

RMA FORM 5



Submission on publicly notified Proposed Porirua District Plan

Clause 6 of the First Schedule, Resource Management Act 1991

To: Porirua City Council

1. Submitter details:

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2. This is a **submission** on the **Proposed District Plan** for Porirua.

3. ~~I could~~ I could not
gain an advantage in trade competition through this submission.
(Please tick relevant box)

If **you could** gain an advantage in trade competition through this submission please complete point four below:

4. 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.
(Please tick relevant box if applicable)

Note:

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.

5. I wish ~~I do not wish~~
 To be heard in support of my submission
(Please tick relevant box)

6. I will ~~I will not~~
 Consider presenting a joint case with other submitters, who make a similar submission, at a hearing.
(Please tick relevant box)

Please complete section below (insert additional boxes per provision you are submitting on):

The specific provision of the proposal that my submission relates to:
Section CE – Coastal Environment
Do you: Support? Oppose? Amend?
Amend
What decision are you seeking from Council? What action would you like: Retain? Amend? Add? Delete?
<p>Amend or delete as suggested under individual provisions below or take other measures in order to provide for a more site-specific and flexible approach to the definition of hazard risk for any specific site and give consideration to the justified interests of affected property owners.</p> <p>This is as recommended in the Focus Resource Management Report.</p> <p>I believe that the suggested amendments in CE-P9 and APP10-4, are particularly key to this.</p>
Reasons:
<p>My submissions are primarily concerned with the coastal hazard (inundation and erosion) provisions in this plan, and therefore the Objectives, Policies and Rules that relate to them.</p> <p>The coastal hazard (inundation & erosion) layers appear to be based on the Focus Resource Management report. However the report itself contains a number of nuances, caveats & recommendations that are not reflected in these overlays, nor in the proposed district plan itself.</p>

This effectively means that the picture presented by the overlays, in this plan, reflects a very conservative (ie risk averse) hazard definition and **gives the impression of a degree of certainty and accuracy as to the current situation of each individual property, that is not borne out if the report is read in its entirety.**

These overlays could more accurately be described as depicting an estimate of the overall impact of potential risk hazards (should they occur), rather than proven actual risk hazard for any individual specific site.

My submissions attempt to address this discrepancy and lessen the (potentially) unnecessarily harsh effects that this approach may have, primarily on affected property owners but also on a wider group.

I am in agreement that any developments on these sites need to be more carefully considered (on a site specific basis) than developments at sites that do not carry these potential risks, but the current overall impression and impact of the plan does not allow for the flexibility required when dealing with this degree of uncertainty. This is particularly true when this information which has a degree of uncertainty is being enshrined in a document which may be used, unchanged, for a lengthy period of time.

There may be better ways of doing this than what I have suggested, which is why I am including this overall submission.

The S32 report indicates that few (if any) local bodies have been successful in imposing draconian, inflexible and one-size fits all measures for assessing and dealing with coastal risks. A more site-specific and flexible approach which gives consideration to the justified interests of affected property owners (as recommended in the Focus Resource Management Report) is more likely to be accepted and may be less likely to result in the type of endless and acrimonious court battles that have played out in other local authority areas.

It also more accurately reflects the discussions at the community meetings (at least, the ones I attended) which this plan cites as 'consultation'.

The specific provision of the proposal that my submission relates to:

Sub-section Policies, within Section CE – Coastal Environment

Do you: Support? Oppose? Amend?

Add.

<p>What decision are you seeking from Council? What action would you like: Retain? Amend? Add? Delete?</p>
<p>Add.</p> <p>I propose the addition of a new policy that seeks to remove any council liability relating to any new activities within coastal hazard zones. This follows the approach (noted in the S32 report) by Dunedin City Council (among others) where : “Development in hazard prone areas, including in identified hazard overlay zones, are at an owner’s risk and the DCC does not accept any liability in regards to development and risk from natural hazards. “</p> <p>This differs from the situation for existing properties which were legitimately built at a time when the perceived risks were much less and the general approach of protective hard engineering works was much more commonly acceptable.</p>
<p>Reasons:</p>
<p>Many of my submissions suggest that this plan is overly risk-averse and thereby risks throttling development. However as a PCC ratepayer I can understand a lack of desire to take any financial risk that could incur if development is allowed in potentially hazard prone areas, no matter how low that risk may be.</p> <p>Accordingly this proposal follows the approach of other local authorities in allowing development in some circumstances but at the property owners own ongoing risk, thereby leaving the consequences of the actions on the person or organisation taking them (as council have been very clear about the existence of hazards / risks).</p>
<p>The specific provision of the proposal that my submission relates to:</p>
<p>CE-O4 Measures to reduce damage from sea level rise and coastal erosion</p>
<p>Do you: Support? Oppose? Amend?</p>
<p>Support with Amendment</p>
<p>What decision are you seeking from Council? What action would you like: Retain? Amend? Add? Delete?</p>
<p>Amend as follows:</p>

There is reduced risk to life and property from coastal inundation and erosion hazards through planned mitigation works / adaptive strategies, wherein soft engineering measures are the primary method used to reduce damage from sea level rise and coastal erosion.

