

TO: Kapiti Coast District Council:

SUBMISSION ON PROPOSED PLAN CHANGE 2 TO THE OPERATIVE KAPITI COAST DISTRICT PLAN 2021.

Full Name of Submitter: William Glen Turner WIGGS

This is a submission on the Proposed Plan Change 2 to the Operative Kapiti Coast District Plan 2021

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I would like my address for service to be my email **YES**

I have selected email as my address for service, and I would also like my postal address withheld from being publicly available **YES**

SCOPE OF SUBMISSION

My submission relates to:

1. The need for an enlarged Coastal Qualifying Matter Precinct.

SUBMISSION

My submission is:

1. The landward (eastern) boundary of the Coastal Qualifying Matter Precincts for the District (marked PRECx3) should be amended to the landward boundary of the area shown as Coastal Environment in the District Plan.
2. Further, or alternatively the landward (eastern) boundary of the Coastal Qualifying Matter Precincts for the District (marked PRECx3) should be amended to be the landward boundary of the areas shown as the Adaptation Zones which the Kapiti Coast District Council recently determined and published on its Takakutai Kapiti Coastal Hazard Susceptibility Assessment maps.
<https://maps.kapiticoast.govt.nz/portal/apps/storymaps/stories/dbc000c7263f4d63b8978047ed0e826b>
3. Further, or alternatively those areas at Waikanae Beach subject to inundation at 0.40m RSLR, 0.65m RSLR, 0.85m RSLR 1.25m RSLR or 1.65m RSLR on the KCDC Coastal Inundation Susceptibility Mapping Tool be included in the Coastal Qualifying Matter Precinct under PC2.
4. Further, or alternatively the current Beach Residential Qualifying Precinct at Waikanae Beach is included in the Coastal Qualifying Matter Precinct under PC2 and that accordingly:

- a. All existing Beach Residential Precinct plan provisions continue to apply to the Beach Residential Qualifying Matter Precinct at Waikanae Beach and the Residential Intensification Precinct B PRECx2 be removed from the Beach Residential Qualifying Matter Precinct at Waikanae Beach.
5. Such further or other consequential relief as is required to give effect to the submissions above.

