



Summary statement. IHP Coastal Hazards QM 24/04/2024

Thank you for the opportunity to present to the IHP on PC14 Coastal Hazards Qualifying matter.

My name is Karina Hay. As per the IHP procedures paragraph 81 – As the drafter of the submission, I have been authorised by SSRA committee via committee minutes to present on behalf of the Southshore Residents Association (SSRA). SSRA holds the distinction of being the longest continuously operating resident's association in New Zealand, with over 76 years of history. Our organization represents the interests of over 500 households in the Southshore coastal region.

For this submission the SSRA sort views of the wider community through both social media and our community newsletter – the Beacon. It also used the knowledge of local experts some of whom have relevant formal qualifications.

SSRA has been actively involved in advocating for the Southshore community within the coastal planning space for several years, and we are well-acquainted with the CCC. We have participated in every proposed plan change, Independent Hearing Panel (IHP) process, and coastal initiative introduced by the CCC over the past decade — and there have been numerous instances.

We have briefly touched on this in paragraph 7 of the SSRA submission referencing our history of being exposed to ineffective planning documents and rules.

Constant coastal processes have led to what we would term consultation and submission fatigue for our residents. If you wish to read a summary of the journey this community has undertaken, the CCRU (Christchurch Coastal Residents United) website has a very good timeline. This timeline is suspended in 2023 due to PC12 being halted and will resume once the PC14 process is completed and PC12 resumes.

<https://www.ccru.co.nz/timeline>

While today I speak solely on behalf of the SSRA, it's worth noting that our submission has been referenced by other stakeholders, including the North Beach Residents' Association, Mr. David East, and the Christchurch City Council (CCC).

Following that line of thought, I'd like to extend our gratitude to the CCC, specifically to Mark Stevenson and Sarah Oliver. Despite our differences on various issues, they have consistently shown generosity with their time. This has greatly facilitated mutual understanding, allowing us to listen to their perspectives while also sharing our own.

Our initial submission is thorough and reflects our perspectives. After our original submission, several of our key points have been addressed in the section 42A report by CCC planner Sarah Oliver and I would like to clarify our views on this.

In submission item 4 the SSRA asked for a clear definition of intensification for coastal areas. We believe this has been recommended. We support this definition so long as it maintains the status quo under the current district plan and does not limit enablement.

In the past, the lack of clear guidance has led to unintended consequences for our community- such as planning interpretations that single-room additions to an existing dwelling were seen as intensification and posed additional hazard risk. This experience strangled our community in that it did not allow families to extend and grow in their own homes and they were unable to remain connected to familiar services and schools.

In submission item 1 we requested that the CCC be clear in the scope of the Coastal Hazard QM and detail how it interacted with yet-to-be-completed PC12. We appreciated the work of Ms Oliver to narrate the differences between PC 14 and the upcoming PC 12. in her section 42A document.

Given the recent Environment Court decision, Waikanae Land Company v Heritage New Zealand Pouhere Taonga [2023] NZEnvC 056 (Waikanae), which addresses the scope of local authorities' powers in notifying an Intensification Planning Instrument in accordance with section 80E of the RMA, Ms. Oliver provided a table that addressed additional policy controls or restrictions that would have originally affected status quo/pre-existing development rights.

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

If the IHP decides to support the Coastal Hazard QM overlay, we would request that the rules adopted ensure the scope of the CH QM provisions only manage development that results in a density greater than that provided for under the Operative District plan. We believe that Ms. Oliver may have also recommended this.

SSRA asks that the IHP ensure that any CH QM rules and policies that are accepted do not impose additional controls and/or restrictions that affect status quo development rights for our area.

It is our understanding that the scope of the Coastal hazard QM in PC14 only applies to intensification within the current DP. Whereas the upcoming PC12 will look at the current DP and decide whether all the coastal hazard provisions and maps are appropriate and fit for purpose.

Prior to PC 14, PC12 was underway but it was put on hold to complete PC14. The mapping and data compiled for PC12 are what is being used to inform the mapping of the CH QM of PC 14.

In essence, we see the mapping in PC14 is a subset of a large set of data that has yet to be considered in the upcoming PC12.

As the PC14 process has no appeal on merits there is therefore no opportunity to remedy or pursue it through the environment court. It is difficult for community groups to participate in this process both from a procedural and financial perspective.

Whereas PC12 would be prepared under Schedule 1 of the RMA plan change process following a standard consultation pathway, including pre-consultation, notification, submissions, decisions, and appeals to the Environment Court, In this process coastal communities will have the opportunity to pursue and clarify the mapping further should they wish to do so. Though not without some expense.

It is our concern that if the CH QM mapping and rules proposed are accepted as final in PC 14 it may preclude the coastal residents from challenging the mapping in PC 12 under the normal RMA process.

We've engaged directly with the CCC regarding this specific issue, and they have conveyed that they cannot provide us with assurances that the maps finalized in PC14 will not impact those in PC12.

As highlighted by Ms. Oliver in her evidence to the panel on April 16th, the SSRA proposed to the CCC that the Coastal Hazards (QM) maps in PC14 be regarded as "interim." This approach would allow for the comprehensive consideration of all maps within the context of PC12 through the regular Resource Management Act (RMA) process.

