



Timeline and Narrative overview HFHMA/RUO/Community/Coastal Hazards Engagement/Regenerate/CCC

(Compiled by CCRU)

- Tonkin and Taylor release effects of sea level rise 2013 (updated from 1999 report)
- April 2015 release Chapter 5 Natural Hazards
- Community disputes the report as being fit for purpose and was adequate to be used for policy development
- Govt overrides CCC and Dumps Sea level rise Hazards overlays from the PRDP
- Community discovers that specific coastal areas have been included in a HFHMA in the PRDP with building being a non-compliant activity. CCRU write to council to have this removed also but the request is ignored.
- Independent hearing panel commences stage 1 July 2015 where definition of 1-meter sea level rise is accepted and passed unopposed
- Chapter 5 Natural Hazards hearings commence 24 Feb 2016
- CCRU demonstrates at hearing that in the HFHMA coastal areas should not be considered the same as river hazard and that Non-compliant is incongruent to actual risk.
- 25 Feb 2016 IHP issues a minute for the CCC to supply new Maps and data indicating what a restricted discretionary building policy would look like.
- **Regenerate** starts their initial work program. The announcement of an information release to “inform important conversations” 28 October 2016
- CCC as a drafting service supplies maps and a revised RDA policy as requested by IHP via Supplementary evidence of Ruth Evans Planner CCC 20 May 2016
- IHP reconvened to present new evidence 30th of June 2016
- Decision 53 issued by the IHP for chapter 5 Natural Hazards 3rd of November 2016 indicating coastal areas contained in an overlay referred to as the RUO (residential unit overlay) where the building would be RDA
- On Monday the 20th of March 2017, the SSRA (Southshore Ratepayers Association) presented the Coastal-Burwood Community Board with a Residents Survey in regard to the Estuary Protection.
This protection is urgently required to keep the Eastern coastal communities safe and healthy. The SSRA, becoming dismayed at the lack of progress in the reinstatement of the Estuary, has taken this by the horns. They have worked with a respected Coastal Engineer to develop a solution that is both ecologically sound and fit for purpose
- The PRDP became operative 19th Dec 2017

- The **How Team** is established to design an engagement plan, outlining the best way to have a Coastal conversation with the Coastal community December 2017
- Post July 2017 residents became aware that the RUO was not being applied and that many where have difficulty getting resource consent
- CCRU questioned CCC as to why The RUO was not being applied. CCC were not forthcoming on the reason
- Drafting error in the Operative plan is indicated as the reason for not applying the RUO
- **How team** completes the engagement plan and send to CCC and Regenerate. April 2018. Working towards the communication of a Regeneration strategy
- May 2018 Linwood Central Heathcote community Board informed of effects of HFHMA and RUO in their area
- 18th of May 2018 CCRU held a meeting for affected residents in Eastern Estuary areas
- 21st of May 2018 RMA hearing was held for 153 Main road Redcliff regarding building in the RUO
- 1st of June Member of CCRU meet with the CCC to discuss Drafting error and understand the situation
- 4th June Poto Williams approached by Coastal Burwood Community Board and CCRU members to inform and discuss the issue and how it could be remedied
- 29 June 2018 Meeting with Politicians from effected areas to inform and discuss remedy
- 8th July 2018 **Regenerate** Opens the community Hub with members of the How team. A dedicated office where the community can drop in. This Hub is branded Coastal Futures. CCRU questions wither “Coastal Futures” is appropriate branding for a Regeneration strategy
- 25th July CCRU (Christchurch Coastal Residents United) organizes a meeting at Redcliffs Bowling Club, in response to Coastal Residents difficulties building in the High Flood Hazard Management Area (HFHMA) and the Residential Unit Overlay (RUO). Over 100 residents attend
- 26 July 2018 RMA Panel releases an important decision regarding the application of the RUO and reports: “In our view, the application of a strict avoidance would result in an **absurdity** and would move perilously close to a **prohibition**”.
- 30th July Given the RMA decision CCRU sends letters Local Politicians, CCC and Regenerate asking them to support the use of section 71 of the regeneration act to remedy the current situation
- To date CCRU had not received any response. In a further attempt to gain assistance CCRU sent correspondence to effected community boards asking them to write to Members of Parliament Poto Williams and Ruth Dyson. 20th August 3rd Sept. 2018
- 8th of August. Following the completion of the How team engagement plan. The How2 team was formed to establish community involvement in the Regeneration strategy for South Shore
- 3rd September 2018. Christchurch city Councilor David East released a letter from Judge Sir John Hansen, chair of the IHP confirming in his view that the enabling clause omission from the final Draft was a mistake and should be rectified.
- 5th September Councilor David East is notified he will face Code of conduct disciplinary action after the release of the letter for indicating the clause was

