

BEFORE THE CHRISTCHURCH REPLACEMENT

DISTRICT PLAN INDEPENDENT HEARINGS PANEL

UNDER the Resource Management Act 1991 and the
Canterbury Earthquake (Christchurch Replacement District Plan)
Order 2014

AND

IN THE MATTER of the Chapter 5 Natural Hazards (Part)
Proposal (Stage 3)

CLOSING SUBMISSION ON BEHALF OF CHRISTCHURCH
COASTAL RESIDENTS UNITED- (CCRU) SUBMITTER 3686
CHAPTER 5 NATURAL HAZARDS(PART) PROPOSAL(STAGE
3) SUBMITTED 22 July 2016

May it please the Panel

This submission covers the following matters

1. The proposed removal of Sea Level Rise (SLR) from the High Flood Hazard Management Areas (HFHMA)
2. The appropriateness of classifying coastal tidal areas in a HFHMA along with non tidal flooding
3. The accuracy of the new 0 SLR maps
4. HFHMA's becoming a subset of FMA's under 0 SLR maps
5. The appropriateness of Non-complying activity rules in HFHMA's
6. Need for a holistic approach when applying building activity rules in the HFHMA's

1. CCRU understands the panels conundrum and supports the panel's view that SLR should be removed from the High Flood Hazard Management Areas as the best way to move forward.

- 1.1. The uncontested stage 1 decisions on SLR and the policies of avoidance in areas affected were in our opinion unfortunate. It puts us in a difficult position now.
- 1.2. As a community, we feel, to a degree, that there has been a lack of natural justice. Had we known the effects stage 1 decisions we would have been there to challenge them.
 - 1.2.1. More effort should have been made by Council to consult with community and foster involvement prior to this stage.
- 1.3. Given the implications for communities and the recovery of the East, the appropriate SLR assumption needs to be properly tested. Moving this question to the follow up coastal hazards process allows for this.
 - 1.3.1. The stage 1 decision was uncontested
 - 1.3.2. The 1m assumption is at the extreme end of IPCC scenarios and generally considered to be unlikely.
 - 1.3.3. The council's expert witness Mr Harrington confirmed in cross examination that the 1m SLR choice was an internal one made by council technical people and not supported by one outside expert reports.
 - 1.3.3.1. ([Transcript of proceedings DAY 01 – 24 February 2016 Pg 113 - 5](#)) "I guess there would have been a consensus among the technical people at the Council based on information that they had, I do not think there is a document or anything like that that has, or a policy statement from the Council that has been presented."

- 1.4. In addition to technical issues. We feel there are also questions around the stage 1 SLR decisions in terms of their consistency with higher level policy.
 - 1.4.1. Regional policy and NZCPS
 - 1.4.1.1. CCC have used SLR figures that should '**assessed for**' in guidance and **planning** based on the higher number. (.8m + rather than .5m +) (Canterbury Regional Policy Statement, 11.1.3 New Zealand Coastal Policy Statement 2010.)
 - 1.4.1.2. In mapping these zones CCC and T&T and have relied on NZCPS 2008 to justify using 'possible' SLR they should be complying to NZCPS 2010 which requires 'likely' [SLR] (T&T report pg5)
 - 1.4.1.3. Precaution has been applied when likely effects should be planned for.
- 1.5. The SLR hazard is not an urgent issue that must be dealt with now. Removing this element from the fast track gives time for a more considered approach and perhaps new approaches such as an adaptive management.
 - 1.5.1. ([Hearings Transcript 24 February 2016](#) MS HURIA pg 303 pt 30) Some of the questioning by the panel focused on long term moral hazard. Letting people build in areas that could become hazardous in 50 - 100 years time or the lifetime of the house. Put another way the question put was should building be stopped now to stop DIYers in 50 years moving in and extending the life of the house out to 100 years and potentially ensnaring local authorities in some sort of obligation to defend these areas.
 - 1.5.2. The arguments against this are as follows;
 - 1.5.2.1. It is possible/likely that this hazard will not eventuate, the cost of not utilising this land needs to be considered.
 - 1.5.2.2. The loss in equity now for home owners in these areas needs to be balanced against this uncertainty
 - 1.5.2.3. The fact that authorities are able to step away from these areas now and rule out mitigation or compensation shows that they are not likely to be caught in the future also.
 - 1.5.2.4. House are not made like they used to be. They are designed to last 50 years (building code). The difficulty in repairing modern components, technology advance and regulation are making what we build now more quickly obsolete. 50 years is likely to be the service life of buildings built today.
- 1.6. On September 29 2015, the Government announced that it would remove the proposed coastal hazards provisions from the Christchurch City Council's proposed District Plan Review Process.