Reasons:

This is the only objective in this section that mentions mitigation, unlike in the Natural Hazards section of the plan, and it only implies mitigation by detailing how it could happen. I submit that the objectives of this plan should note the intent of planned mitigation works and / or the adaptive strategies, proposed as an integral part of the Focus Resource Management report, for coastal hazards as one of the objectives.

Changing this objective to specifically mention these would ensure that this objective is consistent with the Objective (NH-02) relating to risks from other (non-coastal) natural hazards. There is no indication in any supporting documentation that the council intends to consider coastal risks or coastal communities as less important than other natural hazard risks (and affected communities) so it seems logical, and sensible, to include a similar objective here.

I am sure it is not the intention of the council to only plan mitigation works for non-coastal natural hazards.

This objective should also cover the adaptive strategies recommendation of the Focus Resource Management report, (as mentioned earlier in my submission this report needs to be considered and adopted as a whole, not just the hazard mapping estimates, in isolation) which in section 5 states:

“There are also a number of developed sites with complex existing and/or potential future coastal hazard issues where we believe site specific adaptive management plans will ultimately be required”

and ,

“In our view, the issues at these sites will not be able to be successfully managed without site specific adaptive management plans developed in partnership with relevant stakeholders and the wider community.”

The specific provision of the proposal that my submission relates to:

CE-P9 Identification of natural hazards in the coastal environment
Do you: Support? Oppose? Amend?
Amend
What decision are you seeking from Council? What action would you like: Retain? Amend? Add? Delete?
<p>1/ Amend CE-P9 as follows:</p> <p>Identify, and map, <u>and revise / maintain the mapping of</u> natural hazards in the coastal environment in the Coastal Hazard Overlays and take a risk-based approach to the management of development within the Coastal Hazard Overlays based on the approach outlined in APP10 - Natural Hazard Risk Assessment, including:</p> <ol style="list-style-type: none"> 1.The sensitivity of the activity to loss of life, damage from a natural hazard and the ability for communities to recover after a natural hazard event; and 2.The level of risk presented to people and property from a natural hazard. <p>2/ This may require the creation of a new rule specifying when revisions is permitted / appropriate. This should be on a site by site basis rather than at a specified interval. Suggested rule:</p> <p>Allow for the revision of the hazard overlay on a site by site basis as requested, where there is an appropriate basis for the request such as:</p> <ul style="list-style-type: none"> - a site specific evaluation by a relevant professional (coastal engineer or similar) - significant and relevant changes to the facts surrounding a specific site - inaccuracy or incorrect understanding of the facts used for the original modelling - an agreed agreed adaptive management or mitigation strategy for a specific site (or sites), is adopted or implemented leading to a changed hazard risk for these sites <p>As well as covering future work, the last point also covers the fact that the existing mapping does not reflect the mitigation already in place at some sites, which may lessen the hazard risk.</p>
Reasons:
<p>Land is subject to change, any high level hazard mapping exercise is unlikely to be 100 % accurate at a site specific level and the science behind identifying and quantifying coastal hazards and risks is still evolving. Therefore any mapping and identification exercise which has the potential for major impact on property owners MUST have the ability for this identification to be revised.</p> <p>That there are considerable uncertainties in the definition of the hazard risk areas regarding both coastal erosion and the potential impact of future sea rise, is</p>

specifically noted in s 3.1 of the Focus Resource Management report (see below), which formed the basis for these definitions and the coastal overlay. Accordingly it is appropriate to allow for revision of these risks as the initial identification may not be accurate on a site specific basis.

In addition, the Focus Resource Management report mentions in s3.5 (below) that the modelling did not take account of existing mitigation measures, and I think it is crucial that there is an opportunity for hazard assessment to be revised allowing for this.

References – Focus Resource Management Report

S 3.1

There are considerable uncertainties in the definition of hazard risk areas, particularly regarding both coastal erosion and the potential impact of future sea level rise. We have endeavoured to make these uncertainties transparent where relevant. Given the uncertainties, we have adopted a reasonable but precautionary (i.e. err on the side of caution) approach to the definition of hazard areas. **Given the uncertainties and ongoing improvement of knowledge over time, it is recommended that District Plan provisions provide for revision of the hazard areas** if justified by appropriate investigations conducted by an appropriately experienced and qualified coastal scientist or coastal engineer. ...

...In areas backed by roads and infrastructure, it is assumed the assets will be protected from erosion as provided for in national policy (see further discussion in Section 5.1 and 5.2). Elsewhere, hazard areas are defined without regard to existing structures or other intervention that may currently mitigate hazard. Accordingly, they show the areas at risk or potential risk in the absence of intervention. If agreed adaptive management strategies are developed and implemented at some future date that include works that mitigate erosion or flooding in other areas, **then the hazard areas may need to be revised to reflect this.** It also important to appreciate that the approach we have adopted does not imply any judgement of the adequacy of protection provided by existing sea walls (or other intervention). Rather, it simply means that the current measures are not yet part of an agreed long term adaptive management strategy and/or may not be appropriate as longer term solutions (see discussion of various sites in Sections 5 and 6).