Additionally, to the maps being interim, the SSRA would like to suggest to the panel an alternative approach, of maintaining the current zoning status quo in the operative plan instead of implementing the new proposed Coastal Hazards QM rules. We propose current status quo rules remain in place with interim mapping until PC12 is undertaken. We believe any temporary gaps in addressing coastal hazards will be rectified through the thorough PC12 process.

From the SSRA perspective, it has always been our concern that the CCC may use the PC14 process as an early vehicle to introduce coastal hazard provisions before commencing the more appropriate and comprehensive PC12 RMA process.

Our next point of contention with the CCC pertains to SSRA Submission item 6 - the utilization of tsunami mapping for residential planning purposes. SSRA acknowledges the value of tsunami mapping for evacuation planning but believes the CCC's approach exceeds reasonable risk management for coastal areas in relation to tsunami planning restrictions.

While we recognize the importance of preparing for tsunamis, we consider them to be rare and unlikely events, often providing significant warning timeframes, especially in the case of large South American events.

We also raise the concern of whether other more immediate hazards, such as fire risk or urban surface flooding exacerbated by climate change, will be subjected to similar planning overlays and restrictions.

SSRA is concerned that, yet another planning overlay such as the Tsunami overlay (one of over 12 overlays for some properties) will apply additional unnecessary dwelling controls that could further restrict housing options and hinder community well-being. The current mapping shows that most affected houses will be within Coastal hazard zones and will already be subject to planning restrictions. It is our understanding that Ms Olivers provided the panel with a combined Coastal Hazard and Tsunami map that indicated there is a difference of 1700 tsunami-affected dwellings that sitting outside the CH QM mapping. Therefore, we ask the Panel to consider if this 1700 dwellings warrant another planning overlay, and whether Tsunami mapping while necessary for emergency planning is appropriate for residential planning purposes.

Thank you for your time and the opportunity to present.

SSRA submission on Plan Change 14-qualifying matters.

SSRA- Southshore Residents Association

The work of the SSRA is underpinned by 4 key values.

- **Kaitiakitanga** – That we are temporary guardians of things that are precious to us and have a responsibility to look after them for future generations.
- **Oranga** – We preserve the health, vitality, and wellbeing of living things (environment, community, and individuals).
- **Manaakitanga** – We have a duty of care for others – to uphold their mana, respect them and look after them.
- **Whanaungatanga** – We work to be the essential glue that binds people together, providing the foundation for a sense of unity, cohesion, relationship, kinship, and sense of community connection. We will foster relationships through shared experiences and working together which provides our residents with a sense of belonging.

With these values, SSRA believe we are better able to work together to respond to adversity; to achieve resilient and vibrant communities with a sustainable future; and to build and maintain our community so all our residents feel valued and included and can contribute to the best of their abilities.

Southshore is our tūrangawaewae. It is the place where we feel especially empowered and connected. It is our foundation, our place in the world, our home.

Introduction

Thank you for the opportunity to submit our feedback on PC14. Please accept this document as the SSRA submission in relation to the PC14 IHP process.

Who are we?

The Southshore Residents' Association (SSRA), established in 1946, is the longest continuously running residents' association in New Zealand. Each year the SSRA works to provide several events and additional services to our community and the wider area. This includes advocacy on issues that may affect our residents, their homes and how they live in the community. These services and actions are funded largely by resident donations and grants and all work is undertaken by a dedicated group of volunteers.

Our comments on the proposed Plan Change 14 focuses largely on the qualifying matters (QM) that relate to, and effect coastal residents and communities.

What's a Qualifying Matter (QM)?

Qualifying Matters are characteristics or qualities specific to some areas or properties, which means the rules enabling increased development will be modified to the extent necessary to maintain and protect values or manage effects. They are prescribed and defined under the Resource Management Act.

The purpose of identifying qualifying matter is that it signals that the MDRS intensification proposed in the RMA Enabling Housing Supply and other matters Amendment Act 2021 is not suitable.

1. Plan change 14 QM coastal hazard areas and the interaction and relationship to plan change 12.

SSRA are concerned that the Council may use PC14 as a vehicle to replace the current District Plan provisions for coastal areas. We are concerned that the CCC may use the qualifying matters in PC14 as an effective proxy for Plan Change 12, in the sense that it could incorporate many of the provisions (mapping, objectives & policies & rules) intended to be included in PC12.

By using the PC14 process any components contained in the plan change (including possible duplicate parts of PC12) will not have the usual right of appeal. As the PC14 process that has no appeal on merits there is therefore no opportunity to remedy or pursue through the environment court.

Further SSRA would like to request that the interaction between PC14 Coastal Hazard QM and the proposed Coastal Hazards PC12 is thoroughly explored and modelled. There have been occasions for coastal areas, where aspects of one chapter of the district plan does not reflect the objectives and purposes of another part of the plan, in fact sometimes they are opposing in objective. This had led to stalling of processes, confusion, varied interpretations, and unintended consequences. These have had a detrimental effect on community wellbeing.