- 1.6.1. *"Canterbury Earthquake Recovery Minister Gerry Brownlee, Associate Minister Nicky Wagner and Environment Minister Dr Nick Smith announced today with Christchurch Mayor Lianne Dalziel. "These coastal planning issues relating to potential sea level rises over 100 years do not need to be fast-tracked as part of Canterbury's earthquake recovery. This is a complex issue that is better dealt with through the Christchurch City Council's normal plan review process."* ([Govt press release](#) 29 SEPTEMBER, 2015). Appendix B
- 1.6.2. As shown in the 0 SLR maps, coastal hazards are almost completely SLR driven. When the Erosion and Inundation provisions were removed, the SLR component in HFHMA's should have also been removed at this time.
- 1.6.3. SLR should be removed from the HFHMA overlays so that it can be dealt with in an holistic way with Inundation and Erosion considerations. This should occur in a process where there is both the time and the engagement necessary to properly test SLR assumptions.
- 1.6.4. The removal of the Inundation and Erosion overlays from the plan was done in the knowledge that there was sufficient Hazard provisions in the operative district plan to cover the coastal areas in the meantime. As a result of the removal there was a public notice clarifying what provisions of the operative plan would remain in effect.(see Appendix A)
- 1.7. We take issue with Mr Winchester's assertion that there are flood issues now in the tidal SLR affected areas. There will not be a flood issue until and if the projected SLR actually occurs.
 - 1.7.1. ([TRANSCRIPT OF PROCEEDINGS](#) 24 February 2016 pg 521 - 5)
 - 1.7.1.1. *"Panel, and I am not seeking to be difficult about this but the high flood hazard management area is exactly that, it is a flood hazard management area which has a significant coastal influence in part, so it is a flood hazard, "*
 - 1.7.2. The panel can safely remove SLR from the HFHMA. The threat is not immediate. There is time to assess and deal with this in normal planning processes. Looking at the 0.5m SLR maps there will be many plan reviews completed before SLR contributes risk to any inhabited areas. There is potential for inconsistency if SLR is not removed from the HFHMA.
 - 1.7.3. Erosion and inundation provisions will go through a different and future process. These hazards are driven by SLR in the same way as the HFHMA's. Indeed they cover similar tidal areas. It could be problematic in the future in that it is possible, different decisions and policies will be enacted for the same areas under Coastal Hazards assessments. Therefore setting the SLR at 0 will enable the future coastal layers to add SLR if and when required.

- 1.8. The 0 SLR map is a useful overlay, it neatly shows the community and the council where the current flooding hazards currently are. It is a useful addition to the plan and appropriate for the fast track process.
 - 1.8.1. The 0 SLR map is particularly important for earthquake subsided land where houses have fallen into this zone. It helps community, council and insurance companies understand where restrictions, mitigation and compensation should be targeted.
2. It is inappropriate that the coastal/tidal areas be classified in the HFHMA along with non tidal flooding. The two areas are fundamentally different from each other when it comes to flood risk.
 - 2.1. The zero SLR maps show that tidal/coastal areas are currently at little risk of flooding. This is significant when comparing modelling on non tidal areas that indicate considerable risk.
 - 2.2. When the Government took the action of removing the Coastal erosion and coastal inundation overlays from the PRDP it was the Government's stated intention that issues of coastal hazards be considered through the normal planning process.
 - 2.3. Additionally, the inclusion of the Coastal/tidal areas in the HFHMA could be problematic in the future once the Coastal Inundation and Erosion policies are considered. How do you reconcile the HFHMA rules with possible inundation rules when they will both could be based on various SLR rules conceived in isolation to each other.
3. The 0 SLR map usefully outlines the current flood hazard areas. The areas are, however, prone to some exaggeration by the assumptions made with respect to climate change rainfall assumptions and the combination of risks from rain and high tides.
 - 3.1. These maps include a 16% increased rainfall, that like SLR has not and may not happen. ([TRANSCRIPT OF PROCEEDINGS](#) 24 February 2016 Mr White pg 531 pt 10-15)
 - 3.2. The assumption has been made that a 1 in 50 king tide and a 1 in 500 year rainfall event will occur at the same time. This however is not guaranteed and so zone boundaries should be reduced based on the likelihood of this happening and degree to which people and property are affected. pg (531 pt 20)
4. CCRU does not share the Council's concern about about HFHMA's becoming a subset of FMA's
 - 4.1. ([TRANSCRIPT OF PROCEEDINGS](#) 24 February 2016 pg 524 - 15) The assertion is that the FMA's should always be a subset of the HFHMA's.