B.5

uncertainties It is also important to emphasize that the estimated flood levels are for rare and severe (i.e. 1 in 100 year, or 1% AEP) storm events and therefore the estimated flooding areas will cover a larger extent than past observed events in many cases. As with erosion, the flood level estimates also ignore any mitigation provided by existing sea walls; another factor which will result in flooding areas being larger area than presently impacted. **These various uncertainties are part of the reason that it is important that the proposed Plan provide for revision of the hazard areas on the basis of site-specific assessments** by an appropriately qualified

and experienced professional; generally a coastal scientist or a coastal engineer.

The specific provision of the proposal that my submission relates to:

CE-P12
Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities in the Low Hazard Areas within the Coastal Hazard Overlays

Do you: Support? Oppose? Amend?

Oppose

**What decision are you seeking from Council?
 What action would you like: Retain? Amend? Add? Delete?**

Remove this policy.

Option 2
 Amend point 1. in this policy to read:
 The activity incorporates mitigation measures that demonstrate that risk to people’s life and well-being, and property damage is avoided or minimised; and...

“Minimised’ would allow for such emergency management type measures as alarms, and (for larger scale buildings) evacuation procedures.

Reasons:

This policy displays an extremely risk-averse position to any level of risk at all. It goes far beyond the requirements of the Regional Policy statement for the Wellington Region: Policy 29: Avoiding inappropriate subdivision and development in areas at high risk from natural hazards.

Requiring total risk avoidance in areas of low risk has the effect of throttling development by making it infeasibly time consuming and costly. There is a strong likelihood that it will also encourages only large scale greenfield (rather than infill) development where the overall profit is sufficient to allow for the additional bureaucracy, time and costs, this effect would be completely contrary to CE-P6.

The only coastal risk in this category is a 1 in 1000 year tsunami risk – The approach to tsunami risk by local authorities such Auckland Council (among

others), and noted in the S32 report, seems to be more appropriate: “ risks from events with low probability but high potential impact (e.g. volcanic activity, tsunamis and earthquakes) cannot be addressed through land use planning and may be better addressed through measures put in place by emergency management groups, including education, warning systems and preparedness.”.

The specific provision of the proposal that my submission relates to:
CE-P13 Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities in the Medium Hazard Areas
Do you: Support? Oppose? Amend?
Amend.
What decision are you seeking from Council? What action would you like: Retain? Amend? Add? Delete?
<p>Amend point 1. in this policy to read: The activity incorporates mitigation measures that demonstrate that risk to people’s life and well-being, and property damage is avoided <u>or minimised</u>; and...</p> <p>“Minimised' would allow for such emergency management type measures as alarms, and (for larger scale buildings) evacuation procedures in areas where the risk is from tsunamis. It would also allow for appropriate mitigation or adaptation measures to be put in place for areas with other types of coastal risks.</p>
Reasons:
<p>This policy displays a very risk-averse position to any level of risk at all. It goes beyond the requirements of the Regional Policy statement for the Wellington Region: Policy 29: Avoiding inappropriate subdivision and development in areas at high risk from natural hazards.</p> <p>Requiring total risk avoidance in areas of medium risk has the effect of throttling development by making it unfeasibly time consuming and costly. There is a strong likelihood that it will also encourages only large scale greenfield (rather than infill) development where the overall profit is sufficient to allow for the additional bureaucracy, time and costs, this effect would be completely contrary to CE-P6.</p>

The approach to tsunami risk by local authorities such Auckland Council (among others), and noted in the S32 report, seems to be more appropriate: “ risks from events with low probability but high potential impact (e.g. volcanic activity, tsunamis and earthquakes) cannot be addressed through land use planning and may be better addressed through measures put in place by emergency management groups, including education, warning systems and preparedness.”

The other coastal risks in this category are for possible future risks in the event of a 1 metre sea level rise, and may be able to be minimised to an acceptable degree, given that they are also for possible future, rare, occurrences rather than common events.

The specific provision of the proposal that my submission relates to:
CE-P14 Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities in the High Hazard Areas
Do you: Support? Oppose? Amend?
Oppose
What decision are you seeking from Council? What action would you like: Retain? Amend? Add? Delete?
<p>Oppose or amend as follows.</p> <p>However, if the definition of the hazard areas is amended as per my submission on APP-10, and CP-9 is amended so that the hazard risk status of a property can be amended based on site specific considerations (such as existing mitigation or an adaptive strategy which forms part of an agreed plan), I would no longer oppose this policy.</p> <p>Avoid the establishment of Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities in the High Hazard Areas of the Coastal Hazard Overlays unless it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The activity has a critical operational need to locate within the High Hazard Area and locating outside the High Hazard Area is not a practicable option; 2. The activity incorporates mitigation measures that demonstrate that risk to people's life and wellbeing, property damage and the environment is avoided or <u>mitigated</u>, and people can evacuate safely during a natural hazard event; and 3. The risk to the activity and surrounding properties is either avoided or is low due to site specific factors, and/or the scale, location and design of the activity.
Reasons:

As the plan currently stands this policy has a major negative impact on owners of properties that have been deemed to fall into a high hazard zone. Given the points made in my submission on CPE-9 and APP-10 regarding the uncertainty in the accuracy of this hazard definition for any specific site, this major negative impact cannot be justified.

