

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: Sally Poole

Contact person (name and designation, if applicable):

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

Telephone: 027 281 6660

Electronic address for service of submitter (i.e. email): Sally@academyapparel.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]

My submission relates to:

1. The need for an enlarged Coastal Qualifying Matter Precinct.
2. The removal of all use/analysis of all material (including maps) in the s32 reports based on Jacobs V1 & 2. (This removal would continue into all s42 reports.)
3. The removal of all use/analysis of all material relating to the use of RCP 8.5 & RCP 8.5H+ in the s32 reports based on MfE Coastal Hazards and Climate Change Guidance for Local Government 2017. (This removal would continue into all s42 reports.)
4. The need for Beach Residential Qualifying Matter Precincts.

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 V2 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. The CQMP to include all land identified as 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 area shown as the "Coastal Environment" in the District Plan, policy 4.1 Coastal Environment.
- c) Further, or alternatively, that existing Beach Residential Precincts become Beach Residential Qualifying Matter Precincts under PC2.
- d) Delete all evidence derived from the incorrect use of Jacobs V1 & V2.
- e) Delete all evidence derived from the incorrect use of MfE Coastal Hazards and Climate Change Guidance for Local Government 2017.
- f) 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"/>

14 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:

219



My submission relates to:

- 1. The need for an enlarged Coastal Qualifying Matter Precinct.**
- 2. The removal of all use/analysis of all material (including maps) in the s32 reports based on Jacobs V1 & 2. (This removal would continue into all s42 reports.)**
- 3. The removal of all use/analysis of all material relating to the use of RCP 8.5 & RCP 8.5H+ in the s32 reports based on MfE Coastal Hazards and Climate Change Guidance for Local Government 2017. (This removal would continue into all s42 reports.)**
- 4. The need for Beach Residential Qualifying Matter Precincts.**

My submission and reasoning is that:

- 1. 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 area shown as Coastal Environment in the District Plan which states in policy 4.1 Coastal Environment:**

Natural Character of the Coastal Environment

The preservation of natural character in the *coastal environment* and its protection from inappropriate *subdivision*, use and development is a matter of national importance (section 6(a) of the Resource Management Act 1991 (*RMA*)). Policy 13 of the NZCPS provides guidance on the preservation of *natural character* in the *coastal environment*, and its protection from inappropriate *subdivision*, use and *development*. 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*.

These policies have been given effect to by identifying and mapping areas of outstanding *natural character* and areas of high *natural character* 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.

<https://eplan.kapiticoast.govt.nz/eplan/#Rules/0/201/1/12788/0>

Explanation:

- I. The Coastal Environment – as defined in the operative District Plan – satisfy Policies 1, 6, 13, 14, 19, 24 & 25 contained within NZCPS 2010.

- II. Not one of these policies are fully satisfied by the area defined in the Coastal Qualifying Matter Precinct (CQMP).
- III. The Coastal Environment was re-instated into the District Plan by order of the Environment Court in the final ruling released 7th July 2017.
- IV. The CQMP does not fully comply with NZCPS Policy 24 which states:
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:
- a. physical drivers and processes that cause coastal change including sea level rise;*
 - b. short-term and long-term natural dynamic fluctuations of erosion and accretion;*
 - c. geomorphological character;*
 - d. the potential for inundation of the coastal environment, taking into account potential sources, inundation pathways and overland extent;*
 - e. cumulative effects of sea level rise, storm surge and wave height under storm conditions;*
 - f. influences that humans have had or are having on the coast;*
 - g. the extent and permanence of built development; and*
 - h. the effects of climate change on:*
 - i. matters (a) to (g) above;*
 - ii. storm frequency, intensity and surges; and*
 - iii. coastal sediment dynamics;**taking into account national guidance and the best available information on the likely effects of climate change on the region or district.*
- V. As the Operative District Plan for Kapiti District Council is not compliant with NZCPS 2010 – it does not identify coastal hazards – therefore the area defined within the Coastal Environment must become the status quo.
- VI. The failure of the Council to complete the identification required by Policy 24 implies that under Policy 3 – the “Precautionary approach” the appropriate approach is to treat the Coastal Environment designation in the District Plan as determining the area to which the Coastal Qualifying Matter applies.
- VII. Once KCDC has complied with NZCPS 2010 and completed all issues with a plan change regarding coastal hazards; then the area mapped within the Coastal Environment could be changed to reflect the risk profiles of the coastal hazards.
- VIII. As no risk assessments (as required by NZCPS 2010) have been completed; a precautionary approach should be taken. (See also Policy 25 (a).)