- 4.1.1. Unnecessarily high floor levels add cost, create access and shading issues but don't stop building so are a lesser restriction than non compliance. In this sense the HFHMA should be a subset of the FMA. As you move to the boundaries of the FMA non compliance might not be appropriate but higher floor levels might still be.
 - 4.1.2. The current FMA's and floor levels are arguably too extensive and too high but the decision is made (unless council would like to revisit this also under the follow up process). Two wrongs don't make a right so we should not now set HFHMA's to match FMA's for the sake of consistency.
- 4.2. Concern that 0 SLR will not give effect to the Canterbury Regional Policy Statement.
 - 4.2.1. Inundation and erosion have already been removed from the fast track so any gaps will presumably be addressed under this follow up process if in fact any exist. A new SLR flooding layer could easily be part of this.
- 5. Non-complying activity is not the most appropriate response to SLR driven hazards.
 - 5.1. The effects of a non-complying activity status have not been properly assessed and evidence that exists suggests that there are better approaches.
 - 5.1.1. CCC section 32 analysis does not satisfy the requirements of the RMA in that it has failed to properly consider the adverse impact of the proposed changes on the value of land/property, and on the economic, social or cultural costs to the affected communities.
 - 5.1.2. The costs of overestimating the risk and so blocking investment in a recovering city and in particular the East are high. The costs of underestimating and having to adjust are not high. This is a slow onset hazard that can be adapted to.
 - 5.1.2.1. Likely to have high social costs to areas that are already struggling to recover. (G Butcher evidence section 7.4)
 - 5.1.2.2. A do nothing approach has not been assessed
 - 5.1.3. Evidence that exists suggests that other approaches might be more cost effective.
 - 5.1.3.1. Floor level rules rather than non compliance are likely to mitigate most of the risks. (Butcher evidence)
 - 5.1.3.1.1. Life risk is not high in these zones as the high hazard status is mostly due to water depth rather than water velocity. (Harrington evidence)
 - 5.1.3.1.2. We feel that more should be done to identify **other** reasonably practicable options for achieving the objectives. (RMA S32(1)(b)(i)-)

- 5.1.4. S32(1)(c)- contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
 - 5.1.4.1. *(Butcher evidence pg 13 point 8.3) The value of the HFHMA rules is much less certain. A very substantial modelling effort would be required to improve our understanding of the effects of the proposed rules, or alternative rules, in reducing property damage, injuries and death.*
 - 5.1.4.2. *Substantial modelling has not been done to establish economic, social and cultural effects effects of the HFHMA and our concerns are that there has been limited assessment on the cost to the community of being over precautionary and getting things wrong.*
- 5.2. The evidence that does exist points to unreasonably high costs associated with a non compliant approach.
 - 5.2.1. Unavailability of sections and the inability to build will have a devastating effect in the East, it will stop the recovery and exacerbate social problems. ([Butcher evidence](#) 21 JANUARY 2016 pg 11 pt 7.1)
 - 5.2.2. Residents in the Flood Ponding Management Areas are mitigating flood risk elsewhere but not being compensated by the communities that are receiving the benefit. (Butcher pg 9 pt 5.12)
- 5.3. If 1m SLR remains in the mapping it is critical that non compliance in these areas is changed to Restricted Discretionary (RD). It is also critical that the RD rule is tightly defined. Our concern is that a council that is reluctant to move to RD will use their discretion to stop development. If SLR is removed we still feel that the HFHMA should have a tightly defined RD rule.
 - 5.3.1. The RD rule set now is likely to be the precedent/template for the rule that will be used when the SLR zones come back in through the follow up coastal hazards process.
 - 5.3.2. If a hazard can be mitigated development should be allowed even within the 0 SLR boundaries.
- 5.4. Commercial and community facility development should not be non compliant
 - 5.4.1. Non residential buildings are essential to a community and to recovery
 - 5.4.2. Risk can be mitigated in this same way as it can be in residential building
 - 5.4.3. Non residential buildings are less likely to be occupied at night which is a large part of the basis for non compliance do to life risk.

