

SUBMISSION FORM – TE TAI O POUTINI PLAN - PROPOSED PLAN

First Name: LINDY

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Submitting on Behalf: INDIVIDUAL

Would you gain an advantage in trade competition through this submission?: NO

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Signature: 

Date: 10 NOVEMBER 2022

This submission relates to: GENERAL FEEDBACK, HAZARDS & RISKS, ZONES GENERAL DISTRICT-WIDE MATTERS

I wish to speak to my submission: YES

I would consider presenting a joint case: YES

## A. GENERAL COMMENTS

1. Well-structured plan. Easy to follow. Tables and colour coding for rules is very helpful.
2. Staff have been very helpful when they have been able to respond to queries.
3. The one plan website well-structured and is easy use.
4. The process to this point has been well documented, recorded and referenced.
5. Appreciate the extra time for submissions as it shows a genuine willingness to engage with the community.

## B. NATURAL HAZARDS

### General Comments

1. Accept climate change is real and needs to be planned for.
2. Support the proposed risk based approach i.e. more clearly identify areas to be managed for natural hazards.
3. However do not support aspects of its implementation. The identification of these areas needs to be accurate and logical and the proposed management regimes need to be more carefully crafted because the large number of properties affected by the more restrictive regime and the subsequent cost to the ratepayers.
4. In particular, I do not support the following aspects of the proposed plan.

### Flood Hazard Susceptibility

Plan Reference: Policy NH-P12

Relief Sought: Remove clause g. *"The functional or operational need to locate in these areas; and"*

Reason(s):

1. This not a RMA consideration that applies to our property.
1. Discretion should be limited to whether all effects have been sufficiently mitigated, remedied or avoided. If this threshold is met, functional need is irrelevant.
2. Functional need is a very subjective assessment and difficult to administer in a consistent manner.

Plan Reference: Flood Susceptibility Overlay on Map 146

Relief Sought: Remove Lots 1-3 DP 395733 Blk IX Oparara SD, Flagstaff Rd, Karamea ('our property') and other properties in the same situation, from the Flood Susceptibility Overlay.

Reason(s):

1. Insufficient justification for inclusion. Property is not flooded under any scenarios modelled in the NIWA Karamea Floodplain Investigation Report October 2010.
2. Uncertainty around how the levels in rule NH-R13 are determined/confirmed. Rules should be clear and certain.
3. This will probably require significant expense to engage technical expertise to determine what the 1% AEP (Annual Exceedance Probability) flood event means for our property and what the required mitigation measures will be.
4. This is an unnecessary cost given point 1 above.

**Plan Reference:** Rule NH-R13 Discretionary Activity Status for activities that do not meet conditions for Permitted Activity status.

**Relief Sought:** Change to Restricted Discretionary status and undertake any consequential amendments.

**Reason(s):**

1. Discretionary Activity status broadens Council consideration of resource consent applications to matters beyond natural hazards. Council's consideration should be limited to natural hazard related matters as this is sole reason for these rules.
2. It is therefore counter to principles of natural justice that an application could be declined on non-natural hazard related grounds.
3. Restricted Discretionary status is all that is necessary to give effect to policies NH-P11 and NH-P12.

### Coastal Alert Overlay

**Plan Reference:** Coastal Alert Overlay on Map 146

**Relief Sought:** Remove Lots 1-3 DP 395733 Blk IX Oparara SD, Flagstaff Rd, Karamea ('our property') and other properties in the same situation, from the Coastal Alert Overlay.

**Reason(s):**

1. The basis and process on which the area has been defined (refer Section 32 Report Hazards and Risks Part One Natural Hazards pages 78-80) is unclear and hard to follow. It is difficult to determine what data and methodology was used for the Coastal Alert Overlay versus Coastal Susceptibility Overlay.
2. I think, but am not sure, it appears the Coastal Overlay is an over-simplistic use of the proposed Regional Coastal Plan's Coastal Hazard Areas that have been assessed as low or

medium priority (not risk), combined with STRM data, and using a 1m level sea rise to determine areas of inundation using the ‘bathtub model’. Given the bathtub model appears to be overly conservative <sup>1</sup>and the acknowledgement that STRM data is less accurate than LIDAR data, the Coastal Alert Overlay has captured more properties than intended or necessary, particularly low lying and flat areas such as Flagstaff Rd.

