11

- 6.5 Submission point 2094.7 is to retain Policy 15.2.1.11 as notified. The policy deals with the potential for new development creating a demand for new structural protection works. The s42A report recommendation on this matter is to refine the wording of the policy so that it applies to all areas prone to natural hazard risk. The wording recommended in the s42A report is as follows [the purple text being the recommendation in the Hearing 28 s42A report]:

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

- (a) *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 where a demand or need for new structural protection works will be required to reduce the risk from natural hazards to acceptable levels.*
- 6.6 The policy wording recommended by the s42A report recommendation has been reviewed but is not supported. The recommended revised wording substantially broadens the scope of the policy, as the amendment removes the references to the specified (and mapped) hazard areas, and instead replaces them with the phrase “*areas at risk from natural hazards*”. This amended phrase has a much broader meaning and could apply to many more areas, including those potentially beyond the mapped hazard areas.
- 6.7 This amendment is in response to a submission from Waikato Regional Council that was opposed by Kāinga Ora in further submission (FS3033.13) for the same reason as above.
- 6.8 In my view, the s42A report recommendation will provide a much lower level of certainty for landowners and developers, especially given that the application of natural hazard provisions in the PDP is reliant on the spatial mapping of identified hazard areas to provide certainty to all parties. The broad map-based approach for identification of natural hazard prone areas within the PDP will be undermined by this proposed amendment within the s42A report.

- 6.9 Particularly given the “avoid” wording of the policy, the proposed amendment to the policy appears to have the statutory effect that land use development cannot locate in a wide range of localities, whether spatially mapped or not within the PDP, even if there is an engineered solution that could be applied to effectively mitigate hazard risks.
- 6.10 Accordingly I do not support the recommendation on within the s42A report on this matter for these reasons.

7. Conclusion

- 7.1 My evidence supports the majority of the recommendations in the s42A Report in respect of the Proposed Waikato District Plan Hearing 28 – Other Matters insofar as they relate to Kāinga ora submission points.
- 7.2 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. The statutory effect of this amendment is to substantially alter the meaning and effect of the policy in a manner that I do not support.

Craig Melville Sharman

21 June 2021