- 5.4.4. We propose that rule 5.4.6.3 reference RD2 (restricted discretionary) activity be further amended to include buildings permitted in the current plan for Living zones such as local community facilities and services (*current city plan volume 2 ref 11.3.1 Policy*) and residential units as currently proposed. In turn, there should be no non-complying building types from a natural hazards perspective under rule 5.4.6.3 NC2, as all buildings are potentially equal in their ability to design to mitigate the hazard.. The purpose of this change is to allow the usual non-residential building types to develop in an area as necessary to support the community that live there.
- 5.5. Following cross examination council have clarified the Restricted Discretionary rules for the HFHMA for which we acknowledge and generally support the changes made in CCC Memorandum of Counsel of 15 July 2016,, with a couple of exceptions:
- 5.5.1. Under rule 5.4.6.3 rule RD2 item iv 'safe ingress and egress' has been left unaltered which we note is potentially problematic for homeowners to deliver on a design project. Firstly most of the properties in Southshore have shared driveways and in all likelihood properties will be at different floor levels due to their age which will make it impossible to deliver a driveway access solution at a raised floor level away from the flood hazard without impacting adjacent property access. It is imperative that safe access rules are practical and offer real benefits. As we pointed out in cross examination there is little benefit in safe access from the front door of a property to the road if the road itself is flooded. A more reasonable approach might be to provide reasonable drainage measures along the access route, or include an external place of safety. It needs to be clear how safe access and egress is able to be achieved and that the requirement is realistic.
- 5.5.2. We propose that 5.4.6.3, item iv Safe access and egress is reworded as follows to satisfy the intent which appears to be life safety:
- 5.5.2.1. ***"Safe access and egress - an external place of safety above the interim floor level for potential rescue in an extreme flooding event should be provided. "***
6. When it comes to the application of a RD rule CCRU feel that there needs to be a consistent and holistic approach. We support the panels attempts to separate the tidal and non tidal areas in its recent minute and the recognition that a one size fits all approach is not appropriate. We are concerned though, that some tidal areas will be treated with inequity. This could inadvertently stigmatise some areas and will lead to bad boundary conditions with no technical/scientific basis. It is our view that all tidal areas should be considered holistically. It is unfortunate that Sumner was removed from the mapping early in the

hearings. We feel that recent modelling at 0 and 0.5 SLR has indicated that all tidal areas present now as low flood risk and should be treated as a combined group allowing for future Coastal Hazards assessments to be cleanly applied.

- 6.1. ([CCC final memorandum of Counsel of 15.07.16](#)) gives rise to a proposal for Restricted Discretionary rules for Southshore and Redcliffs with presumably different non-compliant rules for other parts of the HFHMA

6.1.1. *an overlay map suitable for inclusion in the CRDP to work in tandem with a restricted discretionary activity rule and which would apply to land that:*

6.1.1.1. *(a) is Residential; and*

6.1.1.2. *(b) is in a High Flood Hazard Management Area in two identified locations, being Southshore/New Brighton and Redcliffs;*

6.1.2. *Rule RD2, which is currently identified as applying to "Residential units in any residential zone" would need to be amended so that it was confined to the new point areas shown in the planning maps at Appendix B, if that was to be the Panel's decision*

Summary and requested Relief

1. The SLR be removed the HFHMA's as indicated in the panel minute.
2. That adjustments made for the over estimations pointed out in 3.1 and 3.2.
3. A holistic approach be taken in terms of the treatment of coastal/tidal areas.. Certain areas should not be carved out and given different treatment to others in the same technical position.
4. Consideration given to the SLR being set at zero and then subsequent consideration of the reasons for coastal areas to remain in the HFHMA.
5. Consideration given as to whether a HFHMA overlay is appropriate for Coastal/tidal areas.
6. The Restricted Discretionary rules be further amended ad per items 6e i and ii,
7. If coastal/tidal areas remain in the HFHMA or a newly created Overlay then Restricted Discretionary rules should apply to property in the HFHMA rather than Non Compliant. status.



