

OIR: 2324/690

30 October 2023

██████████  
████████████████████

Tēnā koe ██████,

**Request for Information under the Local Government Official Information and Meetings Act 1987 (the Act) (the LGOIMA)**

Thank you for your email of **29 September 2023** requesting the following information:

- 1. What thought has been given by Council to the impacts and possible mitigations for those ratepayers who own, want to own, want to buy, or want to develop properties included in Council's temporary but as yet undefined or unmapped flood threats to the Peka Peka General Residential zone?***

Council looks to mitigate flood risk where it is possible and reasonable to do so. It does so via agreed levels of service that it commits to for areas that it collects stormwater rates from. For areas that are either newly identified or areas where our understanding of flood risk has changed, these are needed to go through the local government process to assess possible changes in zoning, rating and mitigation possibilities.

- 2. I understand why Council gets to qualify the plan changes they propose due to the uncertainties of the forthcoming election. But how does Council suggest we property owners in the affected area (and the market for our properties, if one still exists?), how are we expected to navigate the uncertainties imposed by Council's 'temporary zoning' (for a yet undefined period) and their publishing of it:***
- without any community consultation, discussion, or consideration of our situation and this decision, nor any options to it?***

To clarify, the Council undertook community consultation for Plan Change 2, intensification, in line with the process prescribed by central government to meet the Resource Management Act 1991 (RMA) requirements. Council was also required to follow a small set of specific, additional process requirements for this

*Please note that any information provided in response to your request may be published on the Council website, with your personal details removed.*

plan change, which were introduced to the RMA in late 2021. The 2021 amendments:

- Provided for submissions and further submissions, and a hearing by an independent hearings panel, to ensure people in the community could have their say but removed the right of appeal to the Environment Court.
- Directed Council about the content of the plan change. For example, the RMA was changed to say that Council had to include the Government's Medium Density Residential Standards (MDRS), and it could also identify "qualifying matter areas" where development would not be enabled to the same extent.

Community consultation and consideration of the coastal qualifying matter was progressed as follows:

In August 2022, Council formally, and publicly notified Plan Change 2. Council put forward a number of qualifying matters in the proposed version that was notified, including the "coastal qualifying matter precinct". In that version, the coastal qualifying matter precinct in the General Residential Zone in Peka Peka applied to a relatively narrow strip of land along the coast as shown on p.207 of the document available at:

[https://www.kapiticoast.govt.nz/media/33be5xmp/pc2\\_ipi.pdf](https://www.kapiticoast.govt.nz/media/33be5xmp/pc2_ipi.pdf)

Following public notification of Plan Change 2, several submissions requested a landward extension of the inland boundary of the Coastal Qualifying Matter Precinct. This included submitters 098, 162, 163 and 211. A further submitter 085 also supported submitter 098. Submissions and further submissions on Plan Change 2 are available at:

<https://www.kapiticoast.govt.nz/your-council/forms-documents/district-plan/operative-plan-changes/plan-change-2-intensification/submissions-and-further-submissions-received/>

The Council officer's report evaluated submissions and provided non-binding recommendations to the Independent Hearings Panel, regarding changes it may wish to consider making to Plan Change 2. The officer's report is available via the link below, and you will find relevant discussion on the extent of the coastal qualifying matter precinct at Peka Peka at paragraphs 491, 509, 517, 518, and 536 – 544:

[https://www.kapiticoast.govt.nz/media/vxmghkv/pc2\\_planningevidence\\_report-3.pdf](https://www.kapiticoast.govt.nz/media/vxmghkv/pc2_planningevidence_report-3.pdf)

The officer's recommended change to the extent of the coastal qualifying matter precinct in Peka Peka was represented spatially (on a map) in p.305 of the Appendix A to the officer's report. This Appendix is available at:

[https://www.kapiticoast.govt.nz/media/znmhevav/pc2\\_planningevidence\\_appa\\_ipi\\_pcr1.pdf](https://www.kapiticoast.govt.nz/media/znmhevav/pc2_planningevidence_appa_ipi_pcr1.pdf)