Interaction between PC 12 and PC14 coastal qualifying matters need to have shared objectives and align in application.

2. Use of data, mapping, and scenarios to inform planning in coastal areas.

SSRA are concerned about the information and data being used for the mapping of the areas that will be informed by PC14 coastal hazards QM. SSRA have observed much chatter in both scientific and parliamentary realms regarding the use of the unlikely scenario of

RCP8.5. SSRA understands that the coastal mapping uses the representative concentration pathway 1 8.5 (RCP 8.5 and its 83rd percentile derivative RCP 8.5H+) to predict coastal hazard lines. We have reservations on this because this pathway is now described as 'not a likely' or a 'plausible scenario' by the latest IPCC report (AR6).

Given that the NZCPS (2010) Policy 24 states "*giving priority to the identification of areas at high risk of being affected*" and "*taking into account national guidance and the best available information on the **likely effects** of climate change on the region or district.*"

SSRA wonder if the CCC use of 8.5 and the resulting mapping of the coastal areas with this 'unlikely' or 'plausible' scenario-IPCC report (AR6) pathway is problematic, overly cautious and does not reflect the "likely effects" given indicated in the NZCPS. The result is it may stifle community growth in areas that are unlikely to be affected for a long period of time.

3. Coastal urban vs rural PC14 QM

Another factor, conscious that the coastal hazards objectives and policies apply to all zones, whereas qualifying matters should only apply to existing residential zoned land & perhaps some other "urban" zones where residential development is contemplated.

The risk it seems is that people in rural zones may be affected by the coastal hazards provisions but may be entirely unaware of this possibility.

4. Definition of intensification and development in coastal areas.

SSRA believe the definition of development and intensification needs to be clear and robust. We are concerned that without context to show clear intent, the meaning of intensification could be extrapolated over time to extend building an additional room on an existing house. (i.e., that this can be viewed as intensification). SSRA have observed in the past where original intent has been lost over time and new interpretation of rules have been applied.

5. RUO – rules

In the Southshore area we currently have the RUO mechanism put in place by a previous IHP. We ask if this has been retained, including associated rules? If so, what happens if the Qualifying Matter Coastal Hazard Management Areas overlap with the RUO?

6. Are tsunami planning rules appropriate for QM in the district plan?

SSRA want to ensure that while the proposed PC14 QM may serve to control intensification in coastal areas, it does not stop reasonable development or serve to stagnate a community.

For example – the current public document signals proposed development within tsunami hazard areas is to be restricted to a suburban density of one two-storey dwelling per site. We question whether this will onerously restrict single house sites. This may reduce the development of single unit and single level dwellings. These are essential for older residents

or single occupancy. SSRA are concerned that this control would be overly restrictive from a varied housing occupancy supply perspective. Varied housing options are socially responsible and enable community wellbeing.

Further it is our view that the CCC is overreaching in its risk management of coastal areas in relation to tsunami planning restrictions. Tsunami risk is a rare and unlikely event and, if it occurs, large South American events have been shown to have ample warning timeframes.

We question if other hazards such as fire risk or surface flooding (increased risk due to climate change), both of which have occurred, will be subjected to similar restrictions.

We believe it is sufficient to provide residents with warning systems. Ensure that residents have appropriate routes to either vertically or horizontally evacuate, and let residents self-manage the risk. We don't believe it is appropriate to manage this through the District Plan.

7. What does an ineffective policy look like and its effect on the community?

SSRA believe that the Southshore experience is one that you can learn from. The interaction between parts of the plan were not consistent in objective and purpose. Parts of the plan for the same aspect had opposing objectives. This brought planning and consenting for the area to a standstill. When the RUO was not functioning as intended in Southshore, the wellbeing level of the residents were so concerning it was raised at council level. Several residents were financially affected, and their health was of concern to their friends and families. This is what happens when a community is inappropriately overregulated too soon. Communities are smothered.

Summary

1. Clarify Plan change 14 QM coastal hazard areas and the interaction and relationship to plan change 12. Proxy use of PC14 to enact parts of PC12. Alignment of PC14QM and objectives of PC12.
2. Reservations on the scenarios used to inform planning maps – are they appropriate?
3. Clarity on urban and rural zones in QM.
4. Definition of intensification and development.
5. Clarification on the functioning of the RUO.
6. Tsunami maps informing planning inappropriate for DP.

SSRA encourage the CCC to consider the cost of regulation to ALL parties:

- The costs of regulating if property owners will manage the risk anyway.
- There are costs when regulating too hastily, or over-regulation. First, it does not allow gradual adaption which may be less costly to achieve. Second, early regulation may deprive owners of the ability to enjoy the full use of their property in the interim.

- The costs of regulating when there is significant uncertainty. When the risk is both uncertain and beyond the life of most built structures, regulation runs the risk of unnecessarily imposing costs on the community.

We would like to point out that while this is the single submission of the SSRA it represents collective voices of our community, which total over 500 households. On their behalf SSRA would like to be given the opportunity to speak to this submission.

He aha te mea nui o te ao? He tāngata!

End.