- IX. The s32 report does not fully comply with NZCPS 2010; the report cherry-picks erosion but does not address at all any of the other hazard risks defined in NZCPS 2010 Policy 24 - Tsunami, inundation.
- X. Sea-level rise (SLR) is a direct and contributing factor in inundation; especially in the low lying areas captured within the Coastal Environment.
- XI. The s32 report does not address the precautionary approach required by NZCPS 2010 Policy 25(b). It is silent on this matter.
- XII. The s32 report does not consider NZCPS 2010 Policy 27 (1) which states:
 - 1. *In areas of significant existing development likely to be affected by coastal hazards, the range of options for reducing coastal hazard risk that should be assessed includes:*
- XIII. Policy 27 of the NZCPS 2010 identifies the range of options the Council should assess for reducing coastal hazard risk in areas of significant existing development likely to be affected by coastal hazards. These areas should also have been identified by the Council during the Policy 24 process, as a subset of the other areas.
- XIV. As KCDC has not complied with NZCPS 2010 in its Operative District Plan (especially Policy 24), then CQMP provisions must revert to the mapped Coastal Environment as described in the Operative District Plan.
- XV. The s32 report relies on the interpretations of Jacobs V1 & 2 which utilise RCP 8.5 and RCP 8.5+ which the IPCC in their report of 2021 stated they were “highly unlikely”. This is NOT the “Likely” required by Policies 24 & 27 NZCPS 2010.
- XVI. The most recent report from the IPCC, titled AR6, states that this highest projection – RCP8.5 - is unlikely, referring to it as “implausible” and explaining that it is included in their reports as a “counterfactual” for research purposes only.
 IPCC Climate Change 2021: *The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change August 2021* state;
 This is further discussed in Section 4.2.2 where it notes:
 “... The high-end scenarios RCP8.5 or SSP5-8.5 have recently been argued to be implausible to unfold”
- XVII. The CQMP does not fully comply with NZCPS Policy 25 which states:
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;*
 - (b) *avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;*
- XVIII. Policy 25(b) essentially prohibits more development in "areas potentially affected by coastal hazards over at least the next 100 years".

This is neither the "high risk" wording of Policy 24 nor the "likely to be affected" wording of Policy 27.

XIX. PC 2 is contrary to Policy 25, since it permits redevelopment in the form of intensification by way of the MDRS (3 dwelling/3 storeys) zoning in the area of Kapiti District exposed to coastal hazards, specifically the hazards of inundation, which will be exacerbated by sea level rise. Since the application of MDRS zoning in these areas would violate Policy 25 of the NZCPS 2010 that constitutes a "coastal qualifying matter" which is the basis for MDRS not to be applied to that area.

XX. Thus Policy 25(b) prohibits any new development anywhere on the coastal plain.

XXI. It is inappropriate to use the Jacobs report as a means to circumvent the required plan change that the Council has to promote on the Coastal Environment. It is an incomplete assessment and one that has not been subject to appropriate scrutiny.

XXII. The Council's provision for storm-water control and restrictions in the light of overland flows, flooding, and ponding is not reflected in an adequate CMQP. The Council has not recognised and provided for management of *significant risks from natural hazards*.

XXIII. None of this is consistent with Objective 8 of NPS-UD itself (and repeated in Policy 1(f)) and which states New Zealand's urban environments should be:

Resilient to the current and future effects of climate change.

XXIV. And Policy 6(e) which requires when making planning decisions that affect urban environments, decision makers should have regard to:

the likely current and future effects of climate change

2. Alternatively, the landward (eastern) boundary of the Coastal Qualifying Matter Precincts for the District (marked PRECx3) should be – at a minimum - amended to be the landward boundary of the area shown as "Adaption Areas" as mapped under the Takutai Kapiti 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.

XXV. Jacobs V1 & V2 specifically states that they are:
Kāpiti Coast Coastal Hazard Susceptibility and Vulnerability Assessment

XXVI. The "Adaptation Areas" have been mapped by the Takutai Kāpiti project and these maps can be found at:

XXVII. I submit 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).

XXVIII. The council has been able to verify and/or supply the underlying data that supports the Adaption Areas Maps (by way of email 14th September 2022).