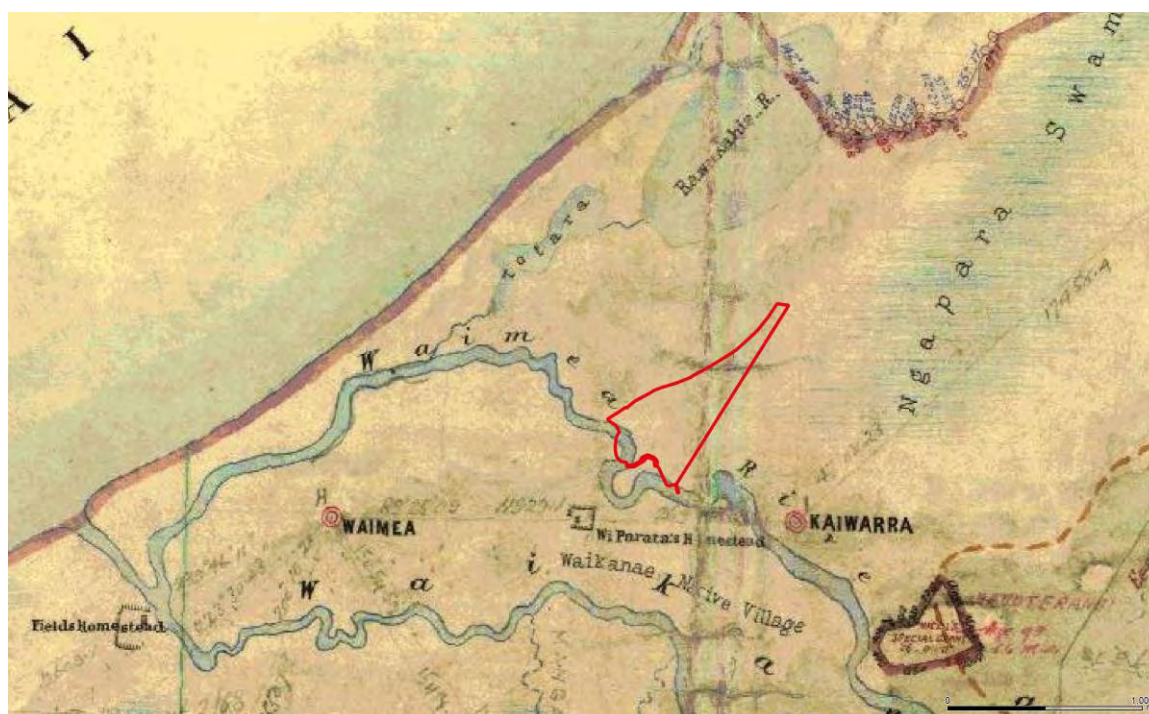
The Reasons for My Submission

The Kapiti Coast District Council (KCDC) is faced with the problem of implementing two conflicting Government policies. On the one hand the Resource Management Act 1991 (the Act) has been amended to implement the intensification policy. On the other hand, there are the provisions of the New Zealand Coastal Policy Statement 2010 (NZCPS) directing councils to protect the environment from coastal hazards and Section 6 of the Act from natural hazards. I submit that KCDC has given insufficient weighting to NZCPS, Section 6 of the Act and other provisions.

Waikanae Beach - Background

Waikanae Beach consists of three distinct areas – Olde Beach which was developed in the 1920s and is in the centre of the beach area; South Waikanae Beach which has two distinct areas – the seaward area which was developed in the 1960s and 70s and the inland area which was developed in the 1990s and early 2000; and North Waikanae Beach which was developed in the 1970s. A particular feature of Olde Beach and the seaward part of South Waikanae Beach is that the Waimea River once ran through the area (Fig 1) before it was diverted by W H Field around 1920 in preparation of subdividing the land. He created a nick in the bank of the river which is now the mouth of the Waimea Stream.

Fig 1 – J D Climie Map 1884



The map also shows two lakes and associated stream in North Waikanae Beach – Totara and the much larger Kawakahia.

Much of the land was originally swamp and there was once a large shallow lake around the land near the golf course and the junction of Te Moana Rd and Rauparaha St. The lake was drained in 1921 by W H Field so he could subdivide the nearby land. In 1923 W H Field sold 105 sections at Olde Beach. A further 72 sections were sold in 1925. A particular feature of Waikanae Beach is that originally it was in reality an elongated swamp that ran parallel with the coast from Peka Peka Beach in the north to the Waikanae River in the south with a river from the current mouth of the Waimea Stream to the mouth of the Waikanae River and two lakes and stream in North Waikanae Beach.

The present-day consequence is that the former swamp, river, stream and lake areas are prone to flooding. Fig 2 is a photograph taken of our neighbour's property in August 2022. The water covers all his front lawn and driveway. This has been a common occurrence since the rains in December 2021 with water being present most of the time.

Fig 2 – Flooding at 40 Ngapaki St August 2022



Council Responsibilities

The NZCPS contains various directions to Councils regarding coastal hazards. Councils are required to be risk averse and take a precautionary approach (Policy 3). Specific directions are to consider the potential effects of coastal hazards over a 100-year period. The hazards named are erosion, inundation, and tsunami.

Of concern is the admission of the Council that it has not properly considered coastal hazards in planning documents. On page 1 of the current District Plan under the heading 'New Zealand Coastal Policy Statement 2010' is the following statement – *'The plan has been reviewed in part. Coastal hazard provisions are still under review.'* This is contrary to the instruction in the recently released report National Adaptation Plan by the Ministry for the Environment which says *'Local authorities have primary responsibility for managing natural hazard risk and adapting to climate change. In particular, they are responsible for planning and regulating development. Directing development away from high-risk areas will be critical to reducing the future exposure of communities to climate risks and minimising the long-term costs of adaptation.'*

However, the Council has taken a significant step by appointing a Community Assessment Panel (CAP) Chaired by the Rt Hon Jim Bolger to advise on *'the medium to long term impacts of coastal erosion and inundation'* (1). CAP has made considerable progress, but its task is far from complete.