The specific provision of the proposal that my submission relates to:
CE-P17 Hard engineering measures
Do you: Support? Oppose? Amend?
Oppose / Amend
What decision are you seeking from Council? What action would you like: Retain? Amend? Add? Delete?
<p>Amend the provision as follows:</p> <p>Only allow hard engineering measures for the reduction of the risk from natural hazards when:</p> <ol style="list-style-type: none"> 1. The engineering measures are needed to protect existing regionally significant infrastructure and it can be demonstrated that there is no reasonable alternative OR there is an immediate serious risk to life or private property from the natural hazard; AND 2. The construction of the hard engineering measures will not increase the risk from Coastal Hazards on the adjacent properties that are not protected by the hard engineering measures; 3. It avoids the modification or alteration of natural features and systems in a way that would compromise their function as natural defences; 4. Significant adverse effects on natural features and systems (including but not limited to beach width and beach material composition, and the presence of sand dunes) from those measures are avoided, and any other adverse effects are avoided; remedied or mitigated; and 5. It can be demonstrated that soft engineering measures would not provide an appropriate level of protection in relation to the significance of the risk.
Reasons:
<p>There are two reasons I oppose this section as it stands:</p> <ol style="list-style-type: none"> 1/ The insistence that risk be 'immediate' before works can occur. 2/ The wording is unclear and could lead to confusion <p>1/ Immediacy</p>

Firstly, the word 'immediate' has no specific definition in this plan and general usage of this word in relation to a long-lived asset like property is very subjective, this gives a considerable degree of uncertainty around application of this policy. For example the hazard overlay of this plan shows my property has a hazard of current inundation – a reasonable person might consider that this implies an immediate risk...

Of course works which are necessary to protect lives and property should be permitted and hard engineering works should be the last resort for this. However, where hard engineering works are used they should be properly researched, planned and designed for maximum effect and minimal environmental impact. All this takes time. Allowing these for the protection of life or property only when there is 'immediate' risk is an ambulance-at-the-bottom-of-the-cliff strategy and inevitably leads to continuation of existing practises such as frantically dumping piles of rock at the foot of an eroding cliff face, as this is all that is available 'immediately'.

It may be noted that the Wellington Regional Policy statement specifically considers the use of hard engineering works to protect property in Policy 52 c (c) avoiding structural protection works or hard engineering methods unless it is necessary to protect existing development or property from unacceptable risk and the works form part of a long-term hazard management strategy that represents the best practicable option for the future;

The other risk of leaving this policy as it stands is that it rewards a 'laissez faire' attitude, which does nothing until the situation is so urgent that action must be taken, such last minute action is unlikely to be an optimal solution.

For this reason the word 'immediate' is inappropriate in this policy – there are sufficient safeguards, in the 4 conditions that these works must meet, to ensure that this provision will be used appropriately.

2/ Unclear wording.

In this section it is unclear whether all 6 conditions must be met (an implied 'AND') or only any 1 of them (implied 'OR'). If this is intended to follow the description in the S32 report, then the wording should be changed to show that it should be either of the first conditions AND all of the last 4.

The specific provision of the proposal that my submission relates to:

CE-R6

Additions to existing buildings in all hazard areas of the Coastal Hazard Overlays

Point e.

If the additions are for a Hazard-Sensitive Activity or Potentially-Hazard-Sensitive Activity in the High Hazard Area of the Coastal Hazard Overlays the additions:

1. Do not increase the building footprint by more than 20m²; and
2. Do not establish a new additional Hazard-Sensitive Activity or Potentially-Hazard-Sensitive Activity on the site.

Do you: Support? Oppose? Amend?

Support but amend.

What decision are you seeking from Council?

What action would you like: Retain? Amend? Add? Delete?

Amend point e. of this Rule as follows:

If the additions are for a Hazard-Sensitive Activity or Potentially-Hazard-Sensitive Activity in the High Hazard Area of the Coastal Hazard Overlays the additions:

1. Do not increase the building footprint by more than ~~20~~35m²; and
2. Do not establish a new additional Hazard-Sensitive Activity or Potentially-Hazard-Sensitive Activity on the site.

Reasons:

As the owner of a house in a high hazard area I appreciate the Policy CE-P11, allowing me to add to my house thereby giving flexibility in its use. However this rule, limiting additions to 20m², seems unnecessarily restrictive. For example, should I wish to add 2 rooms to my house to allow my husband and I to both work from home, or to have longer term visits from overseas family, these rooms could only be a tiny 10m² each. In addition, a significant part of the costs and disruption of a building project does not change proportionately to the size of the project, so it is better for a home-owner to be able to make all their changes in a single project.

