

BEFORE THE OTAGO REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Otago Regional Policy Statement 2021

**LEGAL SUBMISSIONS ON BEHALF OF QUEENSTOWN LAKES
DISTRICT COUNCIL (138)**

WEEK 7 – HAZARDS AND RISKS

21 APRIL 2023

PO Box 323 QUEENSTOWN 9348
Tel +64 3 379 7622
Fax +64 3 379 2467

WYNN WILLIAMS

Solicitor: Alice Balme / Jake Robertson
(alice.balme@wynnwilliams.co.nz)
(jake.robertson@wynnwilliams.co.nz)

MAY IT PLEASE THE PANEL:

Introduction

- 1 These legal submissions are filed on behalf of Queenstown Lakes District Council (**QLDC**) to support its submission on the HAZ – Hazards and Risks Chapter of the Otago Regional Council's Proposed Regional Policy Statement (**pRPS**).
- 2 The purpose of these legal submissions is to:
 - (a) provide context for QLDC's submission on the HAZ chapter; and
 - (b) introduce QLDC's witness, Mr Luke Place, who is presenting evidence on the HAZ chapter and AIR chapter.¹

Context for QLDC's submission on the HAZ Chapter

- 3 QLDC's submission seeks amendments to a number of HAZ provisions, including provisions relating to:
 - (a) Identifying hazards;
 - (b) Assessing hazards; and
 - (c) Methodology with respect to hazard assessment.
- 4 QLDC has a particular interest in the HAZ Chapter, as natural hazards are a significant resource management issue for the district. The Queenstown Lakes District is located within a dynamic alpine environment that is subject to a range of natural hazards including, among others, earthquakes, flooding, fire, mass movement and liquefaction. In some instances, these natural hazards interact with urban areas, activities within rural environments, infrastructure, the district's well known tourism assets and present constraints for areas of new or proposed subdivision, land use and development. These natural hazard events pose risks when they interact with people and property. These existing and future risks need to be carefully managed.
- 5 QLDC acknowledges that the pRPS has advanced a more directive approach to the management of natural hazards, and importantly, developed a framework to ensure a consistent approach to qualify and quantify natural hazard risk. QLDC considers this is a positive step and an important tool necessary to address a difficult resource management issue. However, given

¹ Due to being unavailable during hearing week 2 – AIR, Luke Place is presenting evidence in Air as well as Hazards and Risks, as noted in the Week 7 Hearing Schedule.

the high stakes that a hazard risk assessment and its implications have on people, communities, and the potential for hazard risk to constrain development, QLDC submits there is a need for the pRPS provisions to provide a high degree of certainty for plan users, administrators and decision makers. In other words, the less ambiguous the policy framework, the more efficient and effective the resource management outcomes. QLDC's submission and Mr Place's evidence on Hazards and Risks addresses HAZ provisions that require further clarity and / or direction.

Role of Regional Authorities and Territorial Authorities in managing hazard risk

- 6 QLDC further submits that certainty is required on allocating the roles and responsibilities between Otago Regional Council (**ORC**) and Territorial Authorities with respect to natural hazard risk.
- 7 HAZ-NH-M2 provide for ORC and territorial authorities to work together to manage hazard risk, including:

HAZ-NH-M2 – Local authorities

Local authorities must work collaboratively to:

(1) assess the level of natural hazard risk in their region or district in accordance with HAZ-NH-P2 and APP6, including by:

(a) consulting with communities, stakeholders and partners (Kāi Tahu), including with local authorities in neighbouring regions regarding risk levels thresholds, and

(b) developing a Risk Table in accordance with Step 3 of APP6 at a district or community scale,

- 8 QLDC understands that the intention is for local authorities to *work collaboratively* to identify, assess and investigate options to reduce natural hazard risk. However, in practice it is not clear how this is intended to work when QLDC is giving effect to the RPS, once operative. For example, it is not clear how frequently natural hazard risk assessments are intended to be undertaken.
- 9 Accordingly, QLDC submits that the pRPS provides a rare opportunity to clarify the natural hazard risk framework upfront, including the roles of each local authority so that there is a clear pathway forward for carrying out this important workstream.

Existing development and hazard risk

- 10 QLDC also submits that clarity is required on hazard risk with respect to existing development. HAZ-NH-P4 addresses existing activities and provides ways to reduce existing natural hazard risk to a tolerable or acceptable level. However, greater clarity is required as to what constitutes an ‘existing activity’ (compared to a new activity).
- 11 QLDC submits it is important to clarify this in the interest of communities, as managing hazards for existing development can carry a high level of uncertainty and can result in a range of social and economic consequences depending on how the hazard risk is addressed.

Expert appearing on behalf of QLDC

- 12 Luke Place appears in support of QLDC’s submission on the HAZ chapter and AIR chapter. Luke Place will highlight the main points of his evidence and rebuttal evidence on natural hazards including:
- (a) Assessing natural hazard risk;
 - (b) APP6 Methodology; and
 - (c) Implementing the natural hazard risk framework.
- 13 Luke Place will highlight the main points of his evidence and rebuttal evidence on AIR including:
- (a) AIR P1 and P2 air quality;
 - (b) AIR P4 avoiding certain discharges; and
 - (c) Reverse sensitivity effects from air discharges.

Dated this 21st day of April 2023



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K H Woods / J G Robertson

Counsel for Queenstown Lakes District Council