“tampered with” rather than omitted. Local community Board members also face disciplinary action for their support of East

- 8th September 2018 Regenerate proposes an updated map release. CCRU strongly objects and raises the issue that SLR conversions are hijacking Earthquake Regeneration and that adhoc information release is isolating the East from the context of the wider city and other effected Coastal areas
- 10th of September 2018 CCRU sends a letter to Regenerate and to the Board Members questioning the path Regenerate was taking and wither it was adhering to its legal mandate under the legislation
- 12 September 2018 CHC Mayor Lianne Dalziel attends 2 public meetings and publicly commits to getting it Fixed. Community asks CCRU to write to all stakeholders on their behalf asking for assistance. The Mayor states she will independently investigate into what circumstances lead to the clause being omitted
- 13 September 2018 a Notice of Motion was passed at the Christchurch city council meeting requesting urgency and a pathway way forward for a resolution.
- 17 September 2018 CCRU write to MPs, Regenerate, PM as requested. Asking for assistance and advice on how to remedy the error.
- 17 September 2018. A signed petition was presented to the Hon Megan woods office asking to reinstate Clause 5.2.2.1(a) into the Christchurch District Plan.
- 27 September 2018 following the motion of September 13th, Staff presented item 31. A Proposed process to provide policy support to the Residential Unit Overlay
- 27 September 2018 Mr. Peter Skelton is engaged to audit the process surrounding the omitted clause.
- 30 September 2018 CCRU were invited to be interviewed by Mr. Skelton for the Audit following communication that the Audit would lead to the establishment of a set of Terms of Reference for a following inquiry
- 7th of October CCRU issue an update for the community on the section 71 process and how it works
- 11 of October 2018 CCRU, other community representatives and experts attend a CCC initiated drafting workshop in the effort to get some agreed wording for the section 71 process
- 15th October 2018 the CCC approves the draft proposal to amend the district plan in relation to the Residential Unit overlay. This was sent to strategic partners for feedback required by November 8th, 2018
- 16th November 2018 CCRU engages with Regenerate indicating that their natural Hazards Document is misleading and needs to be corrected
- 11th December 2018 CCRU raises concerns on Regenerate progress, focus and mandate and sends through comments on Regenerates baseline documents.
- 11th December 2018 CCRU comments on the revised MFE document
- **13th December 2018 The Minister for Greater Christchurch Regeneration approves the Residential Unit overlay Plan changes under section 71**
- February Residents report CCC are indicating they may only issue time bound consents of 30-40 years on some properties
- 6th February 2019 The Peter Skelton Audit was Publicly released. CCRU question when the promised subsequent TOR for an independent inquiry will be available to view.

