

**BEFORE A HEARING PANEL: WHAKATĀNE DISTRICT COUNCIL AND BAY
OF PLENTY REGIONAL COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of submissions and further submissions
on Plan Change 1 (Awatarariki
Fanhead, Matatā) to the Operative
Whakatāne District Plan and Plan
Change 17 (Natural Hazards) to the
Bay of Plenty Regional Natural
Resources Plan

**STATEMENT OF EVIDENCE OF AMELIA LINZEY
ON BEHALF OF WHAKATĀNE DISTRICT COUNCIL**

SOCIAL IMPACT SPECIALIST

15 January 2020

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1. EXECUTIVE SUMMARY

- 1.1. My role in this proposal has been to provide Whakatāne District Council (the **District Council**) with advice on the potential social costs and benefits of the Proposed Plan Changes and advice on whether, from a social perspective, these considerations may have resulted in a change to the evaluation reporting (pursuant to section 32 of the Resource Management Act 1991 (RMA) in respect of the Proposed Plan Changes.
- 1.2. I consider that the Plan Changes will have social impacts and consequences. I have reached this conclusion in acknowledgement that the Plan Change provisions will:
 - (a) Change land use patterns in the Matatā community (both future and existing);
 - (b) Potentially change the status of people's material and physical circumstances;
 - (c) Potentially result in changes to social networks and overall community cohesion given the scale of the residential land impacted relative to the settlement; and
 - (d) Impact on some people's wellbeing as the process itself generates uncertainty and exacerbates fears and potential mistrust of the District Council.
- 1.3. A number of these social costs have been recognised and in some instances quantified by the District Council in its evaluation of the effectiveness and efficiency of the Proposed Plan Changes.
- 1.4. While the above are acknowledged, I also consider the natural hazard, and in particular the actuation of that hazard in 2005, has also resulted in adverse social outcomes and that a future event would have the potential to generate significant adverse social outcomes, the most significant of which would be the loss of life from within the community.
- 1.5. Therefore, while the adverse social consequences of the Proposed Plan Changes are acknowledged, the potential social consequences of the 'do minimum' or status quo which would allow people to continue to live in an area subject to high loss of life risk are also considered to be

significantly adverse (albeit the timing for the occurrence of a debris flow event is not certain).

- 1.6. On the basis of the review of potential social consequences of the Plan Changes (as presented in this evidence statement), I consider that the potential adverse social consequences of this 'status quo' alternative are higher (more adverse) than those of the Plan Changes.
- 1.7. While my review identified some additional social costs and potential social costs (as well as potential social benefits) from the Proposed Plan Changes, it is not considered that these materially change the overall evaluation of the effectiveness and efficiency of the Plan Changes, as reported in the Section 32 Report.
- 1.8. I do not consider that there have been any further issues or social impacts raised in the submissions on the Proposed Plan Changes that alter the consideration of these acknowledged social costs.
- 1.9. In terms of considering the relative costs and benefits of the Proposed Plan Changes, pursuant to section 32 of the Resource Management Act, I conclude that the potential social costs identified for the 'status quo' (being the potential loss of life and the potential adverse social consequences on people's quality of life resulting from the damage / loss of property, which I understand are considered the likely result of a debris flow hazard event) are greater than the social costs identified from the Proposed Plan Changes.

2. INTRODUCTION

- 2.1. My full name is Amelia Joan Linzey.
- 2.2. My evidence is given on behalf of the District Council in relation to:
 - (a) Proposed Plan Change 1 (Awatarariki Fanhead, Matatā) to the Operative Whakatāne District Plan; and
 - (b) Proposed Plan Change 17 (Natural Hazards) to the Bay of Plenty Regional Natural Resources Plan (a private plan change request from the District Council)

(together referred to as the **Proposed Plan Changes**).

2.3. My evidence relates to the potential social costs and benefits of the Proposed Plan Changes. In particular, my evidence will cover:

- (a) The social impact review I undertook of the relevant social costs and benefits considered in the section 32 evaluation report prepared by Boffa Miskell (2018) (**Section 32 Report**) in respect of the Proposed Plan Changes (the Preliminary Social Impact Review of the Potential Costs and Benefits of the Awatarariki Plan Changes, 19 April 2018) (**Preliminary Social Impact Review**);
- (b) My review of submissions and subsequent consideration of the potential social consequences in respect of sense of place values in Matatā in light of the Proposed Plan Changes; and
- (c) Potential changes to the social costs and benefits identified in the Section 32 Report and my earlier social impact review, in light of the above and in light of other processes that have occurred since my assessment was undertaken.

