

**BEFORE THE INDEPENDENT HEARINGS PANELS APPOINTED TO HEAR AND MAKE
RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS ON THE NATURAL
HAZARDS CHAPTER OF TE TAI POUTINI PLAN**

UNDER Schedule 1 of the Resource
Management Act 1991 (the Act)
IN THE MATTER OF Hearing Submissions and Further
Submissions on the Natural Hazards
Chapter of Te Tai o Poutini Plan

**REBUTTAL EVIDENCE OF
JAMES GARY BEBAN
NATURAL HAZARD CHAPTER
18 OCTOBER 2024**

INTRODUCTION

- 1 My name is James Gary Beban and I am the co-author of the s.42A report and supplementary evidence pertaining to the Natural Hazards Chapter.
- 2 This is the second piece of rebuttal evidence I have prepared in relation to the Natural Hazards Chapter. The first piece of evidence is dated 3 October 2024.
- 3 This piece of evidence is in response to the submissions received on the policies of the Natural Hazards Chapter as part of the Coastal Hazards Variation. For the purposes of clarity, the response to the submission points regarding rules will be addressed within the Coastal Hazards Variation hearing.
- 4 As per paragraphs 13 and 14 in the Evidence in Chief, I would reconfirm that I abide by Code of Conduct for Expert Witnesses 2023 when preparing this evidence.
- 5 When preparing the s.42a report for the Natural Hazards Chapter, the authors were under the misunderstanding that all the coastal hazard provisions were being addressed in the Coastal Hazards Variation. Due to this, some changes are recommended to the policies of the Natural Hazard Chapter within this evidence to correct this understanding. These corrections then assist with responding to the relief sought by the submitters.

Correction to Policies

- 6 Within the s.42a report, it was recommended to remove the Coastal Severe Overlay from Policy NH-P6. If this change was made to the policy, then there would be no policy that applies to the Coastal Severe Overlay. Given the nature of the hazard profile for the Coastal Severe Overlay, it is appropriate that it is reinstated in Policy NH-P6. The recommended change is identified in blue below:

NH - P106	Avoid subdivision, use and development of <u>for Potentially Hazard Sensitive and Hazard sSensitive a</u> Activities within the Coastal Severe, and Flood Severe and Earthquake Severe Hazard overlays unless it can be demonstrated that <u>where:</u> a. The activity-subdivision, use or development has an operational and or functional need to locate within the hazard area; and b. That the activity-subdivision, use or development incorporates mitigation <u>measures that minimise the of risk to life, property and the environment, and there is significant public or environmental benefit in doing so people, buildings and regionally significant infrastructure;</u> <u>and</u> c. <u>In the Flood Severe Overlay the risk to people and buildings on adjacent sites is not increased as a result of the activity proceeding.</u>
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Within the s.42a report, it was recommended to remove the Coastal Alert Overlay from Policy NH-P7. If this change was made to the policy, then there would be no policy that applies to the Coastal Alert Overlay. Given the nature of the hazard profile for the Coastal Alert Overlay, it is appropriate that it is reinstated in Policy NH-P7. The recommended change is identified in blue below:

NH - P17	<p>Allow <u>Provide for subdivision, use and</u> development <u>for Potentially Hazard Sensitive Activities and Hazard Sensitive Activities</u> in the Land Instability, Alert, Coastal Alert <u>and</u> Flood Susceptibility <u>and Earthquake Susceptibility Hazard</u> overlays where:</p> <p>a. Mitigation measures avoid risk to life and <u>are incorporated to</u> minimise <u>the</u> risk to property and the environment <u>people, buildings and regionally significant infrastructure;</u> <u>and</u></p> <p><u>b. In the Flood Susceptibility and Land Instability Overlays</u> the risk to adjacent properties, activities and people <u>and buildings on adjacent sites</u> is not increased as a result of the activity proceeding.</p>
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Submissions on Policies

Submitter	Submission Point	Position	Decision Requested
Jane Whyte & Jeff Page (S467)	S467.046	Amend	That when and where Variation 2 has altered the Coastal Natural Hazard Overlay applying to a given property, persons so affected be able to comment on Policies NH-P1 to NH-P3 plus any new policies of relevance, in addition to the change in mapping itself.
Jane Whyte & Jeff Page (S467)	S467.050	Amend	Create a new policy for natural hazards alert overlay. Ensure that the policy recognises that the appropriate management response in the policies applying in the Coastal Hazard Alert areas is mitigation, not avoidance.
Desna Bruce Walker (S692)	S692.005	Oppose	That engagement with the community, especially owners of affected properties, be more thorough, transparent and clear (informing owners individually), with "managed retreat" removed as an option unless a property is in immediate danger..

Submitter	Submission Point	Position	Decision Requested
Michael Rogers (S709)	S709.001	Support	That the Natural Hazard Policies - of the TTPP, as originally notified in the natural Hazards Chapter, be retained.
Mitchell Rogers (S710)	S710.001	Support in part	That existing protection structures and provision for their maintenance are included in the Planning.
Mitchell Rogers (S710)	S710.002	Amend	That Climate Change planning be incorporated into the Natural Hazards policies.
Paparoa Track Services Ltd, Craig and Sue Findlay, Tim Findlay, Punakaiki Beach Camp Ltd (S605)	S605.045	Oppose	That submissions on the objectives and policies that relate to the Coastal Natural Hazards are further considered alongside the Rules and Variation 2 at the same hearing.
Kenneth Wiltshire (S749)	S749.006	Amend	That the Plan text include mitigation plans for national hazards, so as to guide both Councils and ratepayers/owners as to what remedial action may be undertaken in the short, medium and long terms.
Mary Stewart (S222)	S222.004	Oppose	That proactive measures be implemented to ensure that Karamea area is future proofed with adequate seawalls and river stop banks.
Mandy Deans (S549)	S549.004	Oppose	We have been asking WCRC for a number of years for a Resource Consent to be set up for changing the Arawhata River mouth, should it be necessary. We ask now that you continue to explore the implementation of one Resource Consent for the whole of the West Coast, for doing works to reduce erosion. We see this as a logical and timely application that would assist all coastal communities.