XXIX. This email states:

*The five Adaptation areas (**see attached**), identified for the purpose of the Takutai Kāpiti work were defined by Jacobs and were based on the following factors: (**emphasis added**);*

- *Similarities in the susceptibility and vulnerability to coastal hazards*
- *Similarities in local processes occurring (e.g., sediment supply, sediment transport)*
- *Density of population and infrastructure*
- *Present day coastal management practices (e.g., structured/non-structured)*
- *Limit of coastal influence on flooding and groundwater levels*
- *Common catchments*

XXX. And further states: (**emphasis added**);

The spatial extent of the District Plan qualifying matters precinct has been determined based on the Kāpiti Coast Coastal Hazards Susceptibility and Vulnerability Assessment Volume 2: Results report by Jacobs. The spatial extend inland is based on the 2120 P10 projected future shoreline position using the RPC 8.5+ scenario. This, and further information explaining the spatial extent of the Coastal Qualifying Matter precinct is found from pp. 153-159 of the Section 32 Evaluation Report for Plan Change 2.

XXXI. Now that it is confirmed that the council has used:

- Jacobs V2, and;
- RPC 8.5+

for their decision making on the CQMP;

XXXII. I submit that the use of the maps defined in the “Adaption Areas” are invalid when critiqued against NZCPS 2010 and are therefore unlawful.

3. That the s32 reports for PC2 be fully amended to correctly state NZCPS 2010 provisions and, in particular, remove all references/use/analysis of all material (including maps) found within Jacobs V1 & V2. (This removal would continue into all s42 reports.)

Explanation:

XXXIII. Jacobs V1 & V2 specifically states that they are:

Kāpiti Coast Coastal Hazard Susceptibility and Vulnerability Assessment

XXXIV. Jacobs V1 & V2 are NOT a coastal hazard and risk assessment as was tendered by KCDC in 2021.

XXXV. A Coastal Hazard and Risk Assessment is a requirement of NZCPS 2010.

XXXVI. The use of the Jacobs V2 lines to develop the CQMPs is not required by, and is inconsistent with clauses 3.32 and 3.33 of the National Policy Statement Urban Development 2020.

XXXVII. It is inappropriate to use the Jacobs report as a means to circumvent the required plan change that the Council has to promote on the Coastal Environment. It is an incomplete assessment and one that has not been subject to appropriate scrutiny.

XXXVIII. Jacobs V2 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.

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

XL. 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".

XLI. 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”.

XLII. For clarity, the NZCPS definition of risk is also likelihood x consequence. Jacobs Volume 2 is silent on likelihoods.

XLIII. I also note that the council received a comprehensive review of Jacobs V1 from CRU’s scientific panel in July 2021: https://www.cru.org.nz/files/ugd/61e175_64fbfb400f1e4c9494358bf1907de386.pdf

XLIV. And an addendum in September 2021: https://fca9e53e-2a44-4659-83e8-7d994c7f0270.filesusr.com/ugd/61e175_98fd78177a604129b25131bca930d390.docx?dn=03%2520Technical%2520Review%2520Jacobs%2520Volume%25201%2520Addendum.docx

XLV. The Council’s provision for stormwater control and restrictions in the light of overland flows, flooding, and ponding is not reflected in an adequate CMQP. The Council has not recognised and provided for management of *significant risks from natural hazards*.

XLVI. None of this is consistent with Objective 8 of NPS-UD itself (and repeated in Policy 1(f)) and which states New Zealand’s urban environments should be:

Resilient to the current and future effects of climate change.

XLVII. And Policy 6(e) which requires when making planning decisions that affect urban environments, decision makers should have regard to:

the likely current and future effects of climate change

XLVIII. Jacobs V2, fails to give effect to New Zealand Coastal Policy Statement (NZCPS) 2010, Policy 24 as required by the Resource Management Act 199. The fact that Jacobs V2 does not give effect to NZCPS 2010 is not disputed by either Jacobs or KCDC.

XLIX. Jacobs V2, “2120 1.65m RSLR P10” is not a likely effect of climate change on the district.

L. It corresponds to the highest-end (83rd percentile) of the Intergovernmental Panel on Climate Change (IPCC) scenario RCP8.5, now referred to in the latest report, as ‘SSP5-8.5’.

LI. IPCC (Assessment Report 6 (AR6) WG1 2021, Sections 1.6.1.4 and 4.2.2) explains that the;

- a. *likelihood of high emission scenarios such as ... SSP5-8.5 scenario is considered low; and*
- b. *the SSP5-8.5 scenario is argued to be “implausible”; and*
- c. *SSP5-8.5 is only included in AR6 for comparison purposes (in other words, it is not recommended for regulatory use).*

LII. Any projections based upon it (e.g., projections for sea level rise) cannot therefore be considered to be one of the “likely effects of climate change” as is required under NZCPS, Policy 24, or for any subsequent risk management considerations under RMA/NZCPS.

