

**Before the Hearings Panels
At Greater Wellington Regional Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of Proposed Change 1 to the Regional Policy Statement for the Wellington Region

Hearing Stream 3 (Climate Change)

Statement of evidence of Torrey James McDonnell on behalf of Porirua City Council (S30)

Planning

Topic: Natural hazards

Date: 14 August 2023

INTRODUCTION:

- 1 My full name is Torrey James McDonnell. I am employed as a Principal Planner by Incite Wellington, and I have been engaged by Porirua City Council (**PCC**) to provide expert planning evidence.
- 2 I have prepared this statement of evidence on behalf of PCC to provide planning evidence in support of its submission to Greater Wellington Regional Council's (the **Council**) Proposed Change 1 (**Change 1**) to the Regional Policy Statement for the Wellington Region (**RPS**).
- 3 Specifically, this statement of evidence relates to the matters in Hearing Stream 3, Climate Change: Natural Hazards Topic.
- 4 I am authorised to provide this evidence on behalf of PCC.

QUALIFICATIONS AND EXPERIENCE

- 5 I hold the qualifications of Bachelor of Science (Majoring in Geography) and a Master of Planning, both from Otago University.
- 6 I currently work for Incite Resource and Environmental Consultants, based in the Wellington office. I provide expert advice on a variety of resource management matters, including national policy development, growth/spatial planning, district and regional plan policy development, and district and regional consenting.
- 7 I worked for PCC as a Principal Policy Planner from 2017 to 2023. I was involved in the preparation of the 2020 Porirua Proposed District Plan (**PDP**), the 2022 Variation 1 to the PDP, and the 2022 Plan Change 19 to the Operative District Plan.
- 8 I also led the collation of PCC's submission on RPS Change 1.

- 9 Prior to PCC, my work experience included working as a Senior Analyst for the Ministry for the Environment developing national direction under the RMA; and working as a planner for the Transit New Zealand Otago/Southland regional office where my main duties included both consenting and policy input.
- 10 As part of the development of the PDP hearings, I lead consultation and engagement on mapping natural hazards, and was the reporting officer for the Natural Hazards and Coastal Environment topics through the Schedule 1 process.
- 11 I am a full member of the New Zealand Planning Institute.

CODE OF CONDUCT

- 12 I have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
- 13 My qualifications as an expert are set out above. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

SCOPE OF EVIDENCE

- 14 My statement of evidence addresses PCC submission points addressed in the Section 42A Hearing Report Hearing Stream 3: Climate Change Topic: Natural Hazards.

RESPONSE TO SECION 42A REPORT

15 At the outset I have identified that there appear to be a number of errors with the reference numbers used for PCC's submission points throughout the s42A report. To assist the Panel, I have used the submission point reference numbers used in the *Summary of Decisions Requested* and in *Appendix 1 - HS3 Climate Change - Natural Hazards - Submission Summary Recommendation Table*.

Objective 19 – Porirua City Council [S30.017]

16 The reporting officer recommends accepting PCC's submission in part. They agree with the removal of the terms 'the environment' and 'consequences'. I support these recommended changes for the reasons given by the reporting officer.

17 Paragraph 149 recommends accepting in part submission point S30.017, while paragraph 150 recommends rejection. The latter appears to be an error when reading the analysis in paragraph 144. Likewise, Appendix 1 recommends rejection of S30.017 in error considering the analysis in paragraph 144 (this is also incorrectly referred to as Appendix 2 in paragraph 150). I suggest these minor errors are corrected in Council's right of reply to avoid confusion, so that it is clear that the submission points are accepted in part.

Objective 20 - Porirua City Council [S30.018]

18 The reporting officer recommends rejecting PCC's submission on the basis that the changes sought are not necessary, and that the wording provides a stronger direction.

19 PCC's submission seeks that the objective be amended so that it is clear what the outcome sought is, including by potential rewording.

20 My understanding of the intent of objective 20 in the operative RPS is that where natural hazard mitigation measures are applied, they do not exacerbate natural hazard risk elsewhere. For example, where a seawall is built to protect buildings and land from coastal erosion, it does not exacerbate erosion in other areas along the coast where there is no seawall.

21 Change 1 appears to be amend this objective so that it is more broadly and holistically applied to minimising effects on natural systems and habitats, in addition to buildings and land. If this is the general intent of the proposed amendments, in my view the objective is not worded clearly enough. I note that various interpretations have been taken by other submitters, which highlights the lack of clarity. For example, other submitters see the amendments applying to the minimisation of natural hazard risk in general. I note that there are other objectives such as Objective 19 seek to minimise natural hazard risk in general.

22 In my view, the inclusion of the phrase ‘not exacerbate’ would be consistent with my understanding of the intent of the objective. I consider that the objective would be more clearly worded as follows:

Natural hazard mitigation and climate change adaptation activities do not exacerbate natural hazard risk elsewhere, including in respect of Te Mana o te Wai, Te Rito o te Harakeke, sites and areas of significance to mana whenua, natural processes, indigenous ecosystems and biodiversity.

23 I agree with submitters and the reporting officer that the inclusion of ‘sites and areas of significance with Māori’ is appropriate. There are many of these sites in area prone to natural hazards, as Māori have historically settled in areas close to the coast and waterways.

