
**BEFORE THE KAPITI COAST PROPOSED DISTRICT PLAN HEARING
PANEL**

IN THE MATTER OF Schedule 1 of the Resource Management Act

AND

IN THE MATTER OF the Kapiti Coast Proposed District Plan

IN THE MATTER OF Submission No. 38 by NOBRG

**SUBMISSIONS FOR NOBRG ON PROVISIONS CONCERNING COAST
AND COASTAL HAZARDS**

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MAY IT PLEASE THE HEARING PANEL:**Attachments and terminology**

- [1] **Attached** as Annexure 1 is an agreement reached between KCDC and NOBRG which settles the declaratory proceedings filed by NOBRG arising from its concern as to the lawfulness of the approach by KCDC regarding coastal hazard management. In part, that declaratory process sought to question whether or not the functions of the Council were being discharged by a ‘leave it until later’ approach. The reasons for settlement are set out below.
- [2] The following terms are used in this memorandum:
- (a) SLR = Sea Level Rise;
 - (b) SNF = Sensitive Natural Feature as identified in the PDP;
 - (c) CPW = Coastal Protection Works. This encompasses activities related to coastal hazard management and includes structures. Formerly, the PDP had a defined term “coastal protection structures”, but this term appears to have been lost with the amendments to the PDP following withdrawal of parts of the PDP on 30 October 2014.
 - (d) CMA = Coastal Marine Area;
 - (e) RD = Restricted Discretionary;
 - (f) MHWS = Mean High Water Springs; and
 - (g) CHM = Coastal Hazard Management.

Introduction

- [3] NOBRG agreed to resolve its declaratory proceedings for three main reasons:
- (a) It did not want to disrupt the much needed PDP process for the Kapiti Coast community;

- (b) The settlement provided KCDC an appropriate opportunity to carry out monitoring of SLR and the individual coastal response to SLR along the Kapiti Coast. Alone or with GWRC. Armed with that information over the medium term, more meaningful community engagement on coastal hazard management (CHM) is possible; and
 - (c) Parking the issue does not mean the issue has gone away. But the reality is, for the life of the PDP (10 years), that on current SLR rates (3.5mm/year), the SLR will be 30mm higher. The coast has absorbed changes of this magnitude without difficulty. So it would be the tail wagging the dog for this issue to control the whole PDP process.
- [4] As representative of NOBRG, I have been unreasonably busy in the last two months. Much of the time has been spent out of my home town. The consequence is that I have not kept abreast of all information on the coast topic and coastal hazard topic received since my last appearance. I have also not kept fully abreast of the Panel's minutes. I apologise for this and if any assumption I make is erroneous or my information not up to date, then that is the reason.
- [5] NOBRG submission continues to rely on the technical information in KCDC's possession. Particularly that in relation to coastal hazards. The key reports are:
- (a) Carley *et al* "Coastal Erosion Hazard Assessment for Kapiti Coast: Review of the Science and Assessments Undertaken for Proposed Kapiti Coast District Plan 2012", 24 June 2014;¹
 - (b) Wallace: "Waitohu Stream Study Summary Document", Greater Wellington Regional Council, June 2006;
 - (c) Dawe: "Waitohu Stream Mouth Cutting Guidelines and Management Review", Greater Wellington Regional Council, October 2010.

¹ [http://www.kapiticoast.govt.nz/content assets/...](http://www.kapiticoast.govt.nz/content/assets/...)

- [6] These submissions address both the topic of CHM and the Coastal provisions arising from the submission of NOBRG due to be heard later.

The two dimensions of Coastal Hazard Management (CHM)

- [7] There are two dimensions to CHM and both are addressed to varying degrees in NZCPS 2010:

- (a) First, controlling or avoiding development where there is risk to people or property of a material nature and to an appropriate extent; and
- (b) Secondly, managing resources to enable hazards to be managed. Management is at least an aspect of what is called “managed retreat”. Most relevantly, it is necessary to enable communities to carry out coastal protection works (CPW’s) to improve their hazard resilience.

- [8] The first dimension of CHM has largely disappeared from the PDP. The remnant parts of the ODP have been reinstated as an interim measure. This is satisfactory to NOBRG.

- [9] The second dimension of CHM remains relevant. Officers have in the past said that PDP does not deal with CHM at all. This is because CHM is conceived only in terms of the first dimension of CHM. However, the PDP does deal with the second dimension and it is important. Earthworks and buildings in the coastal margin are an activity that is dealt with in the rules in Chapter 4, and are components of CPW.