- 21 February 2019 Sees a public announcement that Regenerate has “paused” pending an investigation and report from the Minister on its processes in Southshore/South Brighton
- 7th of March 2019. In the absence of Regenerate, CCRU proposes a Pre-adaption strategy. This is presented to the Coastal Burwood community board who vote to unanimously support its contents and submission to CCC
- 5th of April 2019. Post the section 71 audit and after no terms of reference (TOR) for the Mayor referenced independent inquiry were forthcoming, CCRU with inputs from other community groups, submits a community acceptable set of TOR
- 6th of April CCRU makes a submission to the Local Government Funding and Financing Commission concentrating specifically on the financing of climate related issues and effect on community
- 1st of May, 2019 CCRU presents a submission at CCC regarding the annual plan and the lack of expenditure and outstanding unrepaired problems in the Coastal East.
- 5th of May 2019 CCC documents outlining options pre 9th of May meeting saying repairing the Estuary edge may lead to continued development as perceived safety.
- 9th of May 2019 Large numbers of the Community at short notice, voice submissions at a CCC meeting regarding the failure and withdrawal of Regenerate and the proposed transition of leadership for the Regeneration strategy the Southshore South Brighton area.
- 9th of May 2019 CCRU presents the Pre-adaptation strategy – option 3 previously supported by the community board, at the CCC meeting. After some negotiation and re writing a resolution was passed requiring CCC staff to work towards a solution
- 20th May 2019 on behalf of local communities CCRU engage Brighton Observatory of Environment and Economics (BOEE) to produce report on how the earthquake repairs issue has arisen.
- 29th of May 2019 as part of the process a CCC initiated an invited community workshop held in Southshore with the view to canvas community needs regarding the estuary edge repair
- 3rd of June 2019 as part of the process a CCC initiated an invited community workshop was held in South Brighton with the view to canvas community needs regarding the estuary edge repair
- 12th July Coastal Futures issue their next newsletter where CCC staff finalised the needs of the community and will use them to help identify and evaluate options to respond to earthquake-related changes to the estuary edge
- 13 July CCRU submit feedback on the CHC Draft- integrated water strategy and how it relates to coastal communities
- 1st of August the CCC releases the option they have developed following the community needs meetings. Online feedback opportunity for the effected communities provided
- 2-4 August the CCC conducts several informational drop-in meetings for the community to ask questions. The Southshore community, unhappy with the 2 options presented, believing the options did not address the issues as indicated by the community needs engagement, did not confirm any action and were scant on details found they could not support any of the options provided

- 16th August 2019, Councilor East and Community Board members have the Code of conduct disciplinary action regarding the Letter release and the missing clause dropped by CCC
- CCRU continue to follow up with CCC on the advent of time bound consents. Reports of residents being required to accept these types of consents if they wished to build on their residentially zones section- See Feb 2019 note
- 16 August the CCC staff released the Jacobs report and Councils report on the South shore and South Brighton Earthquake Estuary edge Legacy projects
- 22 August 2019 the Reports were tabled at the CCC meeting. Once again, the community made Deputations to the Council to implore them to vote on making an action plan.
The Community board drafted a resolution to request an action outcome. Due to time shortage this was deferred until the 29th of August
- 29 August 2019. Community drafted Resolution Passed. Erosion management for the area around South Brighton Reserve, and further investigations on the stopbanks north of Bridge Street were also agreed to today by Christchurch City Council, as was an investigation into erosion and flood mitigation in Southshore In Southshore, the Council has agreed to investigate proposed options to address earthquake-legacy related erosion, as well as the position of the 11.4m bund to help mitigate flooding. To help with this investigation, a collaborative group will be set up, and as suggested by CCRU will include a technical expert nominated by the Southshore community and the process will be run by SSRA
- 30 September 2019. The Department of the minister releases yearly review of the Greater Christchurch Regeneration act 2016. Southshore and South Brighton mentioned as future appropriate uses of the act
- 29 October 2019. Latest Coastal futures newsletter is issued indicating to community the CCC are undertaking some immediate projects and planning for future projects is underway
- 11 November. 2019 CCRU with support from SSRA organises a meet and greet for South of the Bridge community groups and Newly elected officials. Essentially a hand over from immediately past elected members to newly elected Councilors and community board members.
- 16 November 2019. SSRA via the Beacon asks the community to endorse the SSRA nomination of Technical expert Gary Teear to be the community representative and collaborate with the CCC on behalf of the community.
- 21 November members and experts of CCRU meet with CCC staff from the planning and consents team. This was to address issues with inconstant resources consent rules, timelines on proposed Coastal Hazards process and the anomaly of Non-compliant rules of commercial building activity in Southshore
- December 2019 CCC releases the LDRP113-Coastal-Sand-Budget-for-Southern-Pegasus-Bay-Stage-A and B-Future-Sand-Budget-Final-June-2018-Murray-Hicks-NIWA reviewed by Martin Single
- 10th December 2019 following the November 21st meeting with CCC, CCRU and associated experts are invited and attend a meeting with CCC on 24th February 2020

