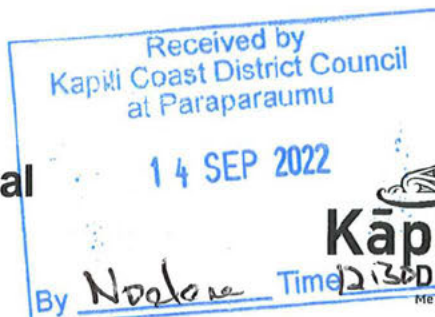


Submission on notified proposal for plan change



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 Kāpiti Coast District Plan 2021

Submitter details

Full name of submitter: Coastal Ratepayers United Inc

Contact person (name and designation, if applicable): Salima Padamsey - Chair

Postal address (or alternative method of service under section 352 of the RMA):

Telephone: 04 905 0740

Electronic address for service of submitter (i.e. email): spadamsey@yahoo.com

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]

1. Opposition to the Council utilising the report, Kāpiti Coast Coastal Hazards Susceptibility and Vulnerability Assessment Report Volume 2: Results (Jacobs Volume 2) as a basis for the Coastal Qualifying Matter Precinct (CQMP).
2. Opposition to the Council's interpretation and application of NZCPS Policy 24 (Hazard identification) and Policy 25 (Subdivision, use, and development in areas of coastal hazard risk).
3. Opposition to the Council's interpretation and application of section 6 of the RMA.
4. Opposition to the inconsistent approach the Council has adopted to providing for a qualifying area based on potential for coastal erosion.

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]*

See Attached

Continue on a separate sheet if necessary

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

- a) Delete the proposed CQMP which has been based on Jacobs Volume 2 report.
- b) Replace the proposed CQMP with a new enlarged area CQMP based on further advancing the NZCPS objectives and policies already addressed in the District Plan.
 - i. As a minimum, CQMP to include all land identified as the "Adaptation Area" in the Takutai Kāpiti GIS Map Viewer maps.
 - ii. Alternately, if the Council chooses instead to base the CQMP on coastal hazard identification, CQMP should include only that land and those properties that are currently identified in the District Plan as within the 'no build' and 'relocatable' coastal hazard zones.
 - iii. The alternative above at (ii) is not CRU's preferred approach, however CRU submits it is the only lawfully defensible approach given the Council's failure to have implemented NZCPS Policy 24 by not yet bringing forward proposed coastal hazard provisions under NZCPS 2010 via a Plan Change specifically addressing these matters.
- c) Such further or consequential relief as is required to give effect to this submission.

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"/>


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

12 September 2022

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

For office use only

Submission No:

218


Kāpiti Coast
DISTRICT COUNCIL

CRU'S SUBMISSION AND REASONING IS AS FOLLOWS:

Opposition to the Council utilising the report, *Kāpiti Coast Coastal Hazards Susceptibility and Vulnerability Assessment Report Volume 2: Results* (Jacobs Volume 2) as a basis for the Coastal Qualifying Matter Precinct (CQMP).

5. Jacob Volume 2, Executive Summary states (emphasis added, page 1);

The outputs of the assessment have been developed for use by KCDC to:

- *inform the Takutai Kāpiti project in raising community awareness of the nature and extent of the hazards, and as input into decision making to identify the triggers and potential actions under dynamic adaptive planning pathways;*
- *development of future management strategies for council infrastructure and property located in areas susceptible to future coastal hazards; and*
- *to provide base hazard data for future District Plan change processes.*

However, in any application of this assessment, it should be recognised that there remains a wide range of uncertainty and sensitivity in the results, particularly over longer timeframes, and for some uses, further analysis on risks from the hazard are required (e.g. for the review of coastal hazard planning provisions in the District Plan).

6. Based on the above, the application of Jacobs Volume 2 to Plan Change 2 requires “further analysis on risks from the hazard” before being used for any coastal hazard provisions in the District Plan. A Coastal Qualifying Matter Precinct (CQMP) based on a Jacobs Volume 2 coastal erosion scenario is a coastal hazard provision.
7. Jacobs Volume 2 has not been subject to any public submissions, nor have the results been tested under a technical merits review, as will be available to CRU when the Schedule 1 process for coastal hazards provisions are proposed in a future Plan Change.
8. Using the results of Jacobs 2 is speculative and premature. The s32 report recognises this stating (page 153);

The precinct is intended as an interim measure and it is expected that the purpose, extent and provisions associated with the precinct will be reviewed as part of the future coastal environment plan change process. This may include providing for more or less development to occur within the area covered by the precinct.