Instead of waiting until CAP completes its task and makes its recommendations KCDC has acted prematurely by allowing intensification to proceed in areas prone to inundation from both natural and coastal hazards. It has predetermined the recommendations of CAP, including possible recommendations to prohibit, restrict or modify intensification in areas subject to inundation. Instead, it has decided to use the Building Act 2004 to regulate the provisions of the Act. It said in response to my submission, *'New buildings in a flood hazard area are required to have their building floor level above the 1% AEP flood level. Breaching this standard requires resource consent.'*

I submit that it is inappropriate to use the Building Act 2004 to regulate the Act. The Act establishes the various permitted uses of land via the District Plan process - in particular the height of buildings and their density. The purpose of the Building Act 2004 is *'to provide for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards for buildings.'* (2) The appropriate process is for the District Plan to take into account the provisions of the NZCPS and in particular Policy 25(b) which reads -

'In areas potentially affected by coastal hazards over at least the next 100 years:

...

(b) avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;'

Policy 24(d) identifies inundation as a coastal hazard.

Using the Building Act 2004 to regulate the District Plan is inappropriate from a practical viewpoint. In practice the ground floor of the building is required to be above the 1% AEP flood level but if there is prolonged flooding access to the building both by foot or vehicle will be impossible or impractical. Garages are not required to be above the 1% AEP flood level but required to be built in appropriate materials. This does not consider damage to vehicles and other goods stored in the garage.

(1) Submission of KCDC to Select Committee on intensification amendment to Resource Management Act.

(2) Section 3 Building Act 2000

The purpose of the Building Act 2004 is not to provide an exception to provisions of the NZCPS.

When considering intensification, the Council also has a responsibility to take into account inundation caused by rain. Section 6(h) of the Act states -

6 Matters of national importance

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:

...

h) the management of significant risks from natural hazards.'

The definition of 'natural hazard' includes flooding.

The following photographs were taken in August 2022 of North Waikanae Beach/Peka Peka Beach. In most cases there has been inundation for months. It is irresponsible to permit intensification in such areas.

Fig 3 – Inundation at North Waikanae Beach/Peka Peka Beach from Rainfall



Fig 4 - Inundation at North Waikanae Beach/Peka Peka Beach from Rainfall



Fig 5 – Inundation at North Waikanae Beach/Peka Peka Beach from Rainfall



Erosion Risk

PC2 deals with the erosion risk by including a Coastal Qualifying Matter Precinct which is indicated on maps as PREC3. This is a sensible approach which takes into account many of the directions in the NZCPS including the precautionary approach. There are in effect no planning changes in the precinct until CAP completes its report on coastal hazards. This approach is supported.

I submit that the same approach should be taken regarding inundation – That the Coastal Qualifying Matter Precinct should include all areas subject to inundation at Waikanae Beach and Peka Peka Beach and that no planning changes occur until CAP completes its report. Alternatively, and preferably, Waikanae Beach and Peka Peka Beach should rezoned as Coastal Qualifying Matter Precinct.

Inundation Areas

There has been considerable research on which areas are subject to inundation. The KCDC website has a Coastal Inundation Mapping Tool which is used to measure the impact of inundation depending on the level of sea level rise.

<https://maps.kapiticoast.govt.nz/portal/apps/webappviewer/index.html?id=da0244e0ed4b41e995d26d0a88d76999>

I have utilised the tool to estimate the inundation of roads and properties.