LIII. In particular, this latest information from IPCC AR6 (2021) now overrides earlier “national guidance” (e.g., Ministry for the Environment, 2017) or other reports that incorporate IPCC emissions scenarios.

LIV. For the reasons outlined above, I considers that the use of the Jacobs 2 report in this manner is inappropriate, inconsistent with the NPSUD and unlawful.

LV. The Jacobs 2 report is not a site-specific analysis and does not as required by NUS-UD 2020, clause 3.33 appropriately... *evaluate the specific characteristics on a site-specific basis to determine the spatial extent where intensification needs to be compatible with the specific matter.*

Those matters being:

- (b) a matter required in order to give effect to any other National Policy Statement*
- (b) any other matter that makes high density development as directed by Policy 3 inappropriate in an area, but only if the requirements of clause 3.33(3) are met.*

4. That the s32 reports for PC2 be fully amended to correctly state NZCPS 2010 provisions and, in particular, remove all references/use/analysis of all material (including maps) found within MfE Coastal Hazards and Climate Change Guidance for Local Government 2017. (This removal would continue into all s42 reports.)

Explanation:

LVI. The disclaimer in the MfE Coastal Hazards and Climate Change Guidance for Local Government 2017 on page 2, that this

"has no official status and so does not alter the laws..., other official guidelines or requirements"

LVII. The guidance does not correctly state the law that it is telling councils how to administer;

LVIII. It has no concept that decisions about investment exposed to climate change depend on the expected life of the investment, and

- LIX. There is no understanding of economics and long-run decision-making in general; because it links regulatory decisions to height above sea level.
- LX. The guidance relies on RCP 8.5 and 8.5H+.
- LXI. RCP 8.5H+ is a NZ construct by Niwa and MfE; the IPCC does not recognise it.
- LXII. The most recent report from the IPCC, titled AR6, states that this highest projection (8.5) is unlikely, referring to it as “implausible” and explaining that it is included in their reports as a “counterfactual” for research purposes only.
 IPCC Climate Change 2021: *The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change August 2021*, Section 4.2.2 state;
“... The high-end scenarios RCP8.5 or SSP5-8.5 have recently been argued to be implausible to unfold”
- LXIII. In particular, this latest information from IPCC AR6 (2021) now overrides earlier “national guidance” (e.g., Ministry for the Environment, 2017) or other reports that incorporate IPCC emissions scenarios.
- LXIV. MfE Coastal Hazards and Climate Change Guidance for Local Government 2017 does not follow the strictures of NZCPS 2010 in Policy 24 & 27 which specifically use the wording “likely”.

5. Further, or alternatively, that existing Beach Residential Precincts become Beach Residential Qualifying Matter Precincts under PC2 and that accordingly:

Explanation:

- LXV. The disclaimer in the MfE Coastal Hazards and Climate Change Guidance for Local Government 2017 on page 2, that this *“has no official status and so does not alter the laws..., other official guidelines or requirements”*
- LXVI. Residential Intensification Precinct B PREC_{x2} be removed from all Beach Residential Qualifying Matter Precincts; and
- LXVII. All existing Beach Residential Precinct plan provisions continue to apply to the Beach Residential Qualifying Matter Precincts.

6. Such further or other consequential relief as is required to give effect to the submissions above.

7. I support CRU's submission.

8. I support WBRSI's submission.

9. The Reasons for My submissions

Given the large volume of documentation provided in the support of PC2 and the very short time given to submitters to consider, absorb and respond, these reasons are necessarily high level.

I consider:

1. Part 2 of the RMA, in particular sections 5, 6(a) & (h), 7(c) & (i) supports the submissions made above.
2. The submissions are consistent with Council's ability to exclude areas to which the MDRS provisions apply under Section 77G of the RMA.
3. The submissions are consistent with Section 77L of the RMA.
4. The submissions are consistent with the New Zealand Coastal Policy Statement.
5. The submissions are consistent with the operative/current District Plan Coastal Environment area as noted in the District Plan maps.
6. The submissions are consistent with the National Adaptation Plan process.
7. The submissions are consistent with other non-statutory documents produced in consultation with the community by the Council and previous decisions of the Council.

From: [Quentin | Academy Apparel](#)
To: [Mailbox - District Planning](#)
Subject: Corrected Form 5!
Date: Wednesday, 19 October 2022 10:30:20 am
Attachments: [proposed-plan-change-2-submission-form-form-5 - SMP.pdf](#)
[PC2 Submission - SMP.pdf](#)