3. QUALIFICATIONS AND EXPERIENCE

3.1. I hold the position of Chief Planner in the Planning business at Beca Group Limited.

3.2. I have the following qualification and experience relevant to this review:

- (a) Over 20 years' professional experience in environmental impact assessment and consultation;
- (b) Master of Science in Geography (First Class Honours) from the University of Auckland and Bachelor of Science;
- (c) Full member of the New Zealand Planning Institute and recipient of the Distinguished Service Award from the institute in 2019; and
- (d) A member of the International Association of Public Participation (IAP2) and I have undertaken the IAP2 Certificate Programme in Public Participation (2003).

- 3.3. I prepared or was otherwise involved (as specified) in undertaking Social Impact Assessments (**SIAs**) for the following projects or matters:
- (a) Ōtaki to North of Levin Transport Corridor, Short List Options, NZ Transport Agency;
 - (b) Peer review of the Social Impact Monitoring Report for Wiri Prison, Auckland, for the Department of Corrections;
 - (c) Options for the proposed Huia Water Treatment Plant, Auckland, for Watercare;
 - (d) East West Project (involving preparation of a SIA and presentation of evidence to a Board of Inquiry), for NZ Transport Agency;
 - (e) Peer review of the SIA for the Redoubt Road-Mill Road Corridor Project, for Auckland Transport;
 - (f) The designations for the City Rail Link for Auckland Transport, including presentation of evidence at the Council and subsequent Environment Court hearings on appeals to those designations;
 - (g) The resource consent applications to abandon the wreck of the MV Rena on the Astrolabe Reef (including presentation of hearing evidence);
 - (h) The Drury South Plan Change, a private plan change initiated by Stevenson Ltd to extend the Metropolitan Urban Limit and change the zoning of rural land in Auckland (Drury) to a mix of urban land uses (including industrial and business park land);
 - (i) The Ruakura Inland Port Proposed Plan Change (2013-2014) including presentation of hearing evidence;
 - (j) The Waterview Connection Proposed Plan Change for the NZ Transport Agency (2010-2011) including presentation of evidence at the Board of Inquiry; and

- (k) Peer review of the MacKays to Peka Peka SIA (2012), for the M2PP Alliance, on behalf of the NZ Transport Agency.

4. MY ROLE

4.1. I have had a relatively recent role in this proposal. I was asked to provide the District Council with advice on the potential social costs and benefits of the Proposed Plan Changes and advice on whether, from a social perspective, these considerations may have resulted in a change to the evaluation reporting (pursuant to section 32 of the Resource Management Act 1991 (**RMA**)) in respect of the Proposed Plan Changes. This role was initiated in early 2018 and I reported the findings of my review in my report “Preliminary Social Impact Review of the Potential Costs and Benefits of the Awatarariki Plan Changes”, dated April 2018. The Preliminary Social Impact Review considered the following documents:

- (a) Landslide and Debris Flow Hazard Management: Issues and Options, prepared by Boffa Miskell for Whakatāne District Council and dated 5 July 2013;
- (b) Planning Provisions for Debris Flow Risk Management on the Awatarariki Fanhead, Matatā: Issues and Options, prepared by Boffa Miskell for Whakatāne District Council and dated 10 August 2017;
- (c) Planning Provisions for Debris Flow Risk Management on the Awatarariki Fanhead, Matatā: Section 32 Evaluation Report, prepared by Boffa Miskell for Whakatāne District Council and dated 31 January 2018 (**Section 32 Report**);
- (d) Consultation material recorded by the District Council, including written material received by Council in respect of the Proposed Plan Changes;
- (e) Other technical and background reports on options and the consideration of options in respect of the Awatarariki Fanhead (as cited in the references of the Scope of Social Costs / Benefits report dated April 2018); and

- (f) Website and social media information available at the time of preparing that report (also cited in the references of the report).
- (g) In preparing this evidence I have undertaken a site visit to both Matatā and the Awatarariki fanhead and I have reviewed the following additional documents and reports:
- (h) Submissions Received on the Proposed Plan Changes;
- (i) Consultation material supplied by the Residents Association, dated over the period 2013 -2018; and
- (j) Documents and consultation material received in respect of recent Council engagement and community shaping programmes, including feedback received from the community on the Annual Plan 2019/20 (which identifies the plans for the managed retreat programme at Matatā) and the plans for engagement in January 2020, in respect of the Matatā lagoon.

5. CODE OF CONDUCT

- 5.1. Although this is a Council hearing I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note 2014. I also agree to comply with the Code when presenting evidence to the Hearings Panel. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state that I rely upon the evidence of another expert witness. I also confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions.