24 For completeness I note that paragraph 178 recommends rejection of S30.017, where the relevant submission point appears to be S30.018 according to the Summary of Submissions.

Objective 21 - Porirua City Council [S30.019]

25 The reporting officer recommends accepting PCC's submission in part.

26 PCC's relief sought that this objective be amended to clarify the outcome sought. I consider that objective 21, as amended by the reporting officer, remains unclear for all of the reasons outlined in PCC's submission. Further, I consider the changes proposed by Change 1 and amended by the reporting officer focus on the effects of climate change and sea level rise, rather than all natural hazards. The amended wording does not address non-climate change hazards including seismic hazards

27 I consider that the wording of objective 21 in the operative RPS is preferable to the changes proposed through Change 1 and the s42A report:

Communities are more resilient to natural hazards, including the impacts of climate change, and people are better prepared for the consequences of natural hazard events.

28 This objective is more clearly drafted than the proposed amendments and would avoid introducing vague wording/concepts such as "strengthened" and "short, medium and long term effects". It also avoids introducing repetition of terms such as "natural environment".

29 I consider that the term 'better prepared' is uncertain. However as the reporting officer outlines in paragraph 190, there are some methods to measure relevant indicators would provide information to at least assess the direction of travel relative to this objective (although I note any marginal improvement would achieve this objective so it is not a very aspirational objective).

30 I note that this section of the report refers to S30.017 where the correct reference should be S30.019. Paragraph 196 recommends accepting in part submission point S30.017 (and S158.001 from Kainga Ora), while

paragraph 197 recommends rejection. From the analysis it appears that the recommendation in the section 42A report should be that S30.019 is accepted in part based on the analysis in paragraph 190. Likewise, Appendix 1 recommends rejection of S30.019 in error (this is also incorrectly referred to as Appendix 2 in paragraph 198).

Objective CC.6 - Porirua City Council [S30.009]

31 The reporting officer recommends rejecting PCC's submission, and says that the objective was specifically developed to link to policies CC.16 and CC.17 which set an expectation for adaptation plans to be developed.

32 I agree with the reporting officer that adaptation planning is an important tool to respond to the impacts of climate change, but I do not agree that the means to achieve an objective should be located in the objective (instead they should be in policies, or methods). I also note that policies CC.16 and CC.17 have a sufficient policy "line of sight" to Objective 21 as the outcome of this objective is that communities are resilient to the effects of climate change.

33 I consider that this objective should be deleted, or as alternative relief, amended as sought by PCC so that it is worded as an objective.

Policy 29 – Porirua City Council [S30.050]

34 The reporting officer recommends accepting PCC's submission in part.

35 I support the recommended redrafting of the policy as outlined in paragraph 259. The inclusion of 'at least' is important, as most natural hazards have a return period of greater than 100 years that need to be managed, especially hazards such as faults which are lower likelihood in terms of estimated recurrence but much higher consequence in terms of impact on life and property.

Policy 51 – Porirua City Council [S30.070]

- 36 The reporting officer recommends rejecting PCC’s submission.
- 37 I support the relief sought by PCC that the application of this policy falls away in a particular district when it has been implemented in the district plan (or at the regional level when it is implemented by the regional plan). My understanding is that ‘consideration’ policies are applied in order to guide resource consenting processes in the absence of district and regional plan rules (as well as notices or requirement, plan changes etc as noted by the reporting officer in paragraph 291). Once plan provisions are in place following the ‘regulatory’ or plan making RPS policies, I see no reason that ‘consideration’ policies should continue to apply. This is because there is risk that a ‘consideration’ policy could duplicate or conflict with district and regional plans. These plans will have been developed based on the specific resource management issues, evidence base, and community engagement undertaken for particular areas.

Policy 52 - Porirua City Council [S30.071]

- 38 The reporting officer recommends accepting PCC’s submission in part. I agree with the reporting officer that ambiguous terms such as ‘non-structural’ and ‘room for the river’ should be removed. I agree it is better to use the term nature-based solution as it is a defined term, noting I oppose the definition of nature-based solution, however Michael Rachlin is addressing this definition in his Statement of Evidence on behalf of PCC.
- 39 I consider that this policy would better be articulated as a transitional policy that falls away once relevant policies are given effect to, as outlined in PCC’s submission and as addressed in this statement of evidence above in relation to policy 51.

40 I note that paragraph 330, 333, 347 should refer to [S30.071] not [S30.017].

Policy CC.16 - Porirua City Council [S30.080]

41 The reporting officer recommends accepting PCC's submission in part.

42 I agree with the reporting officer that the deletion of reference to the LGA, and deletion of terms such as 'city plans' and 'room for the river' is appropriate for the reasons given by the reporting officer.

Policy CC.17 - Porirua City Council [S30.081]

43 The reporting officer recommends accepting PCC's submission.

44 I agree with the reasons given by the officer as well as those within PCC's submission. As part of my work developing the Porirua PDP, I worked in partnership over a number of years with communities that are particularly vulnerable to the effects of climate change, including low lying settlements such as Takapūwāhia and Hongoeka in Porirua. I consider that adaptation plans are an important tool to address the impact of climate change, and that it is entirely appropriate that this is iwi-led.

Date: 14/08/2023



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