For this reason I propose a change to this rule allowing extensions of up to a total of 35m² – allowing the building of one large or two medium sized rooms. This gives the property owner greater flexibility and allows them to build in the most financially efficient manner.

The specific provision of the proposal that my submission relates to:

<p>CE-R9 Hazard-Sensitive Activities within the Low Hazard Area of the Coastal Hazard Overlays</p>
<p>Do you: Support? Oppose? Amend?</p>
<p>Amend</p>
<p>What decision are you seeking from Council? What action would you like: Retain? Amend? Add? Delete?</p>
<p>Amend by removing point 1a, as follows:</p> <p>All zones</p> <p>1. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Any building associated with a Hazard Sensitive Activity within the Low Hazard Area of the Tsunami Hazard – 1:1000 year inundation extent of the Coastal Hazard Overlays must have a finished floor level above the inundation level.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in CE-P12.</p>
<p>Reasons:</p>
<p>My comments on associated Policy CE-P12 also apply here and are copied below.</p> <p>Specifically, this rule discourages development by potentially making it more expensive thus less feasible and also increases the building costs at a time when we should be striving towards affordable housing.</p> <p>It also creates a high probability that building plans that meet this standard will come into conflict with other provisions in this district pan regarding building height (particularly if the site in question is in a Coastal High Natural Character Area).</p> <p><u>From submission on CE-P12</u></p> <p>This policy displays an extremely risk-averse position to any level of risk at all. It goes far beyond the requirements of the Regional Policy statement for the Wellington Region.</p> <p>Policy 29: Avoiding inappropriate subdivision and development in areas at high risk from natural hazards.</p>

Requiring total risk avoidance in areas of low risk has the effect of throttling development by making it infeasibly time consuming and costly. There is a strong likelihood that it will also encourages only large scale greenfield (rather than infill) development where the overall profit is sufficient to allow for the additional bureaucracy, time and costs, this effect would be completely contrary to CE-P6.

The only coastal risk in this category is a 1 in 1000 year tsunami risk – The approach to tsunami risk by local authorities such Auckland Council (among others), and noted in the S32 report, seems to be more sensible: “ risks from events with low probability but high potential impact (e.g. volcanic activity, tsunamis and earthquakes) cannot be addressed through land use planning and may be better addressed through measures put in place by emergency management groups, including education, warning systems and preparedness.”.

The specific provision of the proposal that my submission relates to:

CE-R10 All Potentially-Hazard-Sensitive Activities within the Medium Hazard Area of the Tsunami Hazard - 1:500 year inundation extent or any new buildings for a Potentially-Hazard-Sensitive Activity within the Medium Hazard Area of the Coastal Hazard - Future Erosion and Coastal Hazard - Future Inundation area of the Coastal Hazard Overlays

Do you: Support? Oppose? Amend?

Amend

**What decision are you seeking from Council?
What action would you like: Retain? Amend? Add? Delete?**

Amend by removing point 1a, as follows:

All zones

1. Activity status: **Restricted discretionary**

Where:

1. ~~Any building associated with a Potentially Hazard Sensitive Activity within the Medium-Hazard Area of the Tsunami Hazard – 1:500 year inundation extent or Coastal Hazard – Future Erosion and Coastal Hazard – Future Inundation area of the Coastal Hazard-Overlay must have a finished floor level above the inundation level.~~

The matters of discretion are restricted to:

1. The matters in CE-P13.

Reasons:

My comments on associated Policy CE-P13 also apply here and are copied below.

Specifically, this rule discourages development by potentially making it more expensive thus less feasible and also increases the building costs at a time when we should be striving towards affordable housing.

It also creates a high probability that building plans that meet this standard will come into conflict with other provisions in this district pan regarding building height (particularly if the site in question is in a Coastal High Natural Character Area

From submission on CE-P13

This policy displays an very risk-averse position to any level of risk at all. It goes beyond the requirements of the Regional Policy statement for the Wellington Region.

Policy 29: Avoiding inappropriate subdivision and development in areas at high risk from natural hazards.

Requiring total risk avoidance in areas of medium risk has the effect of throttling development by making it unfeasibly time consuming and costly. There is a strong likelihood that it will also encourages only large scale greenfield (rather than infill) development where the overall profit is sufficient to allow for the additional bureaucracy, time and costs, this effect would be completely contrary to CE-P6.

The approach to tsunami risk by local authorities such Auckland Council (among others), and noted in the S32 report, seems to be more appropriate: “ risks from events with low probability but high potential impact (e.g. volcanic activity, tsunamis and earthquakes) cannot be addressed through land use planning and

may be better addressed through measures put in place by emergency management groups, including education, warning systems and preparedness.”

The other coastal risks in this category are for possible future risks in the event of a 1 metre sea level rise, and may be able to be minimised to an acceptable degree, given that they are also for rare occurrences rather than daily events.