Impact on Roads

Even at the lowest inundation level of 0.4m RSLR the following key streets would be inundated

- Cnr of Huiawa and Heperi Streets – blocking ingress and egress to North Waikanae Beach,
- Tutere St – 100 metres in Olde Beach and 50 metres near the south end
- Te Moana Rd – 30 metres at west end
- Eruni St – in part

At the inundation level of 0.65m RSLR the following key streets would be inundated

- Cnr of Huiawa and Heperi Streets – blocking ingress and egress to North Waikanae Beach
- All Eruni St
- Tutere St – 100 metres in Olde Beach and 100 metres at south end
- Te Moana Rd – 50 metres at west end
- Hona St – 40 metres
- Waimea Rd – 120 metres

At the medium level of 0.85m RSLR the following streets and junctions would be inundated

- Tutere St 150 metres in Olde Beach and 250 metres at the south end
- Every East-West Road in Olde Beach
- All Eruni St

- Junction at Eruni St and Queens Rd blocking ingress and egress to South Waikanae Beach
- Cnr of Huiawa and Heperi Streets – blocking ingress and egress to North Waikanae Beach

At the level of 1.25m RSLR virtually all streets and properties in the Olde Beach would be inundated including

- The junctions at Te Moana Rd and Rauparaha Sts, Cnr of Huiawa and Heperi Sts and Eruni St and Queens Rd. This would make ingress and egress to the entire beach area impossible.

At the highest level of 1.65m RSLR

- All of Te Moana Rd from the expressway westwards would be inundated making ingress and egress from Waikanae Beach impossible. Virtually all roads and junctions in the Olde Beach and most in the west of South Waikanae Beach would be inundated.

Impact on Properties

The estimated impact on properties is as follows.

Percentage of Properties Inundated

RSLR	Olde Beach	South Waikanae Beach	North Waikanae Beach
0.4m	5%	2%	1%
0.65m	10%	4%	2%
0.85m	20%	15%	5%
1.25m	80%	25%	10%
1.65m	90%	50%	12%

Waikanae Beach is not the only area in Kapiti that is at risk of inundation. The KCDC commissioned Jacobs report found that 857 land parcels are currently at risk of inundation from coastal hazards increasing to 5,130 land parcels at an RSLR of 1.65m as shown on the following table.

RSLR	Number of Kapiti Land Parcels Inundated
Current	857
0.4m	1,696
0.65m	2,414
0.85m	2,959
1.25m	4,082
1.65m	5130

Comment

Olde Beach would be adversely affected at low levels of inundation and severely affected at higher levels. At 1.25m RSLR most roads and all key junctions would be inundated making ingress and egress impossible. Additionally, an estimated 80% of properties would be inundated. It would be a major disaster. Even inundation at the 0.85m level would make the Olde Beach uninhabitable.

South Waikanae Beach is in two parts – seaward and inland. The inundation on the seaward part would be at much the same level as Olde Beach with the inland part being little affected (apart from access) because it is on higher ground.

It is little wonder that Olde Beach and seaward South Waikanae Beach would be severely affected because both areas were historically a marsh and river.

North Waikanae Beach would be affected only in parts – mainly because the area is mainly sandhills – but there are areas which were originally lakes and stream. However, ingress and egress from both the north and south would be impossible at 1.25m RSLR and from the south at only 0.4m RSLR. It should be noted that currently a significant number of properties in North Waikanae Beach and Peka Peka are suffering from inundation caused by rain. That has been the situation for months.

Policy 25 (a) is directly applicable –

‘Policy 25 Subdivision, use, and development in areas of coastal hazard risk

In areas potentially affected by coastal hazards over at least the next 100 years:

(a) avoid increasing the risk of social, environmental and economic harm from coastal hazards;’

Allowing intensification would increase the risk of social, environmental and economic harm both to housing and roading caused by inundation.

Qualifying Matters

There are several reasons why Waikanae Beach qualifies as being an exception to MDRS under Section 77I of the Act.