Opposition to the Council's interpretation and application of NZCPS Policy 24 (Hazard identification) and Policy 25 (Subdivision, use, and development in areas of coastal hazard risk).

9. The s32 report explains that Plan Change 2 is intended to address its failure to fully implement the NZCPS 2010, stating that (page 153);

The district plan does not currently give effect to the NZCPS with respect to the management of coastal hazards, relying on the 1999 coastal hazard provisions until a plan change giving effect to the NZCPS is prepared and publicly notified.

10. CRU's position is that Jacobs Volume 2 does not give effect to NZCPS Policy 24 – Hazard identification, and therefore any of its outputs cannot be used to implement or address NZCPS Policy 25 as a coastal management policy for areas of coastal hazard risk.

11. NZCPS Policy 24, requires that Council's must (emphasis added);

"Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunami), giving priority to the identification of areas at high risk of being affected. Hazard risks, over at least 100 years, are to be assessed having regard to:

[matters a – b]

taking into account national guidance and the best available Information on the likely effects of climate change on the region or district."

12. Jacobs Volume 2 is silent on likelihoods, and therefore has not identified the "likely effects of climate change". It uses unlikely values in the range of values expressed, and it has not given priority, nor identified "areas at high risk of being affected".
13. This is precisely why Jacobs (Volume 1: Methodology) have explained that their work is not a coastal hazard risk assessment under NZCPS Policy 24 (emphasis added, page 8)

"It is noted that the original Scope of Works for the coastal hazard assessment referred to a Risk assessment. Risk is commonly defined to be likelihood x consequence, with the consequence component of the equation including the consideration of the full range of economic, social, cultural, and environmental consequences. Risk assessments also commonly include consideration of the above consequences on strategies and actions for dealing with the impacts of the hazards. However, consideration of the full range of these consequences and possible remediation/adaptation actions is both outside the scope of this assessment, and best considered in the Phase Two (community engagement) part of the Takutai Kāpiti

project. Therefore, we have re-defined the assessment to be coastal hazard vulnerability rather than coastal hazard risk”.

14. For clarity, the NZCPS definition of risk is also likelihood x consequence. Jacobs Volume 2 is silent on likelihoods.
15. Moreover, Jacobs Volume 2 does not reflect the “best available information” from the most recent IPCC Assessment Report (AR6, 2021). AR6 advises policy makers not to use its high scenario (RCP 8.5) calling it “not likely” and “implausible to unfold” (IPCC, AR6 WG1, Chapter 4, section 4.4.2. p. 13).
16. The s32 report recognises this scenario does not give effect to the NZCPS in explaining (emphasis added, page 155);

The spatial extent of the Coastal Qualifying Matter Precinct is based on the 2120 P10 projected future shoreline position using the RCP 8.5+ (with - 3mm/year vertical land movement) relative sea level rise scenario. This scenario is the most landward scenario modelled by Jacobs, and while it is described as highly unlikely, this scenario does have the potential to occur.

17. NZCPS Policy 24 does not require that unlikely or “highly unlikely” hazards be identified.
18. Given the Council’s approach does not implement Policy 24 of the NZCPS and is premature in terms of NZCPS Policy 25, accordingly it is not “required” under RMA section 77I (b).

Opposition to the Council’s interpretation and application of section 6 of the RMA.

19. The Council’s decision to use a “highly unlikely” sea level rise scenario to define the spatial extent of the CQMP, is not in accordance with RMA section 6 (h) (emphasis added);

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

[matters a-g]

(b) the management of significant risks from natural hazards.

20. The identification of the landward boundary of the CQMP does not give effect to the NZCPS; and is therefore not “*necessary to accommodate*” (RMA section 77I) section 6 (h) of the RMA.

21. Moreover, the Council has failed to recognise and provide for the matters set out in RMA section 6 (a);

“the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.”

22. In the section 32 report, RMA section 6 (a) has been excluded from the table on pages 16-17, as it was not considered a “Relevant matter”. CRU disagrees with this treatment.