3. A coastal alert overlay is unnecessary and overly restrictive for this area and is not supported by the proposed West Coast Regional Coastal Plan. Repeated in Page 12 of Section 32 Report 3 Hazards and Risks Part One Natural Hazards, the Plan acknowledges risks to property and infrastructure from erosion, dune blowouts and flooding but concludes “*moderate numbers of assets are at risk and existing management measures are reasonably effective at reducing risk*” (refer highlighted text below).

Area	Type of Coastal Hazard and Risk Priority Ranking
CHA 1 Karamea, from Kohaihai Bluff to Little Wanganui Head	<p>Buildings: Residences around the Karamea/Otumahana Estuary are threatened by erosion and flooding. Road: SH67 Karamea Highway is exposed to erosion as it passes around the backshore of the Karamea/Otumahana Estuary. Sections of the Karamea-Kohaihai Road are exposed to erosion where it passes the Oparara Lagoon and Break Creek. Recreation: DOC Heaphy track facilities are threatened, as is the Golf Course at Karamea. Farmland: Farmland is at threat from erosion and flooding.</p> <p>Erosion: Migration of the Karamea River mouth, Oparara River mouth and Break Creek mouth can directly erode land during migration as well as change the exposure of the backshore to erosion from swell and storm waves. There is also erosion of the open coast by storm waves. Flooding: Wave washover flooding can affect low lying land during storms. The estuary mouths close infrequently but when they do it can result in flooding due to back up of water behind them. Dune blowouts: Dune blowouts can deposit large amounts of dune sand on to land immediately behind the existing dune line.</p> <p>Medium: Moderate numbers of assets at risk. Existing management measures reasonably effective at reducing risk.</p>

In other words, while it acknowledged there is some likelihood of these events occurring, the consequences are not significant as the current management measures are reasonably effective i.e. 150m setback from MHWS. The February 2022 NIWA Review of the West Coast Region Coastal Hazard Area Version 2 reached the same conclusion.

<sup>1</sup> “Bathtub flood mapping usually results in an over estimation of coastal flood extents from storm-tide levels where wave processes are less significant, or topography is flat and low lying”. *Mapping for priority coastal hazard areas in the West Coast Region Supporting Te Tai o Poutini Prepared for West Coast Regional Council March 2022, pg35*

**Plan Reference:** Rule NH-R43 Discretionary Activities Status for all Sensitive Activities in the Coastal Alert Overlay.

**Relief Sought:** Change from Discretionary Activity Status to Permitted Activity, or as a minimum, Restricted Discretionary Status and make any consequential amendments.

**Reason(s):**

1. While the section 32 analysis claims the hazards are more clearly defined than previous plans, the proposed plan does not provide a clear route through the resource consent process or even guidance as to what level of mitigation will be deemed acceptable. E.g. lifting floor levels to 500mm above the % AEP (Annual Exceedance Probability) flood event may be a solution.
2. The Coastal Alert Layer and the requirement for resource consent could therefore add an additional and unnecessary level of compliance when a property is already located in a Flood Susceptibility Overlay.
3. Resource consents will result in costs to the applicant for application fees and processing cost. Additionally, applicants will be required to procure technical expertise to more accurately assess the natural hazard risk for their property and to identify suitable mitigation measures.
4. Additional costs will also be incurred, because without a clear pathway as to what will be acceptable to Council, Council processing staff will most likely require a peer review of the technical advice at the applicants expense. This, and the absence of assessment matters to provide greater clarity, will place further costs on the applicant. These rules affect a large number of properties placing even greater importance on them to be more finely crafted.
5. Discretionary Activity status broadens Council considerations to matters beyond and unrelated to natural hazards. Council's consideration should be limited to natural hazards as this is the reason for these rules.
6. It is counter to the principles of natural justice that the application could be declined on non-hazard related grounds. Restricted Discretionary status is all that is necessary to give effect to policy NH-P11 and NH-P12.
7. Discretionary Status is disproportionate with the level of risk and is inconsistent with the statement page 91, Section 32 Report 3 Hazards and Risks Part One Natural Hazards which states "*Where the risk is very high (i.e. severe hazard areas) then the level of resource consent is generally Discretionary or Non-complying*" (see below). This implies lower risk areas should

have Controlled or Permitted Activity status.