6. ASSESSMENT OF THE PLAN CHANGES

- 6.1. I have provided a review of the potential social costs and benefits of the Proposed Plan Changes and advice on whether, from a social perspective, these considerations may have resulted in a change to the evaluation reporting that had been prepared at that time (pursuant to section 32 of the RMA) in respect of the Proposed Plan Changes. The preparation of my Preliminary Social Impact Review considered the work completed by Boffa Miskell¹, consultation documents (pre Section 32

¹

This includes:

Report) and desk-top research. Post my review, and prior to preparing my evidence, I completed a site visit, reviewed further consultation and research and reviewed the Managed Retreat Programme².

- 6.2. I set out a short review of my assessment, to supplement the existing evaluation of options and where appropriate provide further commentary on potential social costs and benefits of the Proposed Plan Changes in light of the above.
- 6.3. For completeness, I confirm that I have relied on the following understanding in respect of the Proposed Plan Changes:
 - (a) A high loss-of life risk from future debris flows from the Awatarariki catchment exists to residents within the high-risk area of the Awatarariki Fanhead (in particular I rely on the evidence of Mr Tim Davies in respect of risk and options for management of this risk, and also on the evidence of Dr Chris Massey, Mr Kevin Hind, and Mr Mauri McSaveney);
 - (b) Consideration has been given to both physical engineering (structural) and non-structural resource options (such as retreat and warning system alternatives) (as presented in the evidence of Mr Hind, Mr Tom Bassett, Mr Davies and Dr Massey). While options have been investigated and developed by the District Council over some period of time, I understand that it has been determined that they are insufficient to appropriately reduce the potential risk to human life to an acceptable level. That this conclusion has been accepted by a number (though by no means all) in the community, including residents of the land in high risk areas as evidenced in summaries of engagement and documented feedback on the options; and

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- Landslide and Debris Flow Hazard Management: Issues and Options, prepared by Boffa Miskell for Whakatāne District Council and dated 5 July 2013;
 - Planning Provisions for Debris Flow Risk Management on the Awatarariki Fanhead, Matatā: Issues and Options, prepared by Boffa Miskell for Whakatāne District Council and dated 10 August 2017; and
 - Planning Provisions for Debris Flow Risk Management on the Awatarariki Fanhead, Matatā: Section 32 Evaluation Report, prepared by Boffa Miskell for Whakatāne District Council and dated 31 January 2018.

² Whakatāne District Council. (2019). 'Awatarariki Managed Retreat Programme'. <https://www.whakatane.govt.nz/residents/awatarariki-managed-retreat-programme>

- (c) The scope of the Managed Retreat Programme provides a means to ameliorate a number of potential social costs identified (particularly in respect of property rights and material wellbeing for residents), recognising that these measures are not a requirement or pre-requisite of the Proposed Plan Change, but that the process has been agreed and is being implemented³ (with more than half of the affected property owners with buildings having now commenced engagement in this process, I refer to the Section 42A report, Appendix 6 for details).

Findings of the Section 32 Review

- 6.4. In reviewing the existing evaluation of the Proposed Plan Changes, I concluded that a number of social issues were identified in the reports that the District Council had prepared in their consideration of the effectiveness and efficiency of the Proposed Plan Changes (e.g. in their evaluation of whether the Plan Change achieved the objectives of relevant statute and the purpose of the RMA). The Section 32 Report recognises and provides commentary on:
 - (a) The risk to life and the economic cost of such risk to life;
 - (b) The material wellbeing, personal and property rights changes for impacted residents;
 - (c) The views and concerns of residents in respect of their wellbeing, fears and aspirations;
 - (d) The opportunities that the Managed Retreat Programme provides to respond to potential adverse social consequences in respect of material wellbeing and private property rights. In particular, the opportunity for this as mitigation is reflected in the timing of the Regional Plan Change (as the date for effect of the Plan Change was sequenced to enable the delivery of the Managed Retreat Programme and the Regional Plan Change is only required if that programme is not taken up by any landowners); and

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Whakatāne District Council. (2019). 'Awatarariki Managed Retreat Programme'

- (e) The opportunities that remain to enable people to be involved in subsequent statutory and planning processes (both in respect the changes to the Plans under the Resource Management Act and in other plans such as those associated with the open space / reserve areas), thereby maintaining the opportunity for people to participate in democratic and statutory systems.