- Subsection (a) deals with matters of national importance which includes *‘the management of significant risks from natural hazards.’* A large number of properties in the Olde Beach, North Waikanae Beach and Peka Peka have suffered inundation from rain for the past 9 months and in some cases, such as the ‘lake’ in the reserve behind our property, ducks have taken up residence.
- Subsection (b) requires adherence to the NZCPS – Policy 25 is applicable as outlined above. Additionally, Policy 3 requires a precautionary approach. Proceeding with MDRS in Waikanae Beach with current inundation from natural hazards and predicted high levels of inundation from coastal hazards would be a high-risk approach.

I therefore submit that Waikanae Beach be included in the Coastal Qualifying Matter Precinct. The actual area to be specified is as outlined on pages 1 and 2.

Building Coverage

PPC2 proposes to amend the maximum building coverage per site to 50%. This is a substantial increase from 35% in the Beach Residential Zone and 40% in the remainder of Waikanae Beach. The 35% coverage in the Beach Residential Zone greatly reduces the risk of inundation from rain as the water can drain away naturally. If 50% coverage is permitted, then it would substantially increase the risk of flooding in heavy rain.

Current Drainage

The current drainage in Waikanae Beach is, by the admission of the Council, inadequate with severe under capacity of stormwater pipes. The Council has a programme of repair and renewal, but it will take until 2062 to complete the works. If intensification proceeds, then the flooding problem caused by natural hazards would be substantially worse.

Conclusion

Although KCDC is faced with implementing the two conflicting Government policies of intensification and the provisions of the NZCPS, the legislation is clear as to how the conflict should be resolved. Intensification is required unless there are qualifying matters. Inundation by natural hazards or coastal hazards are specified as qualifying matters. Waikanae Beach is currently suffering from inundation caused by natural hazards and is exposed to severe risks of inundation caused by coastal hazards.

Currently CAP is investigating the *'medium to long term impacts of coastal erosion and inundation'* and in due course will make recommendations to the Council which it can incorporate in the District Plan. It is commonsense, fair and just that the decision on intensification, and whether there are qualifying matters, at Waikanae Beach should be postponed until CAP concludes its task. However, there is ample evidence that the current and potential risks of inundation are severe, and that Waikanae Beach and Peka Peka Beach should be immediately rezoned as Coastal Qualifying Matter Precinct.

I seek the following decision from the Kāpiti Coast District Council:

1. The landward (eastern) boundary of the Coastal Qualifying Matter Precincts for the District (marked PRECx3) should be amended to the landward boundary of the area shown as Coastal Environment in the District Plan.
2. Further, or alternatively the landward (eastern) boundary of the Coastal Qualifying Matter Precincts for the District (marked PRECx3) should be amended to be the landward boundary of the areas shown as the Adaptation Zones which the Kapiti Coast District Council recently determined and published on its Takakutai Kapiti Coastal Hazard Susceptibility Assessment maps.
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4. Further, or alternatively the current Beach Residential Qualifying Precinct at Waikanae Beach is included in the Coastal Qualifying Matter Precinct under PC2 and that accordingly:
 - a. All existing Beach Residential Precinct plan provisions continue to apply to the Beach Residential Qualifying Matter Precinct at Waikanae Beach and the Residential Intensification Precinct B PREC_{x2} be removed from the Beach Residential Qualifying Matter Precinct at Waikanae Beach.
5. Such further or other consequential relief as is required to give effect to the submissions above.

Glen Wiggs

HEARING SUBMISSIONS

I wish to be heard in support of our submission **YES**

If others make a similar submission I will consider presenting a joint case with them **YES**

Signature of Submitter

Dated: 15 September 2022

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

Trade Competition

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 not gain an advantage in trade competition through this submission.

From: [Glen Wiggs](#)
To: [Mailbox - District Planning](#)
Subject: Submission on Proposed Plan Change 2
Date: Thursday, 15 September 2022 2:14:18 pm
Attachments: [Sub 2.pdf](#)

I attach my submission on the Proposed Plan Change 2. Please note that I wish to be heard.

Kindly acknowledge receipt

Regards

Glen Wiggs