Submitter	Submission Point	Position	Decision Requested
Jane Whyte & Jeff Page (S467)	S467.047	Amend	Ensure that the policies recognise that the appropriate management response in the policies applying in the Coastal Hazard Alert areas is mitigation, not avoidance.
Jane Whyte & Jeff Page (S467)	S467.048	Amend	Ensure that the policies recognise that the appropriate management response in the policies applying in the Coastal Hazard Alert areas is mitigation, not avoidance.
Jane Whyte & Jeff Page (S467)	S467.049	Amend	Ensure that the policies recognise that the appropriate management response in the policies applying in the Coastal Hazard Alert areas is mitigation, not avoidance.

- 8 Submitters S222.004 and S549.004 seek respectively that proactive measures are implemented to protect the Karamea area, and that resource consent approval is sought by WCRC for entire West Coast to reduce erosion. These submission points are beyond the scope of what the plan change can consider. The plan change sets the framework for the construction of mitigation structures but cannot require these structures to be constructed.
- 9 Submitter S467.047 – S467.050 is seeking that the Coastal Alert Overlay has a mitigation pathway as opposed to avoidance. The policy direction proposed for the Coastal Alert Overlay is set out in Policy NH-P7 above. This policy framework is to provide for development in this overlay, providing mitigation measures are incorporated into the development to minimise the risk to people, buildings and regionally significant infrastructure. As such, the framework for Coastal Alert Overlay is not an avoidance framework.
- 10 Submitters S467.046 and S605.045 seek the ability to comment on the coastal hazard provisions within the Coastal Hazard Variation. The objectives and policies pertaining to Coastal Hazards are being considered within the Natural Hazards Hearing Stream. However, there is the ability for submitters to comment on the extent of the overlays and the associated rules within the Coastal Hazards Variation which will be heard next year.
- 11 Submitter S692.005 considers that more consultation on the proposed overlays and provisions are needed, including individual property consultation. Our understanding is (and as partially outlined in the submission) there has been a mix of statutory and non-statutory consultation undertaken on the full plan review, including coastal hazards. We would also note that the District Plan cannot require managed retreat. This is a matter that would be assessed through an adaptation process, and would highly likely require further consultative processes with those that are impacted.

- 12 Submitter S709.001 seeks that the natural hazard policies of the TPPP as originally notified in the Natural Hazards Chapter be retained. There has been a number of changes to the natural hazard policies in response to other submissions, however the overall intent of the policy framework has been retained, with a risk based approach still being present.
- 13 Submitter S710.001 seeks that the provisions pertaining to existing protective structures and maintenance are included in the District Plan. This is provided for through Policy NH-P3 and the proposed rule framework. However, we would just note that we are still working through the final framework for hazard protective structures with Lois Easton as the author of the Coastal Environment Chapter.
- 14 Submitter S710.002 seeks that the proposed policy provisions recognise climate change. Policy NH-P4 specifically relates to climate change and requires that natural hazard assessments and resource consent applications consider climate change and the aspects of climate change that need to be assessed.
- 15 Submitter S749.006 seeks that the Plan includes mitigation plans for national hazards, to guide both Councils and ratepayers/owners as to what remedial action may be undertaken in the short, medium and long terms. In paragraph 205 of the s.42a report there is a recommendation for non-statutory guidance to assist communities and the councils with the implementation of the natural hazards provisions. We would see this relief sought by the submitter as being addressed within the non-statutory guidance.

Recommendation:

It is recommended that Policies NH-P6 and NH-P7 are amended as follows:

NH-P6

~~Avoid subdivision, use and development of for Potentially Hazard Sensitive and Hazard Sensitive Activities within the Coastal Severe, and Flood Severe and Earthquake Severe Hazard overlays unless it can be demonstrated that where:~~

- a. ~~The activity-subdivision, use or development~~ has an operational ~~and~~ or functional need to locate within the hazard area; and
- b. ~~That the activity-subdivision, use or development~~ incorporates mitigation measures that minimise the of-risk to life, property and the environment, and there is significant public or environmental benefit in doing so people, buildings and regionally significant infrastructure; and
- c. In the Flood Severe Overlay the risk to people and buildings on adjacent sites is not increased as a result of the activity proceeding.

NH-P7

~~Allow Provide for subdivision, use and development for Potentially Hazard Sensitive Activities and Hazard Sensitive Activities in the Land Instability, Alert, Coastal Alert and Flood Susceptibility and Earthquake Susceptibility Hazard overlays where:~~

- a. Mitigation measures ~~avoid risk to life and~~ are incorporated to minimise the risk to property and the environment people, buildings and regionally significant infrastructure; and
- b. In the Flood Susceptibility and Land Instability Overlays ~~The risk to adjacent properties, activities and people and buildings on adjacent sites~~ is not increased as a result of the activity proceeding.

16 It is recommended that the following submissions are accepted:

- S467.047
- S467.048
- S467.049
- S467.050
- S710.001
- S710.002
- S749.006

17 It is recommended that the following submissions are partially accepted:

- S467.046
- S605.045
- S709.001

18 It is recommended that the following submissions are not accepted:

- S222.004
- S549.004
- S692.005

Signed



James Beban

18 October 2024