6.5. On this basis, I concluded that the Section 32 Report recognises the overall potential economic and social costs of retreat. However, it does not identify the scale or nature of these 'costs' nor provide any further quantification, beyond the economic cost to life and the identified property costs. My Preliminary Social Impact Review concluded that there has been an acknowledgement of social impacts of the Proposed Plan Changes and that this has informed the overall evaluation of the provisions of the Proposed Plan Changes.

Potential Social Consequences of the Proposed Plan Changes

6.6. I have provided supplementary consideration of the potential social consequences of the Proposed Plan Changes. I did not attempt to quantify the financial costs of these impacts, but rather undertook this as a qualitative assessment on the scale and nature of potential social consequences. The purpose of the assessment was to consider whether such an assessment and consideration of these impacts may have a material impact on the evaluation of the provisions of the Proposed Plan Changes (in other words, might the evaluation of the effectiveness and efficiency of the Proposed Plan Changes reach a different conclusion with these considerations).

6.7. My assessment was undertaken in accordance with the International Association for Impact Assessment framework (2003) and using the New Zealand Transport Agency Social Impact Guidelines (2017) in respect of potential social impacts. This is outlined in section 1.1 of my report. In summary, I considered social impacts in respect of:

- (a) Changes to people's way of life and material wellbeing;
- (b) Physical and biophysical environment and quality of the environment for the community;

- (c) Impacts on social cohesion; and
- (d) Impacts on people's health and wellbeing.

I discuss these matters in turn.

People's way of life and material wellbeing

- 6.8. The Section 32 Report recognises the potential costs to people's way of life resulting from the Proposed Plan Changes. This includes the loss of their homes (and/or holiday homes) for those 16 properties which currently have dwellings on them, and the loss of property for the remaining landowners. The proposed Managed Retreat Programme that is being advanced/funded by the District Council, the Bay of Plenty Regional Council and central government is recognised as a measure to address this impact. In particular, this method seeks to incentivise people to move away from areas of high hazard risk by addressing the potential material impacts that may mean people are reluctant or less able to consider this option.
- 6.9. While the Section 32 Report has quantified the costs of this in economic terms, I consider the following potential social costs are also relevant considerations:
 - (a) The impacted properties represent approximately 10% of properties owned in Matatā. I consider that the owners of the affected properties may not be able to continue to live (or holiday) in Matatā or may not choose to remain in the area. This is as a result of a variety of potential issues including housing availability in the area or opportunities for 'like-for-like' alternative properties in Matatā). Given the scale of this impact, I consider this is a potentially significant social consequence for affected individuals. At a community level, this is a moderately adverse potential social impact (acknowledging that some of this impact is already experienced as a number of landowners have not rebuilt on sites and they remain unoccupied);
 - (b) For impacted properties that are used as holiday accommodation (I understand this is only two properties currently), property owners' way of life will be (or again will have

been) impacted (albeit to a less significant degree than permanent residents) as they will lose recreation opportunities that they have established for themselves. There is also a potential impact for the wider community, in respect of social cohesion and family networks because of this impact;

- (c) While acknowledging the impacts mentioned above, it is also recognised that for some, these social impacts have already been realised as a consequence of the 2005 debris flow events (in that some dwellings and buildings have not been rebuilt since that time). In this regard, it is noted that the hazard event (both historically and any potential future event) represents a significant potential adverse social impact on people's way of life (resulting from loss of property) and of the more significant and fundamental impact from the risk to life of any such future event. This is considered a valid consideration in assessing the potential social costs of the Proposed Plan Changes (in that the 'status quo' or counterfactual option to the Proposed Plan Changes has the potential to result in adverse effects, in the event that a debris flow event occurs).

Physical, biophysical environment and quality of the living environment

- 6.10. The Proposed Plan Changes will not change the physical or biophysical environment. However, the Regional Plan Change will remove the occupancy use rights (i.e. under section 10 of the RMA) for the existing buildings on those properties within the High Hazard Risk Area. This has the potential to impact on the physical environment, depending on the future ownership of the directly affected properties and how this area is utilised.
- 6.11. I am aware that since preparing my Preliminary Social Impact Review, there is planning underway, by District Council officers, of a community engagement process for the future longer term open space development of the High Hazard Risk Area and surrounding existing open space land (e.g. the land area subject to the Proposed Plan Changes and its surrounds). It is understood that the District Council is planning to commence work with the Matatā community and other interest groups regarding the potential design and use of the open space which could

be created by the purchase of properties starting in the summer / first quarter of 2020. A key goal, expressed by Council officers I have spoken with, is for this process to engender community, including Iwi, input and ownership both in respect of the engagement process and the open space development planning. For some in the community, this outcome will be a positive social consequence, in the longer term, creating a quality environment able to be enjoyed by the wider Matatā community.