- 21 February 2020 CCRU sends a communication to Minister Woods for consideration regarding the scrapping Christchurch earthquake recovery laws earlier than planned, suggesting that there is unfinished business and the Minister discusses this repeal with the communities its' premature repeal may also affect not just Government agencies
- 24 February 2020 - following the November 21st meeting with CCC, CCRU and associated experts attend a meeting with CCC staff on 24 Feb 2020. A proposed plan change was indicated.
- March 2020, CCRU was due to have a follow up meeting with the Mayor early March regarding February discussions with staff, but this was cancelled due to the COVID-19 lock down
- May 2020 BOEE report on South shore and the estuary edge commissioned by CCRU released in draft form. Awaiting peer review
- 11 May 2020, CCC issue the Agenda for upcoming Council meeting 14 May 2020. Item 15 was to establish the Coastal Hazards working Group (CHWG) and work on the proposed plan change indicated in the 24 February 2020 meeting
- 14 May 2020, Item 15 was subsequently withdrawn from the May 14th Meeting by the Mayor, to be deferred until after the annual plan.
- 19 May 2020 After the withdrawal of Item 15, CCRU made to follow up request for more information on the proposed plan change
- July 13 CCRU representatives are invited to Meet with Members of the proposed Coastal Hazards group deferred from May 14th CCC agenda where questions regarding the proposed plan change and functions of CHWG were put forward to Councillors
- 27 July CCRU representatives attend a follow up meeting to July 13 regarding the proposed Coastal Hazards working group and its upcoming establishment at the CCC meeting 13 August 2020
- 28 July As a result of ongoing interactions with CCRU, CCC staff prepared a new HFHMA information sheet / guidance document which is available on the public website on Resource Consent page under Residential and Housing
- 13 August 2020 CCC issue the Agenda for 13 August 2020 and Item 19 the Establishment of the Coastal Hazards working group (CHWG)- carried
- 15 October 2020 CCRU organises and hosts the first of an ongoing set of presentations and forums- Geoff Butcher Presentation "Economics of South shore development"
- 6 November 2020, CCC releases agenda indicating options to address erosion and flood risk in Southshore and South New Brighton
- 11 November 2020, Urban Development and Transport Committee seek formal endorsement for the establishment of the Coastal Hazards Adaptation Planning (CHAP) programme of work within Council- Carried
- 12 November 2020 CCC meeting Item 22 -Southshore and South New Brighton Estuary Edge Earthquake Legacy Project approval for funding and for the project to commence is sort and approved.

- 19 November 2020 CCRU Presentation 2- Gerard Cleary Presentation “Balancing Risk When Applying the NZ Coastal Policy Statement”.
- 2nd December 2020 The Council recently agreed to start adaptation planning with low-lying coastal and inland communities likely to be impacted by rising sea levels. The first communities it will be engaging with are those in the Whakaraupō / Lyttleton–Mt Herbert area. A round of 3 Public meetings occur
- 9 December 2020, CCRU and other stakeholders are invited and attend a technical information session on the Christchurch City Council’s updated Coastal Hazards Assessment process.
- 16 December 2020, 3 waters infrastructure committee issues agenda with report on Impacts of Earthquakes and Sea Level Rise on Shallow Ground water- item 10
- 17 December 2020 CCRU Presentation 3- Gary Teear Presentation “Mitigating coastal hazards and protecting communities”.
- 18 December 2020 the CCC issued their first newsletter on their Coastal Hazards Adaptation Planning Programme. This followed their 3 information sessions in late November / early December.
- 21 January 2021 CCRU Presentation 4. Simon Watts “Adaptation of Coastal communities: the good, the bad the ugly”
- 28 January 2021. CCC offer the Chair of CCRU the opportunity to read the New Draft Tonkin and Taylor report. Due to restrictive confidentiality requirements CCRU decline.
- 18 March 2021 CCRU Presentation 5. Richard Dalman and Simon Brown- Designing for a successful Coastal Build. (rescheduled from Feb 18 due to Level 2 lockdown)
- 15 April 2021 CCRU Presentation 6 Warwick Schaffer- Coastal Hazards, what we know, the gaps and our concerns – Coastal East event
- 19 April CCRU attend a Stakeholders invited session on Coastal hazards Assessment outputs- maps, website, and outline of report. Attending were CC planners, CCRU and the estuary trust.
- 20 May 2021 CCRU Presentation 7 Warwick Schaffer- Coastal Hazards, what we know, the gaps and our concerns – A repeat of the Coastal East event for the Sumner Redcliff community.

