

CRU'S SUBMISSION AND REASONING IS AS FOLLOWS:

Opposition to the Council utilising the report, *Kāpiti Coast Coastal Hazards Susceptibility and Vulnerability Assessment Report Volume 2: Results* (Jacobs Volume 2) as a basis for the Coastal Qualifying Matter Precinct (CQMP).

5. Jacob Volume 2, Executive Summary states (emphasis added, page 1);

The outputs of the assessment have been developed for use by KCDC to:

- *inform the Takutai Kāpiti project in raising community awareness of the nature and extent of the hazards, and as input into decision making to identify the triggers and potential actions under dynamic adaptive planning pathways;*
- *development of future management strategies for council infrastructure and property located in areas susceptible to future coastal hazards; and*
- *to provide base hazard data for future District Plan change processes.*

However, in any application of this assessment, it should be recognised that there remains a wide range of uncertainty and sensitivity in the results, particularly over longer timeframes, and for some uses, further analysis on risks from the hazard are required (e.g. for the review of coastal hazard planning provisions in the District Plan).

6. Based on the above, the application of Jacobs Volume 2 to Plan Change 2 requires “further analysis on risks from the hazard” before being used for any coastal hazard provisions in the District Plan. A Coastal Qualifying Matter Precinct (CQMP) based on a Jacobs Volume 2 coastal erosion scenario is a coastal hazard provision.
7. Jacobs Volume 2 has not been subject to any public submissions, nor have the results been tested under a technical merits review, as will be available to CRU when the Schedule 1 process for coastal hazards provisions are proposed in a future Plan Change.
8. Using the results of Jacobs 2 is speculative and premature. The s32 report recognises this stating (page 153);

The precinct is intended as an interim measure and it is expected that the purpose, extent and provisions associated with the precinct will be reviewed as part of the future coastal environment plan change process. This may include providing for more or less development to occur within the area covered by the precinct.

Opposition to the Council's interpretation and application of NZCPS Policy 24 (Hazard identification) and Policy 25 (Subdivision, use, and development in areas of coastal hazard risk).

9. The s32 report explains that Plan Change 2 is intended to address its failure to fully implement the NZCPS 2010, stating that (page 153);

The district plan does not currently give effect to the NZCPS with respect to the management of coastal hazards, relying on the 1999 coastal hazard provisions until a plan change giving effect to the NZCPS is prepared and publicly notified.

10. CRU's position is that Jacobs Volume 2 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.

11. 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."

12. 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".

13. 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”.

14. For clarity, the NZCPS definition of risk is also likelihood x consequence. Jacobs Volume 2 is silent on likelihoods.
15. Moreover, Jacobs Volume 2 does not reflect the “best available information” from the most recent IPCC Assessment Report (AR6, 2021). AR6 advises policy makers not to use its high scenario (RCP 8.5) calling it “not likely” and “implausible to unfold” (IPCC, AR6 WG1, Chapter 4, section 4.4.2. p. 13).
16. The s32 report recognises this scenario does not give effect to the NZCPS in explaining (emphasis added, page 155);

The spatial extent of the Coastal Qualifying Matter Precinct is based on the 2120 P10 projected future shoreline position using the RCP 8.5+ (with -3mm/year vertical land movement) relative sea level rise scenario. This scenario is the most landward scenario modelled by Jacobs, and while it is described as highly unlikely, this scenario does have the potential to occur.

17. NZCPS Policy 24 does not require that unlikely or “highly unlikely” hazards be identified.
18. Given the Council’s approach does not implement Policy 24 of the NZCPS and is premature in terms of NZCPS Policy 25, accordingly it is not “required” under RMA section 77I (b).

Opposition to the Council’s interpretation and application of section 6 of the RMA.

19. The Council’s decision to use a “highly unlikely” sea level rise scenario to define the spatial extent of the CQMP, is not in accordance with RMA section 6 (h) (emphasis added);

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:

[matters a-g]

(b) the management of significant risks from natural hazards.

20. The identification of the landward boundary of the CQMP does not give effect to the NZCPS; and is therefore not “*necessary to accommodate*” (RMA section 77I) section 6 (h) of the RMA.
21. Moreover, the Council has failed to recognise and provide for the matters set out in RMA section 6 (a);

“the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.”
22. In the section 32 report, RMA section 6 (a) has been excluded from the table on pages 16-17, as it was not considered a “Relevant matter”. CRU disagrees with this treatment.
23. Section 77I read in conjunction with section 6 enables and requires, the Council to accommodate this requirement by including a qualifying matter which precludes intensification which would amount to inappropriate use and development of the coastal environment and/or which would fail to preserve the remaining natural character of the coastal environment.
24. CRU submits that most residents of Kapiti would consider permitting 3 story (or greater) development along much of the urbanised Kapiti coast to be inappropriate. Such an approach ignores the existing effect of such development on the views of the coast, the sea and Kāpiti Island from properties roads and public spaces inland of such development.
25. CRU accepts that the natural character of these parts of the coastline have already been reduced by coastal development, however it does not accept that this provides justification for further significant detraction.
26. The impact of such development needs to be considered from the perspective of those looking inland from the beach or the sea and for those looking seaward from inland of such development.

Opposition to the inconsistent approach the Council has adopted to providing for a qualifying area based on potential for coastal erosion

27. The Council's approach to the coastal erosion hazard is inconsistent with its approach to other natural hazards.
28. The Council has created a proposed CQMP in the absence of any District Plan coastal erosion hazard *identification*.
29. In contrast, the District Plan includes overlays for flooding, ponding and surface flow and associated restrictions on development, but the Council has not reflected those in corresponding CQMPs. It follows that the Council has not recognised and provided for management of "*significant risks from natural hazards*" (RMA section 6 (h)).
30. Policy 6 (1) of the NZCPS requires the Council to (emphasis added):

consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;
31. Policy 7 of the NZCPS requires Councils to:

identify areas of the coastal environment where particular activities and forms of subdivision, use, and development:

are inappropriate; and

may be inappropriate without the consideration of effects through a resource consent application, notice of requirement for designation or Schedule 1 of the Resource Management Act process; and provide protection from inappropriate subdivision, use, and development in these areas through objectives, policies and rules.
32. 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.
33. These policies have been given effect to in the District Plan by identifying and mapping areas of outstanding natural character, high natural character and special amenity landscape 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.
34. CRU submits that the CQMP should be defined on the basis of further advancing these (and other) NZCPS character and protection objectives and

policies where such areas are already lawfully identified in the District Plan, not on erosion hazard which has not been lawfully identified under NZCPS Policy 24.

35. CRU submits that this approach would result in a much wider land area seaward of these existing NZCPS coastal provisions lawfully implemented and that such an approach will protect the coastal environment from inappropriate use and development as provided for under RMA section 77I (b).
36. In the alternative, CRU is supportive of an approach that mirrors the identification of the “Adaptation Areas” as defined under the Takutai Kāpiti 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.
37. The “Adaptation Areas” have been mapped by the Takutai Kāpiti project and these maps can be found at <https://maps.kapiticoast.govt.nz/portal/apps/storymaps/storiesdbc000c7263f4d63b8978047ed0e826b>
38. CRU submits 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).

GENERAL REASONS

CRU submits that its submission is consistent with

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

6. The Council's section 32 report is deficient in that Council's interpretation and application of the legislative provisions for determining and adopting a qualifying matter is deficient.