The specific provision of the proposal that my submission relates to:

CE-R17 All Hazard-Sensitive Activities within the High Hazard Area of the Tsunami Hazard - 1:100 year inundation extent of the Coastal Hazard Overlay

Do you: Support? Oppose? Amend?

Oppose – unless my submissions on CE-P9 and / or APP-10 regarding the re-classification of residential units as potentially-hazard-sensitive are followed, in which case I would no longer oppose this submission, but would still suggest amending it as below.

What decision are you seeking from Council?

What action would you like: Retain? Amend? Add? Delete?

For all the reasons below: Delete.

If not, then specific to reason 4/ amend as follows:

CE-R17 All new Hazard-Sensitive Activities within the High Hazard Area of the Tsunami Hazard - 1:100 year inundation extent of the Coastal Hazard Overlay

Reasons:

1/ Once again this plan takes an extremely risk-averse position, to tsunami risk. The approach to tsunami risk by local authorities such as Auckland Council (in the Auckland Unitary plan), among others, seems to be more sensible: “risks from events with low probability but high potential impact (e.g. volcanic activity, tsunamis and earthquakes) cannot be addressed through land use planning and may be better addressed through measures put in place by emergency management groups, including education, warning systems and preparedness.”.

As well as this overall concern about using planning as a tool for managing tsunami risk, this rule also goes far beyond the requirements of the Regional Policy statement for the Wellington Region in making all activities in a 1:100 year tsunami zone non-complying.

Policy 29: Avoiding inappropriate subdivision and development in areas at high risk from natural hazards.

2/ The approach in PCCs proposed plan seems overly risk-averse and risks throttling development. There is a strong likelihood that it will also encourages only large scale greenfield (rather than infill) development where the overall profit is sufficient to allow for the additional bureaucracy, time and costs, this effect would be completely contrary to CE-P6.

3/ This does not allow for existing and future mitigation / adaptation works which would safeguard lives and property against the hazards, and the plan currently has no way of revising the hazard status of an individual site based on site specific considerations.

4/ The rule as it stands seems to apply to existing activities also, creating a degree of uncertainty regarding daily life for those whose house falls into one of these zones. Things that are permitted under other parts of the plan – building fences, walls or garden sheds, or things that are not even mentioned anywhere in the plan such as creating a raised vegetable garden, maintaining houses could be subject to resource consent if this rule was applied as broadly as it appears to be worded. It also appears to contradict CE-P11, which specifically allows for activities of this type, within this zone.

The specific provision of the proposal that my submission relates to:
CE-R18 All new buildings for Hazard-Sensitive Activities within the High Hazard Area of the Coastal Hazard - Current Erosion area and Coastal Hazard - Current Inundation area of the Coastal Hazard Overlays
Do you: Support? Oppose? Amend?
Oppose – unless my submissions on CE-P9 and / or APP-10 regarding the re-classification of residential units as potentially-hazard-sensitive are followed.
What decision are you seeking from Council? What action would you like: Retain? Amend? Add? Delete?
Follow the recommendations in my submissions on CPE-9 and APP-10.
Reasons:
1/ The approach in PCCs proposed plan seems overly risk-averse and risks throttling development. There is a strong likelihood that it will also encourages only large scale greenfield (rather than infill) development where the overall profit is sufficient to allow for the additional bureaucracy, time and costs, this effect

would be completely contrary to CE-P6.

2/ This does not allow for existing and future mitigation / adaptation works which would safeguard lives and property against the hazards, and the plan currently has no way of revising the hazard status of an individual site based on site specific considerations.

Where there are existing properties with effective mitigation then adding another building of the same type in the same area does not substantially increase the risk to life or property as these have already been mitigated.

The specific provision of the proposal that my submission relates to:
<p>CE-R19 Any activity not otherwise listed as permitted, controlled, restricted discretionary, discretionary or non-complying</p> <p>All zones 1. Activity status: Non-complying</p>
Do you: Support? Oppose? Amend?
Oppose
<p>What decision are you seeking from Council? What action would you like: Retain? Amend? Add? Delete?</p>
<p>If not, then improve the wording to be more precise (perhaps it was intended to only apply to Coastal High Natural Character Areas?) and make it 'Discretionary' rather than non-complying, as this lessens the impact of any unintended consequences from such a broadly applicable rule.</p>
Reasons:
<p>As currently worded this is an extremely broad rule to be contained in a plan which is generally very specific and is intended to provide certainty to both Porirua residents and Council staff. There is no context making clear which part or parts of the plan it relates to and no definition of 'activities' even though the word 'activities' is used multiple times for very different things within the whole plan. It is also unclear whether it relates specifically to the Coastal Environment, or the whole plan.</p>

Without any context it is difficult to see how this rule supports the objectives and policies contained in this section.

This rule would provide considerable uncertainty for residents and property owners within the coastal environment (or possibly the whole city). Many day to day activities are not mentioned in the plan and could therefore be subject to resource consent, leading to ridiculous, unworkable and unenforceable situations.

