

Submission on notified proposal for plan change



About preparing a submission on a proposed plan change

You must use the prescribed form

- *Clause 6, Schedule 1 of the Resource Management Act 1991 (RMA) requires submissions to be on the prescribed form.*
- *The prescribed form is set out in Form 5, Schedule 1 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.*
- *This template is based on Form 5. While you do not have to use this template, your submission must be in accordance with Form 5.*

Your submission and contact details will be made publicly available

- *In accordance with clause 7 of Schedule 1 of the RMA, the Council will make a summary of your submission publicly available. The contact details you provide will also be made publicly available, because under clause 8A of Schedule 1 of the RMA any further submission supporting or opposing your submission must be forwarded to you by the submitter (as well as being sent to Council).*
- *Section 352 of the RMA allows you to choose your email to be your address for service. If you select this option, you can also request your postal address be withheld from being publicly available. To choose this option please tick the relevant boxes below.*

Reasons why a submission may be struck out

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- *it is frivolous or vexatious*
- *it discloses no reasonable or relevant case*
- *it would be an abuse of the hearing process to allow the submission (or the part) to be taken further*
- *it contains offensive language*
- *it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.*

To Kāpiti Coast District Council

Submission on Proposed Plan Change 2 to the Operative Kapiti Coast District Plan 2021

Submitter details

Full name of submitter:	Paul Vincent Dunmore
Contact person (name and designation, if applicable):	Paul Dunmore
Postal address (or alternative method of service under section 352 of the RMA):	100 Marine Parade, Paraparaumu 5032
Telephone:	021 251 7030
Electronic address for service of submitter (i.e. email):	paul@dunmore.nz

I would like my address for service to be my email *[select box if applicable]*



I have selected email as my address for service, and I would also like my postal address withheld from being publicly available *[select box if applicable]*



Scope of submission

The specific provisions of the proposed plan change that my submission relates to are:
[give details]

The Coastal Qualifying Matter Precinct: specifically
4.5 Policy GRZ-Px7
4.17 Rule GRZ-R6
6.1 Description of the CQMP
6.5 Policy TCZ-Px1
The maps showing the CQMP
Any other references to the CQMP in the Plan.

Continue on a separate sheet if necessary

Submission

My submission is: *[include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views]*

I oppose the inclusion of the Coastal Qualifying Matter Precinct (CQMP) in the Plan, and seek its complete removal.

PC-2 asserts that the CQMP is authorised by section 771(b) of the RMA, as being necessary to give effect to Policy 25 of the NZ Coastal Policy Statement. Other submitters (specifically Coastal Ratepayers United Inc) have argued that Policy 25 can only be implemented in the context of Policy 24, to which KCDC has so far failed to give effect (and which the Jacobs reports do not even purport to deal with). I support that contention.

The point may be clearer by giving a specific example, and I will use my own property at 100 Marine Parade, Paraparaumu to illustrate the broader problem.

My property, among many in the southern end of Paraparaumu Beach, is included in the proposed CQMP. At bottom, the justification is that it is shown in the Jacobs Part 2 report as being subject to erosion if sea level rises by 1.6m.

However, this assessment by Jacobs ignores a salient fact about my property: it is on the landward side of Marine Parade, a major arterial road in the district. (KCDC designates it as a Major Community Connector, NZTA describes it as a Primary Collector with 6,000 vehicle movements per day.) So long as Marine Parade is defended by Council, my property will not be subject to erosion. (It may well be subject to a rising water table, but that hazard is completely excluded from the definition of the CQMP.)

How is this fact reflected in the Jacobs assessment?

"Thus, the presence of seawalls has been taken into account in the erosion assessment by assuming that the structures will remain in place and functional until they reach their residual life as determined from the KCDC coastal structures database. At this time the structures are assumed to fail, be removed and not replaced, with the coast transiting back to a natural shoreline with natural erosion processes recommencing." (Jacobs report vol 2, section 2.2.1).

At present, the stretch of Marine Parade in front of my house is defended by a rock revetment, some 20 years old. The Jacobs assessment that my property might possibly erode within the 100-year horizon requires not only an implausible assumption about sea-level rise (the RCP8.5+ scenario) but the even more implausible assumption that, when the rock revetment reaches its residual life the then Council will remove the revetment and simply abandon Marine Parade to the sea.