WITHDRAWAL OF COASTAL HAZARD PROVISIONS FROM STAGE 3 NATURAL HAZARDS PROPOSAL OF PROPOSED CHRISTCHURCH REPLACEMENT DISTRICT PLAN

- On 27 July 2015 the Christchurch City Council publicly notified a number of proposals and associated planning maps to replace some of the provisions of the operative Christchurch City Plan and the operative Banks Peninsula District Plan. The period for making submissions on those proposals closed on 4 September 2015.
- On 4 September 2015 the Council gave notice that the Chair of the Independent Hearings Panel had extended the period for making submissions on the Coastal Hazards provisions of the Stage 3 Natural Hazards Proposal, all of the Coastal Environment Proposal and associated planning maps under clause 5 of Schedule 3 of the Christchurch Earthquake (Christchurch Replacement District Plan) Order 2014 (the Principal Order). On 12 October 2015, the **Principal Order** was amended by the Canterbury Earthquake (Christchurch Replacement District Plan) Amendment Order (No 2) 2015 (**Amendment Order**) to withdraw certain Coastal Hazards provisions, with the amendments coming into force on 16 October 2015.
- Notice is hereby given that from 16 October 2015, in accordance with Clause 5A of the Canterbury Earthquake (Christchurch Replacement District Plan) Amendment Order (No 2) 2015,
 - the proposed Coastal Hazards provisions namely:
 - 5.0 Introduction Coastal Hazards
 - 5.2.9 Policy - Changing Climate
 - 5.6 Policies for coastal hazards
 - 5.11 Coastal erosion and coastal inundation rules
 - Natural Hazard overlays for Coastal Erosion Management Areas 1 and 2 and Coastal Inundation Management Areas 1 and 2 in the Natural Hazards Stage 3 planning maps
 are withdrawn from the Natural Hazards (Part) Stage 3 Proposal; and
 - the Independent Hearings Panel ceases to have any function or powers under clause 10 or Schedule 1 of the Principal Order; and
 - any submissions received must be disregarded to the extent that they relate to the proposed coastal hazards provision described above, although the remaining Coastal Environment provisions will be subject to the process set out in the Principal Order.
- As a consequence of the withdrawal of the proposed Coastal Hazard provisions described above the provisions in the operative Christchurch City Plan and the operative Banks Peninsula District Plan that relate to coastal hazards will continue to apply after the conclusion of the Replacement District Plan process. These provisions are set out in the table below:

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Policy 2.5.2 – Limitations on development To avoid any increased risk of adverse effects on property, wellbeing and safety from natural hazards by limiting the scale and density of development, which: <ol style="list-style-type: none"> is within an area subject to moderate to high risk of damage from natural hazards; or would result in an increased risk of damage from natural hazards elsewhere; or would adversely affect the functioning of existing flood protection works.
Policy 2.5.4 – Sea level rise To avoid higher density forms of built development, and adverse effects from inundation, in areas that are projected to be subject to increased flood levels as a result of accelerated sea level rise
Policy 2.5.9 – Works To undertake works to avoid or mitigate the adverse effects of natural hazards as a supplementary measure to regulation of activities, and the provision of information
Policy 2.6.3 – Coastal development To avoid or mitigate the adverse effects of erosion and flooding in the coastal environment
Section 6 Urban Growth
Policy 6.3A.6 - Hazards To ensure that development is avoided, or limited in scale or density in areas subject to natural and other hazards, particularly flooding, erosion, or potential sea level rise, unless these hazards can be adequately remedied or mitigated.
Section 10 Subdivision and development
Policy 10.1.1 – Inundation, flooding and sea level rise To avoid any increased risk of adverse effects on property and the wellbeing and safety of the community from natural hazards by avoiding subdivision, or subjecting it to appropriate mitigation measures, where: <ol style="list-style-type: none"> the subdivision is within an area subject to moderate to high risk from inundation, flooding or high water tables as in ponding areas or the Cashmere Stream floodplain, or the subdivision would result in an increased risk of inundation or flooding elsewhere.
Volume 3 - The Statement of Rules
Part 1- Definitions <ul style="list-style-type: none"> Access, access lot, access strip, access way, accessory building, adjoining, allotment, balcony, boundary, building, building line restriction, City Plan, Council, erection of a building, existing, filling, garage, ground level, habitable building, impervious surfaces, legally defined parcel of land, net area, paved impermeable surface, relocatable building, residential activity, residential unit, risk, setback, site, site boundary, subdivision, vehicle access
Part 2 Living Zones – Rule 2.0 - Guide to using these rules <ul style="list-style-type: none"> Rule 2.1.1 Residential activities Rule 2.2 Development standards – Living 1 non notification rule referring to 2.2.12 Rule 2.2.12 - Coastal hazards (Living 1 Zone Only) - residential and other activities. Rule 2.4.1 Residential site density for “Living 1 Zone (excluding SBCMA 1 and SAm areas 8, 8a and 8b)”, “Living 1 Zone (SBCMA 1) and exceptions (a) and (b)” and “Living 1 (Excluding SAmS 8, 8a and 8b)” Rule 2.4.11 hard surfacing limitations Assessment matter, 15.2.19 Coastal Hazards - Living 1 zone only Reason for rule, 16.1.19 - Coastal Hazards Living 1 zone only
Part 5 Conservation Zones <ul style="list-style-type: none"> Rule 2.0 - Guide to using these rules Rule 2.3.1 Community Standard, Site coverage (d) 4.0 Reason for rules, 4.4, Site coverage 2nd paragraph
Part 9 General Rules <ul style="list-style-type: none"> 5.2 Rules: Filling, excavation and building adjacent to waterways and the coastline 5.2.4(a) development standard - Filling, excavation and buildings adjacent to coastline (part only - 20 m setback from MHWS) and (b) Council's discretion...
Part 14 Subdivision <ul style="list-style-type: none"> Rule 7.1 (a) and (b) - Controlled activities - Natural and other hazards (a) and (b), with (b) applying to erosion and flooding and inundation only) Rule 7.2.1 Coastal flooding and erosion 33.0 Subdivision of land - Reason for rules 33.6 Natural and other hazards 3rd paragraph
Planning Maps 49A - Living 1 zone boundary, C1A zone boundary, South Brighton Coastal Management Area 1 (SBCMA 1), South Brighton Coastal Management Area 2 (SBCMA 2). 49B - Hazard line 1

Banks Peninsula District Plan
Operative provisions to be retained for coastal hazards only
Chapter 31 Subdivision <ul style="list-style-type: none"> Objective 2 To ensure that natural hazards, soil erosion, and slope instability are not exacerbated by activities. Policy 2A Any site created shall not increase risks from natural hazards, soil erosion and slope instability unless such adverse effects can be avoided, remedied or mitigated. Rule 1 Controlled activities (b) Rule 1.1 Matters of Control (limited to “shape, size and orientation of sites - the location of sites and boundaries in relation to natural hazards”). Rule 3 Discretionary Activities – Rural Zone (3.1-3.4, with 3.4 limited to “shape, size and orientation of sites - the location of sites and boundaries in relation to natural hazards”). Rule 4 Discretionary Activities – Rural-Residential Zone (4.1-4.2, with 4.2 limited to “shape, size and orientation of sites - the location of sites and boundaries in relation to natural hazards”). Rule 5 Discretionary Activities – Papakainga Zone (5.1-5.2) Rule 6 Discretionary Activities – Residential Zone (6.1-6.3, with 6.3 limited to “Access – the location and construction of any vehicle access ways, access lots or access strips in relation to natural hazards”). Rule 7 Discretionary Activities – Residential Conservation Zone within Lyttelton (7.1 and 7.2) Rule 8 Discretionary Activities – Residential Conservation Zone within Akaroa (8.1-8.2) Rule 9.3 – Non complying activities
Chapter 38 Natural Hazards <ul style="list-style-type: none"> Policy 1C Risk reduction measures shall be promoted where existing activities are located in areas of high existing or potential risk.
Part VII - Definitions <ul style="list-style-type: none"> Accessory building, allotment, building, dwelling, net site area, relocatable building, residential units, site, structure, subdivision, utility allotment.