The specific provision of the proposal that my submission relates to:

SUB-S8 Esplanade Reserve

All zones

1. Any subdivision involving the creation of one or more sites less than 4ha which adjoins:
 1. The line of MHWS; or
 2. The bank of a river whose bed has an average width of 3m or more

must provide a minimum 20m wide esplanade reserve in accordance with section 230 of the RMA.

2. The esplanade reserve must be measured in a landward direction at 90° to the line of MHWS, or the bank of a river.

There are no matters of discretion for this standard.

Do you: Support? Oppose? Amend?

Amend.

What decision are you seeking from Council?

What action would you like: Retain? Amend? Add? Delete?

Amend this sub-section to allow for an esplanade reserve of up to 20m, rather than a minimum of 20m. I have suggested a wording change below, but appreciate that following the RMA exactly may require different formal wording.

SUB-S8 Esplanade Reserve

All zones

1. Any subdivision involving the creation of one or more sites less than 4ha which adjoins:
 3. The line of MHWS; or
 4. The bank of a river whose bed has an average width of 3m or more

must provide ~~an minimum 20m wide~~ esplanade reserve of up to 20m wide in accordance with section 230 of the RMA.

2. The esplanade reserve must be measured in a landward direction at 90° to the line of MHWS, or the bank of a river.

There are no matters of discretion for this standard.

Reasons:

The current Coastal area is often built up close to its seaward boundary, with subdivision commonly occurring for an empty part of the section behind this original building. This kind of subdivision supports Policy CPE-6, but it difficult to do with a mandatory 20m esplanade as this is often where the current building is located.

S77 of the RMA specifically allows for a territorial authority to include a rule which provides “that an esplanade reserve which is required to be set aside shall be of a width greater or less than 20 metres”.

Amending the provision above would give the council more flexibility in allowing subdivision in the Coastal environment (thereby enabling policy CE-P6) and also allow avoidance of creating a patchwork of contiguous reserves that are of varying widths.

The specific provision of the proposal that my submission relates to:
APP10-Table 2 Hazard sensitivity
Do you: Support? Oppose? Amend?
Amend
What decision are you seeking from Council? What action would you like: Retain? Amend? Add? Delete?
<p>Remove:</p> <ul style="list-style-type: none"> ●Residential units and minor residential units (including those associated with Pakakāinga) <p>from the list of activities classified as "Hazard-Sensitive Activities" and place it in the list of activities classified as "Potentially-Hazard-Sensitive Activities" in all sections of this document where such classification occurs.</p>
Reasons:
<p>I can understand the desire to categorise activities in this way but I disagree with residential activities being classified as hazardous activities rather than potentially hazardous activities.</p> <p>Considering the other type of activities defined as hazard sensitive; these appear to be primarily community services or facilities such as a hospital or emergency service, healthcare or community facility. These can be seen as essential for community resilience in the immediate aftermath of a hazardous event, which is why it is appropriate that they are not located in an area that is at high risk of</p>

hazardous events and are appropriately classified as hazard-sensitive activities. This description does not apply to residential buildings which is why they do not belong in this category.

When considering other activities currently categorized as potentially hazard sensitive (such as an entertainment facility, major sports facility, office or integrated retail activity); they do not seem to have a greater potential sensitivity to human life and property than a residential building, quite the reverse in fact. All of these buildings, potentially contain hundreds of people at a time. These large numbers of people in a single place significantly increase the risk to human life if a hazardous event should occur, regardless of any mitigation (e.g. evacuation procedures) that may be in place. Compared to this, a residential building contains a small number of people who will know the building and area and will at all times be located reasonably near an exit.

It could be argued that in a residential unit people may be asleep (although when considering conference venues and cinemas this may also be true ;-)) bringing higher danger to life in a hazardous event. However coastal events such as storm surge (which is what leads to inundation and erosion) are forecast-able and tide dependent - people who live in these areas are well aware of the tides and would be forewarned of this possibility. In the even of a sudden event such as tsunami, there are warning systems for individuals and the speed with which people can evacuate a residential unit is such that this gives these buildings a lesser risk in this regard than a building which may contain far more people, many of whom are likely be unfamiliar with the risk and relevant evacuation procedures at the location they are in.

Finally, it should be noted that the damage, to large scale property types, such as many of those in the list of potential-hazard-activities, in case of a hazardous event would also be of a far greater scale and cost than for a residential unit.

Accordingly, I submit that residential activity should be considered as a potentially-hazard-sensitive activity, rather than a hazard-sensitive activity.

The specific provision of the proposal that my submission relates to:
APP10-Table 4 Coastal Hazard Overlays
Do you: Support? Oppose? Amend?
Oppose unless amended
What decision are you seeking from Council? What action would you like: Retain? Amend? Add? Delete?

There are two amendments required:

1/ Labels

Change the following labels in all parts of this document where these are used.

Coastal Hazard – Current Inundation change to Coastal Hazard – Inundation (AEP >1%)

Coastal Hazard – Current Erosion change to Coastal Hazard – Erosion (AEP >1%)

2/ Context

Add the following 3 paragraphs below the table in this section.