*Rules*

The proposed TTPP rules are summarised in the tables below. The general principle is that less risky activities (e.g. unoccupied buildings) are generally Permitted, and more risky activities (e.g. sensitive activities) require resource consent. Where the risk is very high (i.e. severe hazard areas) then the level of resource consent is generally Discretionary or Non-complying. Subdivision is also substantially restricted in order to avoid future development occurring and increasing the significant risks to people, property and the environment.

8. Restricted Discretionary status was omitted from the range of options presented in the 2 September 2021 report to the TTPP Committee for their consideration (refer table below).

<b>Coastal Hazard Overlay – Alert</b>		
53. Coastal Hazard Overlay – Alert, is intended for areas which have a known coastal hazard, but the level of risk, and landward extent is unknown.		
<b>Activity</b>	<b>Option 1</b>	<b>Option 2</b>
<i>Additions and Alterations</i>	<i>Permitted activity</i> with standards such as not increasing the extent of habitable rooms. Pro – Minimises consent cost to owner while managing risk. Con – Permitted activities should only be for less than minor effects activities, the varying risk levels might mean the activity has effects greater than minor.	<i>Controlled activity</i> Pro - allows oversight to ensure a risk is managed. Granting of consent is guaranteed which means surety of outcome, but could also increase liability of councils. Con – Increased cost and time compared with a permitted activity.
<i>New Buildings and Structures</i>	<i>Discretionary</i> Pro – allows the specifics of the site to be considered, and hazard assessment specific to the proposal. Con – May increase overall amount of property and people in hazardous areas as most discretionary consents are granted.	<i>Non-Complying</i> Pro – sets a clear expectation that there is not to be an increased risk to people and property. Con – It is likely this overlay will apply to areas with differing levels of hazard. A non-complying activity status may not be justified in all circumstances and present unwarranted restrictions.

9. The Section 32 Report 3 Hazards and Risks Part One Natural Hazards does not appear to contain any analysis or justification for the use of Discretionary Activity Status over Restricted Discretionary Activity Status for this activity.

Coastal Tsunami Hazard

Reference: Coastal Tsunami Hazard lines on Map 146.

**Relief Sought:** Remove lines from Lots 1-3 DP 395733 Blk IX Oparara SD, Flagstaff Rd, Karamea ('our property') and other properties in the same situation.

**Reason(s):**

They are not 'areas' as suggested in the Proposed Plan text. There are no rules relating to these line. Creates confusion and relief sought would provide greater clarity.

#### C. COASTAL ENVIRONMENT

**Reference:** Objective CE-03 and Policy CE-P5

**Relief Sought:** Delete references to 'functional need', and make any consequential amendments.

**Reason(s):**

1. The RMA is effects based not needs based.
3. Discretion should be limited to whether all effects have been sufficiently mitigated, remedied or avoided. If this threshold is met, functional need is irrelevant.
4. Functional need is very subjective and difficult to administer in a consistent manner.

#### D. NOISE

**Reference:** -Airport Noise Contour on Map 146

**Relief Sought:** Remove noise contours from Lots 1-3 DP 395733 Blk IX Oparara SD, Flagstaff Rd, Karamea ('our property') and other properties in the same situation.

**Reason(s):** Associated rules will be difficult to comply with.

**Reference:** NOISE- R3 1.f

**Relief Sought:** Delete rule R3, or Rule3.1.f , or add the following exception – *"except where the property owner accepts a form or level of acoustic treatment that results in a different internal design sound level and accepts that this is registered on the certificate of title in the form of a consent notice."*

**Reason(s):**

1. Difficult to meet these requirement for an off grid dwelling.
2. High cost of meeting this standard especially if a connection to the power network is required to power the mechanical ventilation.

#### E. GENERAL RURAL ZONE

**Reference:** Rules GRUZ-R3 3.i.a

**Relief Sought:** Retain Rule 3.1.a.

Reason(s): Support continued recognition of existing compliant titles.

Reference: Rules GRUZ-R3 3.i.c

Relief Sought: Remove and reinstate Buller District Plan rule of 2 dwellings/title with 2ha density.

Reason(s):

1. Want continued recognition of current rules in Buller District Plan.
2. There are no existing issues that require a more restrictive rule regime.

#### F. AIRPORT ZONE

Reference: Objective AIRPZ-04

Relief Sought: Retain.

Reason(s):

1. Existing airports should be allowed to continue to operate, providing adverse effects are mitigated.
2. Activities generating adverse effects have a duty to minimise them.