Date: 23 November 2015

Michael Theelen
Chief Planning Officer
Christchurch City Council

Contact Details:
Email: dpreview@ccc.govt.nz
Telephone: (03) 941 8999
www.ccc.govt.nz



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 are withdrawn from the Natural Hazards (Part) Stage 3 Proposal; and
 - (b) the Independent Hearings Panel ceases to have any function or powers under clause 10 or Schedule 1 of the Principal Order; and
 - (c) any submissions received must be disregarded to the extent that they relate to the proposed coastal hazards provision described above, although the remaining Coastal Environment provisions will be subject to the process set out in the Principal Order.
4. As a consequence of the withdrawal of the proposed Coastal Hazard provisions described above the provisions in the operative Christchurch City Plan and the operative Banks Peninsula District Plan that relate to coastal hazards will continue to apply after the conclusion of the Replacement District Plan process. These provisions are set out in the table below:

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Policy 2.5.4 – Sea level rise To avoid higher density forms of built development, and adverse effects from inundation, in areas that are projected to be subject to increased flood levels as a result of accelerated sea level rise
Policy 2.5.9 – Works To undertake works to avoid or mitigate the adverse effects of natural hazards as a supplementary measure to regulation of activities, and the provision of information
Policy 2.6.3 – Coastal development To avoid or mitigate the adverse effects of erosion and flooding in the coastal environment
Section 6 Urban Growth
Policy 6.3A.6 - Hazards To ensure that development is avoided, or limited in scale or density in areas subject to natural and other hazards, particularly flooding, erosion, or potential sea level rise, unless these hazards can be adequately remedied or mitigated.
Section 10 Subdivision and development
Policy 10.1.1 – Inundation, flooding and sea level rise To avoid any increased risk of adverse effects on property and the wellbeing and safety of the community from natural hazards by avoiding subdivision, or subjecting it to appropriate mitigation measures, where: <ol style="list-style-type: none"> (a) the subdivision is within an area subject to moderate to high risk from inundation, flooding or high water tables as in ponding areas or the Cashmere Stream floodplain, or (b) the subdivision would result in an increased risk of inundation or flooding elsewhere.
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Part 1- Definitions <ul style="list-style-type: none"> • Access, access lot, access strip, access way, accessory building, adjoining, allotment, balcony, boundary, building, building line restriction, City Plan, Council, erection of a building, existing, filling, garage, ground level, habitable building, impervious surfaces, legally defined parcel of land, net area, paved impermeable surface, relocatable building, residential activity, residential unit, risk, setback, site, site boundary, subdivision, vehicle access
Part 2 Living Zones – Rule 2.0 - Guide to using these rules <ul style="list-style-type: none"> • Rule 2.1.1 Residential activities • Rule 2.2 Development standards – Living 1 non notification rule referring to 2.2.12 • Rule 2.2.12 - Coastal hazards (Living 1 Zone Only) - residential and other activities. • Rule 2.4.1 Residential site density for “Living 1 Zone (excluding SBCMA 1 and SAm areas 8, 8a and 8b)”, “Living 1 Zone (SBCMA 1) and exceptions (a) and (b)” and “Living 1 (Excluding SAmS 8, 8a and 8b)” • Rule 2.4.11 hard surfacing limitations • Assessment matter, 15.2.19 Coastal Hazards - Living 1 zone only • Reason for rule, 16.1.19 - Coastal Hazards Living 1 zone only
Part 5 Conservation Zones <ul style="list-style-type: none"> • Rule 2.0 - Guide to using these rules • Rule 2.3.1 Community Standard, Site coverage (d) • 4.0 Reason for rules, 4.4, Site coverage 2nd paragraph
Part 9 General Rules <ul style="list-style-type: none"> • 5.2 Rules: Filling, excavation and building adjacent to waterways and the coastline 5.2.4(a) development standard - Filling, excavation and buildings adjacent to coastline (part only - 20 m setback from MHWS) and (b) Council's discretion...
Part 14 Subdivision <ul style="list-style-type: none"> • Rule 7.1 (a) and (b) - Controlled activities - Natural and other hazards (a) and (b), with (b) applying to erosion and flooding and inundation only) • Rule 7.2.1 Coastal flooding and erosion • 33.0 Subdivision of land - Reason for rules 33.6 Natural and other hazards 3rd paragraph
Planning Maps 49A - Living 1 zone boundary, C1A zone boundary, South Brighton Coastal Management Area 1 (SBCMA 1), South Brighton Coastal Management Area 2 (SBCMA 2). 49B - Hazard line 1