It is acknowledged that risk can be influenced by site or area specific factors, such as topography, elevation, natural features, soil classification, existing mitigation measures etc. When assessing applications, these factors should be taken into account to allow for a site-specific determination of the risk associated with a particular proposal.

It is also acknowledged that the hazard overlays do not currently take into account any existing mitigation measures which may substantially affect the actual risk relevant to any specific site. When assessing applications, these factors should also be taken into account to allow for a site-specific determination of the risk associated with a particular proposal.

It should be noted that the mapping model used to create the hazard overlay has been developed for Porirua City Council planning purposes only. It gives a precautionary, high-level depiction of risk areas and should not be considered definitive as to the actual current risk for any specific property.

Reasons:

Note that the submission on this section is key to my overall intention that this plan provide for a more site-specific and flexible approach to the definition of hazard risk for any specific site and give consideration to the justified interests of affected property owners. This is as recommended in the Focus Resource Management Report, and is covered in more detail in my high level submission under Section CE – Coastal Environment.

There are two separate points:

1/ Labels

2/ Context

Labels

The use of the word 'current' in the labels: Coastal hazards - Current Inundation and Coastal hazards - Current Erosion, is misleading and could disadvantage the owners of properties in these zones. It is also not consistent with labels used to describe flooding & tsunami, elsewhere in this section.

Without any context or specified definition the use of the word 'Current' would be taken by many to mean something that is currently happening, not something that is at risk of happening within a 100 year period. Indeed the supporting report states “the estimated flood levels are for rare and severe (i.e. 1 in 100 year, or 1%

AEP) storm events”. As this is an official council document the use of the word "current" could easily be taken to mean that council has records of existing or recent inundation or coastal erosion at these properties, which is not generally the case.

It should be noted that the labels for the flooding hazards, do not contain the word 'Current', and that the labels for tsunami events have a specific time-frame.

Context

I propose the addition of contextual information to this table to clarify the certainty, property by property accuracy and the status and intended use of this information.

That there are considerable uncertainties in the definition of hazard risk areas (and **estimation** of flood levels) regarding both coastal erosion and the potential impact of future sea rise, is specifically noted in s 3.1 of the Focus Resource Management report (see below), which formed the basis for these definitions and the coastal overlay. Accordingly it is appropriate to add the relevant note from section APP10-3 above, to this section too given both this uncertainty, the fact these are acknowledged as being estimates and the fact that no modelling exercise can be exact for every individual property.

In addition, the Focus Resource Management report mentions in s3.5 (below) that the modelling did not take account of existing mitigation measures, and I think it is important that this is also spelt out as a factor for consideration on an individual property basis.

Finally, as this is an official council document I think the context and use of this information should be clearly spelt out to avoid misunderstanding and misuse.

References: Focus Resource Management report.

Section 3.1

....

There are considerable uncertainties in the definition of hazard risk areas, particularly regarding both coastal erosion and the potential impact of future sea level rise. We have endeavoured to make these uncertainties transparent where relevant. Given the uncertainties, we have adopted a reasonable but precautionary (i.e. err on the side of caution) approach to the definition of hazard areas. Given the uncertainties and ongoing improvement of knowledge over time, it is recommended that District Plan provisions provide for revision of the hazard areas if justified by appropriate investigations conducted by an appropriately experienced and qualified coastal scientist or coastal engineer.

...

3.5

Uncertainties It is also important to emphasize that the estimated flood levels are

for rare and severe (i.e. 1 in 100 year, or 1% AEP) storm events and therefore the estimated flooding areas will cover a larger extent than past observed events in many cases. **As with erosion, the flood level estimates also ignore any mitigation provided by existing sea walls;** another factor which will result in flooding areas being larger area than presently impacted. These various uncertainties are part of the reason that it is important that the proposed Plan provide for revision of the hazard areas on the basis of site-specific assessments by an appropriately qualified and experienced professional; generally a coastal scientist or a coastal engineer.

The specific provision of the proposal that my submission relates to:
The hazard overlays relating to properties at 51 & 57-59 Seaview Rd, Paremata, Porirua.
Do you: Support? Oppose? Amend?
Amend.
What decision are you seeking from Council? What action would you like: Retain? Amend? Add? Delete?
Amend the hazard overlay as it relates to these properties. Note that if my submission on CE-P9 is enacted then this submission is no longer necessary.
Reasons:
<p>I do not believe the current overlay accurately depicts the risk at these properties. It has been described as having a degree of uncertainty and may not take into account site specific features such as existing barriers (natural and non-natural), exact ground height or historical information.</p> <p>Given that this overlay is enshrined in a plan that may be very long-lived (the current plan dates from 1999) I would like a more site-specific assessment of these properties.</p>

Please return this form no later than **5pm on Friday 20 November 2020** to:

- Proposed District Plan, Environment and City Planning, Porirua City Council, PO Box 50-218, PORIRUA CITY or
- email dpreview@pcc.govt.nz

Linda Dale

25 November 2020 (with agreement for late submission)

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*