Existing family and social networks and cohesion of the community

- 6.12. As noted above, the Proposed Plan Changes will impact approximately 10% of properties in the Matatā settlement. However, when looking at impacts on existing dwellings, this percentage is slightly lower, given that many of the sites affected do not currently have dwellings on them. Noting the potential impacts on the way of life for those directly affected (discussed above) there may be some costs to existing social and family networks experienced by the wider Matatā community. For example, if residents in directly affected dwellings are unable to find alternative properties and therefore unable to remain within the Matatā community / settlement, this is likely to impact on the whanau, family and social networks of other residents in Matatā.
- 6.13. While acknowledging this impact, I also consider the counterfactual is relevant. In my opinion, the impacts on social networks and community cohesion of a debris flow event (e.g. an event that resulted in the loss of life and/or property) would also be adverse. In this regard, the impacts of the status quo relative to the Proposed Plan Changes are considered to have potentially higher adverse social consequences (albeit an effect of uncertain timing and lower probability than the 'certain' outcome of the Proposed Plan Changes).

People's health and wellbeing (including fears, aspirations and uncertainty)

- 6.14. The risks to human life and wellbeing is the key reason for the Proposed Plan Changes. The provisions proposed seek to reduce risk to life by removing residential activity from the areas where the consequences of a debris flows are considered to have high potential for loss of life. While there was no loss of life in Matatā in the 2005 debris flow event, it is also

recognised that this event has been having adverse social and community effects (both in terms of people's way of life and in terms of their wellbeing, particularly psychological health). As such, the purpose of the Proposed Plan Changes is to proactively respond to the potential social costs to people's health and wellbeing. It is noted that the Section 32 Evaluation Report, (Boffa Miskell, dated 31 January 2018 (cited on page 5 of this evidence)) provided some specific cost calculations in regard to potential loss of life.

- 6.15 While the overall driver of the Proposed Plan Changes (to provide for the community's health and wellbeing) is acknowledged, it is also recognised that the Proposed Plan Changes have the potential to adversely impact on these same factors. In particular, the Plan Change give rise to land use response options for the impacted high risk areas. This is particularly the case for Plan Change 17 (which extinguishes existing use rights for residential activity on the affected land). These have been progressed by the District Council after consideration of a number of different alternatives, including engineering mitigation and early warning systems. This process (in itself) has generated uncertainty for residents and this has adversely impacted people's wellbeing⁴. Community engagement, as reported by the Whakatāne District Council, highlights some of the frustration and impacts of uncertainty the process has had for landowners and residents of this area.
- 6.16. In addition to the above, it is acknowledged that the statutory processes of a Plan Change and the communication between Council and the community have the potential to generate and escalate community concerns. In particular, over this period there is the potential for misunderstanding and miscommunication of technical information among the community. In addition, the uncertainty of the Managed Retreat Programme process can raise people's fears and, in some cases, may impact on people's wellbeing (e.g. if these fears give rise to anxiety and adverse health outcomes).
- 6.17. It is acknowledged that the Council has made information available through its website and it is understood there has been ongoing

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Noting also that consideration of the alternative risk mitigation options was itself driven by Council's goal to identify risk reduction methods / processes that would not require properties to be taken / loss of property rights.

community engagement, which are appropriate processes to mitigate these potential impacts. However, it is recognised that the process is unsettling, and this with the timeframes and statutory process uncertainties combine to be potentially exacerbating factors.

- 6.18. Since preparing my Preliminary Social Impact Review, the BOPRC, the District Council and central government have confirmed and begun progressing the Managed Retreat Programme process. In July 2019, this package for joint funding for property acquisition by the District Council, the BOPRC and the Crown was confirmed. While acknowledging that this process does not fully address the perceived right⁵ for many landowners to choose what they do with their land including when to sell it, I consider this package provides certainty for impacted landowners in respect of a process for their future. I also understand that the process which is based on a market value for land/property (as if the Proposed Plan Changes were not in place) and includes resource support for legal and relocation costs also provides certainty in respect of material wellbeing. While not a property specialist, I am familiar with the land purchase processes of the Public Works Act 1981 and consider this framework for the purchase package is comparable and for many landowners is considered fair and reasonable. I further note that this opinion is supported by the progress that has been made to settle a number of these processes with affected property owners (as set out in the Section 42A Report, Appendix 6 and to be updated through the evidence of Jeff Farrell).
- 6.19. In addition, the District Council is also working to ensure the Matatā community, ratepayers and interest groups are kept informed about the Managed Retreat Programme and the transition process. I consider this will ameliorate the above adverse social impacts for those that enter in to this process (ie. the 31 of the 33 property owners who have engaged in this process to date).
- 6.20. Finally, the process I have discussed above (paragraph 6.11) in respect of the open space development may also provide an opportunity to establish environmental and disaster protection zones, as well as