1

Tonkin and Taylor release effects of sea level rise 2013 (updated from 1999 report)
April 2015 release Chapter 5 Natural Hazards
Community disputes the report as being fit for purpose and was adequate to be used for policy development

The community and experts disputed the report as being a desk top study, not area specific. This report was completed in 19 Days and the terms of reference were set by Tonkin Taylor themselves. It was stated that the report was inadequate in depth for the use by the CCC for policy development.

2

Govt overrides CCC and Dumps Sea level rise Hazards overlays from the PRDP

September 29, 2015 CHRIS HUTCHING - NBR

Government overrides Christchurch council and dumps sea rise hazard

The government has overridden Christchurch City Council and dumped a proposed controversial and wealth-destroying sea rise hazard plan. The coastal hazard plan involved tagging 18,600 land titles, forbidding any kind of development including house extensions, and leading to property devaluation and insurance premium hikes. City council natural environment manager Helen Beaumont was behind the natural hazards chapter in the plan.

But the city council and government were themselves moving ahead with several coastal ventures including building two new schools on the former QE11 site.

<https://www.ccruc.co.nz/single-post/2015/09/29/Government-overrides-Christchurch-council-and-dumps-sea-rise-hazard>

3

Community discovers that specific coastal areas have been included in a HFHMA in the PRDP with building being a non-compliant activity
Independent hearing panel commences stage 1 July 2015 where definition of 1-meter sea level rise is passed unopposed
Chapter 5 Natural Hazards hearings commence 24 Feb 2016

The community submits to the IHP that CCC have a systemic view that certain areas should be non-compliant for building and are using all avenues to achieve this outcome. Now that the Coastal inundation and Erosion Overlays have been removed by the Govt the CCC are attempting to absorb specific Coastal areas into the HFHMA which was really designed for river flooding and ponding areas up stream and river side

4

CCRU demonstrates at hearing that in the HFHMA coastal areas should not be considered the same as river hazard and that Non-compliant is incongruent to actual flood risk for Coastal areas

CCRU argue that as the HFHMA was based on the risk from a depth greater than 1-meter x Velocity, Coastal areas do not have the velocity incurred by river flooding. CCRU suggested that if SRL was removed from the equation, coastal areas would have low velocity and show low risk and therefore should not be included in the HFHMA

The IHP panel found these questions were worthy of consideration and asked the CCC if they had completed modelling on various SLR levels. The CCC had not.

High hazard flooding includes areas that flood to a depth greater than 1 metre, or the depth (m) x velocity (ms⁻¹) of the over land flow is greater than 1 in a 0.2% AEP (1 in 500-year) flood event

5

25 Feb 2016 IHP issues a minute for the CCC to supply new Maps and drafting indicating what a restricted discretionary building policy would look like.

Excerpts from IHP minutes- see attached document page 1

Mapping of further sea level rise scenarios and additional rule drafting

[3] These matters pertain to our consideration of the most appropriate provisions within High Flooding Hazard Management Areas ('HFHMA'). That is in view of the associated proposed restrictions on the subdivision, use and development of land within the HFHMA. The Notified Proposal provides for only non-complying activity classification within the HFHMA (under proposed rule 5.8.8.2) for the following:

- (a) Any subdivision which creates an additional vacant allotment or allotments within a HFHMA (NC1); and
- (b) New buildings within a HFHMA (NC2).

[4] The reach of those restrictions is significant. In addition to impacting potential for intensification and development, it would also impose significant constraint on capacity to build houses on vacant lots, or even replacement houses for earthquake-damaged ones (for which existing use rights could also have expired where a house has been demolished some years ago). The uncontested evidence from the Council's economist, Mr Butcher, identifies significant cost consequences for impacted landowners. We have also heard several representations, and some evidence, from or on behalf of impacted landowners.