Banks Peninsula District Plan
Operative provisions to be retained for coastal hazards only
Chapter 31 Subdivision <ul style="list-style-type: none"> • Objective 2 To ensure that natural hazards, soil erosion, and slope instability are not exacerbated by activities. • Policy 2A Any site created shall not increase risks from natural hazards, soil erosion and slope instability unless such adverse effects can be avoided, remedied or mitigated. • Rule 1 Controlled activities (b) • Rule 1.1 Matters of Control (limited to “shape, size and orientation of sites - the location of sites and boundaries in relation to natural hazards”). • Rule 3 Discretionary Activities – Rural Zone • (3.1-3.4, with 3.4 limited to “shape, size and orientation of sites - the location of sites and boundaries in relation to natural hazards”). • Rule 4 Discretionary Activities – Rural-Residential Zone (4.1-4.2, with 4.2 limited to “shape, size and orientation of sites - the location of sites and boundaries in relation to natural hazards”). • Rule 5 Discretionary Activities – Papakainga Zone (5.1-5.2) • Rule 6 Discretionary Activities – Residential Zone (6.1-6.3, with 6.3 limited to “Access – the location and construction of any vehicle access ways, access lots or access strips in relation to natural hazards”). • Rule 7 Discretionary Activities – Residential Conservation Zone within Lyttelton (7.1 and 7.2) • Rule 8 Discretionary Activities – Residential Conservation Zone within Akaroa (8.1-8.2) • Rule 9.3 – Non complying activities
Chapter 38 Natural Hazards <ul style="list-style-type: none"> • Policy 1C Risk reduction measures shall be promoted where existing activities are located in areas of high existing or potential risk.
Part VII - Definitions <ul style="list-style-type: none"> • Accessory building, allotment, building, dwelling, net site area, relocatable building, residential units, site, structure, subdivision, utility allotment.

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Michael Theelen
Chief Planning Officer
Christchurch City Council

Contact Details:
Email: dpreview@ccc.govt.nz
Telephone: (03) 941 8999
www.ccc.govt.nz



beehive.govt.nz

The official website of the New Zealand Government

Gerry Brownlee, Nick Smith, Nicky Wagner

29 SEPTEMBER, 2015

Coastal hazard issue to be uncoupled from fast-track earthquake recovery plan process

Plan changes affecting property owners as a consequence of future coastal hazard issues are to be dealt with as part of Christchurch City Council's normal planning processes, Canterbury Earthquake Recovery Minister Gerry Brownlee, Associate Minister Nicky Wagner and Environment Minister Dr Nick Smith announced today with Christchurch Mayor Lianne Dalziel.

"These coastal planning issues relating to potential sea level rises over 100 years do not need to be fast-tracked as part of Canterbury's earthquake recovery. This is a complex issue that is better dealt with through the Christchurch City Council's normal plan review process. This alternative approach for dealing with coastal hazards has been developed in partnership with the Christchurch City Council and Mayor Lianne Dalziel, and recognises that the immediate priority needs to be on Christchurch's earthquake recovery," Mr Brownlee says.

"The coastal hazard proposals in the council's draft plan have caused concern for communities like New Brighton, Southshore and Sumner. We should not allow our thinking to become so cautious that we block development in areas on the premise of worst case scenarios of sea level rise. We need to take the time on such far-reaching rules to rigorously test restrictions from both an economic and a risk management perspective," Ms Wagner says.

"We are proposing both legislative change and national policy guidance on such hazards as part of our Resource Management Act reform programme. More time will also allow contestable advice and normal appeal rights to the Environment Court. It makes sense for the timing of this work to be aligned with national policy. I am satisfied that the existing plans provide adequate interim measures to deal with these risks in the immediate future," Dr Smith says.

"This announcement will be welcomed by the thousands of Christchurch residents who were hugely affected by the planned restrictions on their property use. It will spare them the mad rush to make submissions by 16 October and the uncertainty for their communities over the already difficult earthquake recovery," Mr Brownlee says.

Cabinet's decision now requires the drafting of an Order in Council. This will be subject to consideration by the Canterbury Earthquake Recovery Review Panel. The change in scope to exclude coastal hazards from the fast-track process will be advanced as quickly as possible.

"The Government acknowledges the advocacy of local residents groups who have sought this revised approach. This deferral is an opportunity for the councils and communities to re-engage and find a better way to deal with these coastal hazards risks," the Ministers concluded.

[Gerry Brownlee](#) [Nick Smith](#) [Nicky Wagner](#) [Canterbury Earthquake Recovery Environment](#)