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I note and acknowledge that there is often a difference in perception of landowners rights to use land and resources relative to the rights afforded under different legislation.

passive recreational spaces. Community involvement in the development of this space is planned to commence in the first quarter of 2020. This process and the outcomes for the development of the area, may assist in mitigating potential impacts from this change in land use also identified above. This will also address potential impacts to sense of place and changes resulting from the change of land use in this area.

Social Consequences of the Do-Nothing Option

- 6.21. From my assessment, while it is acknowledged that there will be social consequences arising from the Proposed Plan Changes, the natural hazard and any future event would have the potential to generate more significant adverse social outcomes. This is demonstrated by the social consequences of the actuation of that hazard in 2005. A number of these impacts are described in the submissions received on the Proposed Plan Changes from impacted residents and as a brief summary, include:
- (a) Impacts on people's way of life and material wellbeing through the loss and damage to property and in some cases people's homes (this includes the properties 'functionally compromised'⁶ by the event both within and outside the high risk zone which are affected by the Proposed Plan Change area);
 - (b) Loss in the quality of the living environment for impacted residents (most clearly for those properties that were lost or otherwise damaged by the event, but also for neighbouring properties where the amenity of their environment changed);
 - (c) Disruption to families and social cohesion with the displacement of people from impacted residences; and
 - (d) Adverse impacts to people's wellbeing from what was clearly a terrifying event (while also acknowledging that no one was directly physically hurt in the 2005 event).
- 6.22. I understand that a future event could include the potential for physical harm or even loss of life for residents and others in the community (e.g. for any people residing in the area impacted by such an event or any

⁶ This is the term used by the Regional Policy Statement in respect of the impacted properties.

others that go into such an area, such as emergency service providers). Furthermore, on the basis of the consequences of the 2005 event, I consider that there would be social / community consequences for the wider community, associated both with the event and response to it and from recovery following the event. In this regard, I consider that the 'status quo' (the current environment) means that a future event has the potential for significant adverse social costs, both direct and indirect (e.g. to family and friends in the wider community). I recognise that the Plan Change does not eliminate or remove the potential for all adverse social impacts, in that there is potential for damage to other properties in areas of moderate risk, albeit that the potential risk regarding potential loss of life has been reduced from High as required by the RPS.

7. RESPONSE TO SUBMISSIONS

7.1. I have reviewed the submissions received on the Proposed Plan Changes. Similar sentiments to those set out in the submissions are also evident in feedback and submissions the District Council has received on the Annual Plan 2019/20 in respect of the managed retreat programme for Matatā⁷. Many of these do not specifically raise social impacts but raise concerns that relate to my assessment. For this reason, I have focussed my responses to the following submissions:

- (a) In respect of Plan Change 1 (**PC1**), submissions 1, 2, 4, 7, 8 and 9; and
- (b) In respect of Plan Change 17 (**PC17**), submissions 1, 3, 6, 7 and 8.

I note in many cases, the above are submissions from the same parties in respect of the two Plan Changes.

7.2. Focusing on potential social consequences of the Proposed Plan Changes, the submissions raise (in summary) the following matters:

- (a) Positive social outcomes in respect of certainty for residents and the community, reducing hazard risk and the potential

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Noting that in addition to the issues cited here, a wider community issue raised in the Annual Plan consultation included the cost burden of the mitigation / managed retreat programme for the wider ratepayers. While I acknowledge this social issue, it is not considered relevant to the Plan Change specifically and I have not considered it further in this evidence.

social consequences of hazards and the importance of managing the High Hazard Area for other values (e.g. submission PC17 1);

- (b) That the uncertainty and delays by the District Council in determining management and mitigation options in respect of the natural hazard risks which have resulted in adverse impacts on people's way of life and property values and their engagement with political systems and processes (for example, these issues are raised or reflected in submissions by the Awatarariki Residents Association PC1 1 and PC17 6);
- (c) The issue of impacts on people's way of life and property rights, through submissions on the need for property compensation to be addressed prior to implementation of the Proposed Plan Changes to fairly respond to the property impacts for residents and to address impacts of self-autonomy (discussed further below) (for example the Nicholson's on PC17 7); and
- (d) The impacts for the community on sense of identity and self-autonomy or self-determination in respect of the ability to determine and respond to hazard risks (as compared to such determination being imposed by others). For example, these issues are raised or reflected in submissions by the Awatarariki Residents Association PC1 1 and PC17 6. In contrast, other submissions in support of the Proposed Plan Changes emphasise the importance of people being safe and the role of the Council in managing land use for this outcome (for example, these issues are reflected in submissions by Te Mana o Ngati Rangathi Trust (PC1 8), Bay of Plenty Civil Defence Emergency Management (PC 1 2) and Ms Gracie (PC17 4).