We know that this assumption is incorrect, because a few years ago a storm threatened a Council-owned sewer line immediately to the south of the revetment. Council installed a concrete block wall on an emergency basis and has since spent more money repairing and upgrading that wall. The sewer line serves a limited number of properties, and is certainly a much less important piece of infrastructure than Marine Parade. Council's own actions, therefore, have shown that the Jacobs assumption is unsupported. It may be convenient for modelling, but it is not rooted in reality.

To assess the erosion risk to my property, the essential piece of information is to know Council's intentions with respect to Marine Parade. How will it be defended over the coming decades, and at what amount of sea-level rise will Council decide that defending it is no longer feasible and that the road must be abandoned? The people who might be able to make that assessment work in KCDC's infrastructure group, not for Jacobs. In the absence of a century-long plan for the road from KCDC, there is no basis to assume that Marine Parade will not be successfully defended from erosion for the next 100 years, and protect my property as a side effect.

For the avoidance of doubt, I am not suggesting that sea-level rise is not real and is not a real problem. I am quite certain that my property will eventually be lost to erosion because of sea-level rise. I am also certain, based on the best available science as summarised in the most recent IPCC report (AR6), and based on the height of Marine Parade above the debris line from the most substantial storms of the near-30 years that I have lived here, that my property will not be lost to erosion in the next 100 years unless some future Council chooses to abandon its responsibility to protect important community infrastructure. Nothing that I have seen in the Jacobs reports or in the proposed Plan Change and supporting documents contradicts this conclusion.

Since KCDC has not undertaken a proper NZCPS Policy 24 assessment, and the Jacobs lines are not grounded in reality, there is no basis for supposing that NZCPS Policy 25 applies to my property.

I do not know what other properties in the District may similarly be wrongly classified as at risk of erosion over the next 100 years; but neither does KCDC. Thus the claim that properties in this precinct "have been identified as being potentially susceptible to coastal erosion hazard" is unsupported. Consequently, the CQMP is not a valid method of giving effect to the NZCPS, section 771(b) of the Act does not apply, and the CQMP must be removed from the proposed Plan Change in its entirety.

Continue on a separate sheet if necessary

Submission

The problem with Council's piecemeal approach to meeting its obligations under the NZCPS has other effects. Section 31(1)(a) of the RMA requires District Plans to include "objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district." However, the proposed Policy GRZ-Px7 (and also TCZ-Px1) does not achieve integrated management of these effects. On its face, it asserts that the management of coastal hazards is not being addressed, pending a future plan change at an unspecified date. Therefore, it is not a policy authorised by the RMA and cannot properly be included in the District Plan.

The evaluation report considered some alternatives to the proposed CQMP approach; however, the report did not consider the most obvious alternative, of not introducing a CQMP and therefore removing the current coastal yard setbacks as required by the new sections of the RMA. When the Council has developed a proper set of coastal hazard provisions, any appropriate controls would be included in those provisions. Of course, some intensification may occur in the meantime: that is a reason for Council to get busy and develop the long-overdue Plan change.

Finally, I support the submission of Coastal Ratepayers United Inc., which makes some points related to those above and should be of considerable assistance in bringing the proposed Plan change into conformity with the RMA requirements.

Continue on a separate sheet if necessary

I seek the following decision from the Kāpiti Coast District Council: *[give precise details]*

Remove the Coastal Qualifying Matter Precinct completely from the Plan.

As a consequence, the coastal yard setbacks must also be removed. When the Council has developed a proper set of coastal hazard provisions, any appropriate controls would be included in those provisions.

Continue on a separate sheet if necessary

Hearing Submissions [select appropriate box]

I wish to be heard in support of my submission.	<input checked="" type="checkbox"/>
I do not wish to be heard in support of my submission.	<input type="checkbox"/>
If others make a similar submission, I will consider presenting a joint case with them at a hearing.	<input checked="" type="checkbox"/>
If others make a similar submission, I will not consider presenting a joint case with them at a hearing.	<input type="checkbox"/>



15/9/2022

Signature of Submitter
(or person authorised to sign on behalf of submitter)

Date

A signature is not required if you make your submission by electronic means.

Trade Competition [select the appropriate wording]

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could / I could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission, please complete the following:

I am / I am not directly affected by an effect of the subject matter of the submission that—

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Email your submission to district.planning@kapiticoast.govt.nz or post/deliver to:

Attn: District Planning Team
Kāpiti Coast District Council
175 Rimu Road
Paraparaumu 5032

For office use only
Submission No: 179