The officer's recommendations regarding the extent of the coastal qualifying matter precinct at Peka Peka were adopted by the Independent Hearings Panel and included in its recommendations to Council. The Independent Hearing Panel's recommendation related to this is on paragraph 13(a) of its report:

<https://www.kapiticoast.govt.nz/media/jrmofuz1/ihp-report-to-kapiti-coast-district-council-on-pc2.pdf>

On 10 August 2023 Council accepted all of the Independent Hearing Panel's recommendations (with the exception of an unrelated recommendation concerning the rezoning of some Otaihanga land). Details relating to Council's decision are available at:

[https://kapiticoast.infocouncil.biz/Open/2023/08/CO\\_20230810\\_AGN\\_2578\\_AT\\_WE\\_B.htm](https://kapiticoast.infocouncil.biz/Open/2023/08/CO_20230810_AGN_2578_AT_WE_B.htm)

I can confirm that there is an indicative timeframe for the period that the coastal qualifying matter precinct will apply. Plan Change 2 introduced the following policy (GRZ-P26) and associated note to provide as much certainty as possible about this:

*“Within the Coastal Qualifying Matter Precinct, the level of subdivision and development otherwise required by the Medium Density Residential Standards and policy 3 of the NPS-UD will not be enabled until the management of coastal hazards within the precinct is addressed through a future coastal environment plan change.*

*Note: The Coastal Qualifying Matter Precinct will be removed when provisions to manage coastal hazards are incorporated into the District Plan as part of a future coastal environment plan change.”*

I anticipate that Council will be targeting a mid-2025 date for public notification of a coastal environment plan change. This plan change will include provisions to manage coastal hazards, meaning that the Plan Change 2 coastal qualifying matter precinct will no longer apply.

***- without any modeling of the flood threats we are expected to deal with?***

We expect new flood models to start to become available in 2024 which will be able to provide us with more information that will allow people to better understand the flood risks that exist in the areas that they live.

***- without any stormwater infrastructure with which to monitor, manage, mitigate, or adapt to the threat of flooding due to climate change events, artificially induced high groundwater levels (by GWRC and KCDC), and Council negligence with maintaining the Ngarara stormwater system and Te Harakeke Wetland which directly impacts on our Peka Peka residential and rural communities?***

Council does not collect stormwater rates for the majority of the Peka Peka area, and therefore provides no budget for any specific mitigations in this area.

Through the watercourse maintenance agreement with GWRC, KCDC does manage the Ngarara Stream. Now that landowner access has been granted again, KCDC is seeking to continue to maintain this stream in order to manage flood risks in this area.

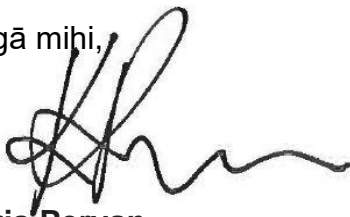
As such our current Global Watercourse Maintenance Consent submitted to GWRC includes provisions to maintain the Ngarara Stream. We are hoping to get this consent granted, however note the risks in trying to achieve this with the backdrop of the National Policy Statement on Freshwater Management.

***- without the catchment plans, environmental monitoring, and the stormwater strategy (promised in Council's 2008 stormwater strategy) that are vital to inform, to guide, to protect our community, and enable us to sustainably manage our hydraulic neutrality?***

KCDC will be undertaking catchment management plans for parts of the stormwater network, and this is going to form part of our consenting requirements with GWRC.

In the Peka Peka area, there is a very limited stormwater network of just a few sumps and soak pits. Whole of catchment planning is normally a regional council function as our networks and those parts from the urban areas can sometimes only be a small part of an overall catchment. Our current Stormwater Strategy sets out levels of service for the Peka Peka area as being able to cope with an annual rainfall event via soak pits.

Ngā mihi,



**Kris Pervan**

Group Manager Strategy and Growth  
Te Kaihautū Rautaki me te Tupu