With the exception of the first of these, I discuss the social impact issues raised in turn.

Social Consequences of Uncertainty and Time Delays in Process

- 7.3. I have not been involved in the processes that the District Council has undertaken since the hazard events at Matatā in 2005. However, I have been involved in delivery of a large number of infrastructure projects

(e.g. involving designations), which also have relatively long planning processes, often involve a high degree of uncertainty and optioneering and uncertainty for potentially impacted landowners. I have also reviewed the substantial documentation, which has included consideration of various management options (retaining structures) and mitigation planning (warning systems and catchment management) and the consultation material that has been prepared and has been recorded from engagement processes. It is clear that this has been a long and fluctuating process, and while others provide technical explanation to this (see evidence of Mr Davies (Section 8 paragraphs) and Mr Phillips), it is my opinion that these processes and the uncertainty generated often results in adverse social impacts for impacted communities. This impact relates both to people's way of life and their wellbeing, but also to their engagement and trust in political processes (e.g. the role and function of local and central government). I further consider that in this case this is evident in the submissions.

- 7.4. While I acknowledge this impact, I also consider that the processes described by a number of submitters is a demonstration of a genuine consideration and evaluation of options (which is an important consideration in respect of the need for the Proposed Plan Changes). Furthermore, it is a process that has culminated in the Plan Changes which, as reflected by other submitters, now provides far greater certainty for residents and landowners on the use of this land in the future. At the same time as the Proposed Plan Change process, the Managed Retreat Programme also provides certainty for landowners in respect of financial / material wellbeing outcomes. In other words, it is my opinion, that these social impacts are remedied and ameliorated by both the statutory Plan Change process itself and the parallel Managed Retreat Programme.
- 7.5. In addition, while not the subject of the Proposed Plan Changes, I also understand that there is planned engagement with the community from Council on other planning processes (such as those related to the Matatā lagoon and extended open space / reserve development), may also provide opportunities for residents to be actively involved in development of the area. That process of community engagement provides opportunities (albeit only for those that choose to get involved)

to rebuild community involvement in and confidence of government processes and potentially their connection to that environment (their sense of place values).

Impacts on Private Properties

- 7.6. Impacts arising from the loss of private property are both directly economic (which have been evaluated in the section 32 evaluation of the Proposed Plan Changes and discussed in the evidence of Mr Batchelor) and social. Earlier in this evidence I have provided commentary on these potential social consequences arising from the loss of private property rights to residents impacted by the Proposed Plan Changes 17. I refer here to impacts on quality of life (paragraphs 6.8 and 6.9), social cohesion and networks (paragraphs 6.12 and 6.13) and wellbeing (paragraphs 6.14 to 6.17). For this reason, I consider that the potential social costs have been identified and considered in the evaluation of the Proposed Plan Changes.
- 7.7. Furthermore, while not a requirement of the Proposed Plan Changes, I also consider the Managed Retreat Programme. As set out in paragraphs 6.18 to 6.20 above, this programme is underway and addresses a number of the social impacts identified by addressing the financial impacts of property loss and providing certainty of process.

Impacts on Way of Life and Wellbeing – Self Determination and Management of Risk

- 7.8. A few submitters have raised issues relating to their individual property right and in particular, that they should have authority to accept and manage risks to their property themselves. There are different views expressed in submissions: some opposing the Proposed Plan Changes in favour of personal rights (and self-determination in the management of risk) and others supporting the Proposed Plan Changes, acknowledging the role of the District Council and the BOPRC in managing land and development to keep people safe. From a social perspective, this matter relates to people's autonomy in respect of their way of life and property and potentially to their health and wellbeing (i.e the stress and anxiety around loss of self-determination on one hand and the stress and anxiety of the consequences of any event in the future).

