

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: Chris Mitchell and Sue Smith

Contact person (name and designation, if applicable): Chris Mitchell

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

[REDACTED]

Telephone: 021 277 1033

Electronic address for service of submitter (i.e. email): chris@mitchelllaw.co.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]

1. The areas of the District subject to the proposed intensification rules
2. The decision to proceed with PC 2 without a sufficient analysis of significant hazard areas and probable infrastructure deficits

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]*

1. Coastal hazards and NZCPS

Large parts of the District which are currently developed are subject to significant inundation within 50-100 years by reason of sea level rise. This is according to the Council's own freshly commissioned reports (2022) from Jacobs.

NZCPS policies are a potential qualifying matter (section 77I(b)). Sea level rise is a coastal hazard. Areas potentially affected by sea level rise are subject to NZCPS Policy 25. The specific avoidance directions in (a) and (b) have been ignored by PC2. Any provisions which enable intensification are simply inconsistent with (b) in particular.

The Council response to my initial feedback (simply stating that the its current Plan maps showing potential flooding areas) shows that the effect of the NZCPS direction to avoid has not been understood. What is proposed under PC2 by Council is simply a form a mitigation (raise floor levels). PC2 is contrary to NZCPS Policy 25.

On that basis, more work must be doen to identify areas subject to known coastal hazards potentially affecting large areas of Kapiti Coast before PC 2 can be applied in its current form.

2. Infrastructure

This aspect of the submission is both related to the point above and separate from it.

All the matters within section 6 including including natural hazards are potential qualifying matters. In addition to NZCPS Policy 25 this applies to infrastructure. The management obligation extends to ensuring that new development can be supported within areas subject to a strong potential for inundation by underground infrastructure which is resilient to sitting under water for lengthy periods.

Again PC2 has not evaluated this, and this should be done.

Section 77I9j) should clealry apply to areas where there is no realistic prospect of supporting infrastructure to support more intensive development. Paekakariki for example has no wastewater system and the level of development enabled by the rules is not viable

Continue on a separate sheet if necessary

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

Withdraw PC2 and obtain better information (if necessary seeking an extension by the minister to allow this)

Remove all areas subject to potential inundation from coastal hazards from the PC 2 provisions. These are the areas identified in the Jacobs vol2 report (2022) (commissioned by the Council) as subject to inundation within the median 100 year sea level rise.

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 september 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:

110

From: [Chris Mitchell](#)
To: [Mailbox - District Planning](#)
Subject: Submission on Plan Change 2
Date: Thursday, 15 September 2022 3:28:28 pm
Attachments: [proposed-plan-change-2-submission-form-form-5.pdf](#)

My submission on PC 2 is attached

Please acknowledge.

Chris Mitchell

Mitchell Law

Waikanae

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