23. Section 77I read in conjunction with section 6 enables and requires, the Council to accommodate this requirement by including a qualifying matter which precludes intensification which would amount to inappropriate use and development of the coastal environment and/or which would fail to preserve the remaining natural character of the coastal environment.

24. CRU submits that most residents of Kapiti would consider permitting 3 story (or greater) development along much of the urbanised Kapiti coast to be inappropriate. Such an approach ignores the existing effect of such development on the views of the coast, the sea and Kāpiti Island from properties roads and public spaces inland of such development.

25. CRU accepts that the natural character of these parts of the coastline have already been reduced by coastal development, however it does not accept that this provides justification for further significant detracting.

26. The impact of such development needs to be considered from the perspective of those looking inland from the beach or the sea and for those looking seaward from inland of such development.

Opposition to the inconsistent approach the Council has adopted to providing for a qualifying area based on potential for coastal erosion

27. The Council's approach to the coastal erosion hazard is inconsistent with its approach to other natural hazards.

28. The Council has created a proposed CQMP in the absence of any District Plan coastal erosion hazard *identification*.

29. In contrast, the District Plan includes overlays for flooding, ponding and surface flow and associated restrictions on development, but the Council has not reflected those in corresponding CQMPs. It follows that the Council has not recognised and provided for management of "*significant risks from natural hazards*" (RMA section 6 (h)).

30. Policy 6 (1) of the NZCPS requires the Council to (emphasis added):

consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;

31. Policy 7 of the NZCPS requires Councils to:

identify areas of the coastal environment where particular activities and forms of subdivision, use, and development:

are inappropriate; and

may be inappropriate without the consideration of effects through a resource consent application, notice of requirement for designation or Schedule 1 of the Resource Management Act process; and provide protection from inappropriate subdivision, use, and development in these areas through objectives, policies and rules.

32. Policy 14 of the NZCPS promotes the restoration or rehabilitation of natural character of the coastal environment including identifying areas for restoration, providing policies and methods in the District Plan and through imposing conditions on resource consents and designations.

33. These policies have been given effect to in the District Plan by identifying and mapping areas of outstanding natural character, high natural character and special amenity landscape in the coastal environment which are shown on the Natural Environment Maps, to enable protection from inappropriate subdivision, use and development and promotion of restoration to occur as part of future development of these areas.

34. CRU submits that the CQMP should be defined on the basis of further advancing these (and other) NZCPS character and protection objectives and

policies where such areas are already lawfully identified in the District Plan, not on erosion hazard which has not been lawfully identified under NZCPS Policy 24.

35. CRU submits that this approach would result in a much wider land area seaward of these existing NZCPS coastal provisions lawfully implemented and that such an approach will protect the coastal environment from inappropriate use and development as provided for under RMA section 77I (b).
36. In the alternative, CRU is supportive of an approach that mirrors the identification of the “Adaptation Areas” as defined under the Takutai Kāpiti project. This is a much broader area of land than those more site specific areas preliminarily identified by Jacobs Volume 2 as potentially subject to coastal erosion and/or coastal inundation hazards.
37. The “Adaptation Areas” have been mapped by the Takutai Kāpiti project and these maps can be found at <https://maps.kapiticoast.govt.nz/portal/apps/storymaps/stories/dbc000c7263f4d63b8978047ed0e826b>
38. CRU submits this approach better satisfies Policies 1, 6, 13, 14 and 19 contained within NZCPS 2010, whereas none of these policies are fully satisfied by the area currently defined as the Coastal Qualifying Matter Precinct (CQMP).

GENERAL REASONS

CRU submits that its submission is consistent with

1. Part 2 of the RMA, in particular sections 5, 6(a) and (h).
2. The submissions are consistent with Council’s ability to exclude areas to which the MDRS provisions apply under Sections 77G to 77M of the RMA.
3. The submissions are consistent with the New Zealand Coastal Policy Statement, and current District Plan Coastal Environment area and features as noted in the District Plan maps.
4. The submissions are consistent with the National Adaptation Plan process.
5. The submissions are consistent with other non-statutory documents produced in consultation with the community by the Council and previous decisions of the Council.

6. The Council's section 32 report is deficient in that Council's interpretation and application of the legislative provisions for determining and adopting a qualifying matter is deficient.