- 7.9. The evidence of Ms Wendy Saunders provides more detailed discussion on planning processes for collective risk and hazard management. In my opinion, from a social perspective, there is a clear expectation that government (both central and local) will manage natural and physical resources for the health and wellbeing of the environment and the community. This expectation is both set in statute (e.g. the RMA, the Local Government Act 2002, the Building Act 2004 and the Civil Defence and Emergency Management Act 2002) and is reflected in wider community sentiment. There are a number of examples of this community expectation, such as public discussions on the appropriateness of speed limits, the management and regulation of water supply and waste water disposal and in the responsibilities for management of hazards, such as flood protection and more recently building regulation for earthquake hazards.
- 7.10. We do not live in a libertarian society and, in my opinion, there is clear evidence of both community expectation and statutory culpability for local authorities and/or central government if people are 'left in harm's way' of a known natural hazard, at the time that the consequences of that hazard materialised. In this case, the increased return periods forecast for the hazard of the Awatarariki Fanhead (as discussed in the evidence of Mr Peter Blackwood and Mr Bassett (Matatā Flooding 18 May 2005: Meteorology Update, 22 November 2019)) emphasises this issue. Furthermore, as set out in my assessment, I am also of the opinion that the social consequences of such a future event would likely be more adversely significant than the social consequences of the Proposed Plan Changes (acknowledging that this conclusion relies on the evidence of others in respect of the potential physical consequences of a future debris flow event in the Awatarariki fanhead).
- 7.11. In this regard, I consider the issue of adverse social effects can be considered as a matter of timing. There are adverse social impacts experienced now by the Plan Change, which are impacts that can and have been remedied and mitigated. The alternative (or 'status quo') is potentially significant adverse social impacts experienced later (albeit with some uncertainty on timing) with limited opportunity for mitigation. I acknowledge that the social costs of the Proposed Plan Changes are being borne by residents and the community now and that the potential

for the alternative social consequences (e.g. of a hazard event materialising) and at some future, undefined, date, are a future effect. However, I am of the opinion that this future effect is of such high consequence that it is an appropriate consideration in assessing the effectiveness and appropriateness of the Proposed Plan Changes.

8. RESPONSE TO SECTION 42A REPORT

- 8.1. I have reviewed the Debris Flow Risk Assessment by GHD (October 2019) and the Policy and Planning Assessment of the GHD Technical Assessment of Debris Flow Risk assessment in relation to my social impact review. I understand that, the report highlights some potential for temporal and spatial variation in the assumptions regarding contributing factors to the risks in the high risk management area. However, Mr Hind's evidence concludes that the risk for people within this area remains within the category of high risk with consideration of these variables.
- 8.2. Furthermore, I agree with the reporting officer in the section 42A report, that there would be complexity to implement a management approach that reflected the more nuanced factors of risks within the 'high risk area' (as appears to be suggested in the GHD report). For example, if the ability to use dwellings for 'temporary' as compared to permanent residential occupation were permitted on the basis of reduced risk as a consequence of reduced occupation, this would require ongoing management and potential enforcement of required limitations.
- 8.3. From a social impact perspective, I consider this would likely exacerbate uncertainty impacts already experienced by the community and other social consequences (e.g. issues associated with equity in approach). Furthermore, I have already addressed in paragraphs 7.8 to 7.11 the issues with an option for individuals to take on personal risk in relation to their property rights. In my opinion, those issues would remain relevant and would need to be balanced with the cost issues associated with administration of any such management approach.
- 8.4. For the above resources and on balance, I consider the potential social impacts associated both with the Proposed Plan Changes and the alternative 'status quo' option I have set out in my evidence remain unchanged.

9. CONCLUSIONS

- 9.1. I consider that the Proposed Plan Changes will have social impacts and consequences. However, it is also clear that the natural hazard, and in particular the actuation of that hazard in 2005, has also resulted in adverse social outcomes and that a future event would have the potential to generate significant adverse social outcomes, the most significant of which would be the loss of life from within the community.
- 9.2. For this reason, while the adverse social consequences of the Proposed Plan Changes are acknowledged, the potential social consequences of the 'do minimum' or status quo which would allow people to continue to live in an area subject to high loss of life risk are also considered to be significantly adverse (albeit the timing for the occurrence of a debris flow event is not certain).
- 9.3. I do not consider that there have been any further issues or social impacts raised in the submissions on the Proposed Plan Changes that alter the consideration of these acknowledged social costs.
- 9.4. On the basis of the review of potential social consequences of the Proposed Plan Changes (as presented in this evidence statement), I conclude that the potential adverse social consequences of this 'status quo' alternative are higher (more adverse) than those of the Plan Changes.

Amelia Linzey

15 January 2020