- [10] This second dimension of CHM remains important to NOBRG.

Important CPW in North Otaki

- [11] As explained in the previous presentation to the Panel, CPW’s are important to North Otaki. CPW’s include:

- (a) Coastal inlet management of the Waitaho Stream; and
- (b) Coastal dune restoration works.

- [12] These CPW's are likely to be sufficient to manage CHM during the life of the PDP because of the positive coastal sediment budget in North Otaki Beach and the current effectiveness of soft engineering measures.
- [13] Consequently, these CPW's in North Otaki give effect to and meet the requirements of NZCPS in the following respects:
- (a) They preserve the natural character of the coastal environment and the eco system of the dunes immediately to the North of Moana Street and west of Konini Street; and
 - (b) Invigorate the dune system with improved coastal hazard resilience. Provisions of PDP as amended in 30 October 2014 related to CHM.
- [14] There are strong protection measures and policy in Chapter 4 in relation to natural and landscape values of the PDP. These are balanced in terms of coastal hazard management by Policy 4.6 as amended and Policy 4.7. With the deletions to Policy 4.6 in October 2014, there is now appropriate recognition of the need for building community resilience. NOBRG is satisfied with the way Policy 4.7 reads.
- [15] Coastal Hazard Management Areas have been deleted from the PDP (including the deletion of all reference to these in the rules) with the consequence that there is no longer any explicit provision for coastal protection structures as an activity in the coastal environment. Buildings (which is widely defined) and earthworks are addressed in the remaining rules. In areas identified as having high natural character, earthworks and buildings are discretionary activities subject to meeting strict standards. Otherwise they are a non-complying activity.
- [16] The PDP therefore does not explicitly provide an activity class of CPW or structures and there is a significant risk that the activity classification will under the rule stream be too harsh and not sufficient to implement Policy 4.6 and Policy 4.7 or the NZCPS 2010.

What NOBRG seeks

- [17] NOBRG seeks retention of Policy 4.6 and Policy 4.7 in the PDP as amended by KCDC's decision of 20 October 2014.
- [18] NOBRG seeks a specific definition (as it did in its submissions) for CPW and the definition needs to be sufficiently broad to recognize the range of CPW's that are undertaken along the entire coast.
- [19] To implement Policy 4.6, NOBRG seeks a RD class for CPW with specific matters of discretion on:
- (a) Effects on natural character and landscape values;
 - (b) Effects on eco-system processes;
 - (c) Effects on community and private infrastructure, including increased benefits from hazard resilience. In that regard, it is noted that there is a lot of important community infrastructure owned by KCDC. KCDC is routinely managing and maintaining that infrastructure appropriately. KCDC should not face an undue consenting hurdle by a hostile activity classification.
- [20] NOBRG finally seeks a permitted activity classification for any works by Greater Wellington Regional Council, ancillary to or part of permitted works in the CMA to manage inlets. That implements Policy 4.7.
- [21] There are a number of measures proposed in the agreement attached between NOBRG and KCDC. In the methods section of the PDP it is appropriate to recognize as a non-regulatory method KCDC's intention to carry out further investigation and assessment of the impact of SLR on coastal erosion.

Scope

- [22] Given the unusual pathway of the PDP and the withdrawal of parts of the PDP, a robust assessment of scope is warranted. In any event I am satisfied that these proposals are fully within the scope of NOBRG's submissions and address the resource management issues identified as significant to NOBRG.

Other coastal values

[23] The dune system immediately in front of North Otaki is identified as a SNF and part is a special amenity landscape. That recognition is not disputed. The community sustains those dune values in part through the CPW's and it is necessary to recognize these CPW's for two reasons:

- (a) To sustain communities; and
- (b) To sustain their natural values.

[24] NOBRG was concerned with the extent of the ONFL the mouth of the Waitohu Stream. There have been discussions from time to time with the landscape technical experts from Inthmus Group relating to the extent of the ONFL. NOBRG understands that the extent of the ONFL has been peeled back to commence further north of the Waitohu Stream where the Wairongomai dune system dominates. This Wairongomai dune system extends almost as far as Waikawa Bay. NOBRG accepts that ONFL notation.

Conclusion

[25] Subject to the matters specified above, it is considered that the PDP adequately addresses CHM based on best current knowledge.

[26] Thank you for your time.



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ANNEXURE 1