[6] Therefore, we intend to make directions to require from the Council the following:

- (a) A new set of HFHMA overlay maps showing the different HFHMA boundaries that would result from each of the following assumptions concerning sea level rise by 2115:
 - (i) A sea level rise of 1 metre (ie as is presently assumed for the Notified Proposal's overlay maps);
 - (ii) A sea level rise of 0.5 metres (*adjusted as required to 2115'*); and
 - (iii) A sea level rise of 0 metres;
- (b) A set of draft provisions such as to apply to the construction of any new or replacement dwelling or addition to a dwelling on residentially zoned land within the HFHMA to the effect of:
 - (i) Classifying the activity as a restricted discretionary activity;
 - (ii) Specifying appropriate assessment matters (taking into consideration what we set out below);
 - (iii) Specifying any necessary associated policy provision for this activity class, i.e. to the extent that there is not already sufficient policy provision.

- (a) The Higher Order Documents, and particularly the NZCPS and CRPS, would not appear to dictate an approach of avoidance for all new buildings in HFHMA, but rather to also allow for risk mitigation (depending, of course, on what is adjudged proportionate and the most appropriate response, in terms of the matters in ss 32 and 32AA). In particular, we refer to CRPS Policy 11.3.1 (as recently amended).

<http://www.chchplan.ihp.govt.nz/wp-content/uploads/2015/07/Minute-re-further-mapping-in-regard-to-sea-level-rise-flood-ponding-management-areas-permitted-activities-in-rural-areas-3-3-2016.pdf>

6

IHP using CCC as a drafting service. CCC supplies maps and a revised RDA policy as requested by IHP via Supplementary evidence of Ruth Evans Planner CCC 20 May 2016

The CCC acting as a drafting service for the IHP. Ruth Evans- Planner for the CCC supplies the requested RDA Policy and Maps. The CCC at this stage was clear to say that they had reservations about RDA and that they did not support the more permissive pathway of RDA

Below is the wording of the draft Ruth Evans provided to the IHP. This version would have enabled the RUO to be applied as intended by the IHP.

4.3 It is considered that the existing policy framework contained in Chapter 5, in particular Policy 5.2.2.1(b) will require amending to support the draft RDA rule. I suggest the amended wording below:

In High Flood Hazard Management areas:

(a) provide for development for a residential unit on residentially zoned land where appropriate mitigation can be provided that protects people's safety, well-being and property; and

(b) in all other cases, avoid subdivision, use or development where it will increase the potential risk to people's safety, wellbeing and property.

Ruth Evans on behalf of the CCC indicates they do not support RDA rule that is being suggested by the panel.

4.4 While this amendment provides continuity with the draft RDA rules, I have some reservations around this approach to managing development in HFHMAs, which I have outlined in paragraph 4.18 of this evidence.

4.5 A key consideration when preparing the draft RDA provisions is the relationship with the existing Flood Management Area (**FMA**) provisions and the HFHMA provisions. All the HFHMA areas are always FMAs, and are subject to the underlying FMA rules. The draft provisions are therefore prepared on the basis that the FMA rules would apply as well. However, as the two overlays serve different purposes (the FMA is about raising floor levels, whereas the HFHMA is about protecting people and property) there is some overlap between the two sets of RDA matters of discretion and assessment criteria.

4.18 As mentioned earlier, I have concerns with the approach of providing a more permissive consenting pathway for an activity, being residential units on residentially zoned land, where people reside and spend a lot of time. When this is compared to a sports facility in an open space zone I consider there is inconsistency in the proposal. At a sports facility people only occupy the site for certain time periods, and this is classified as a non-complying activity. Further, this approach does not provide the same consenting pathway for residential units in other zones, for example rural or commercial, where mitigation options could also be provided.

<http://www.chchplan.ihp.govt.nz/wp-content/uploads/2015/07/3723-CCC-Natural-Hazards-Supplementary-Evidence-of-Ruth-Evans-20-0...-1.pdf>

Based on the newly requested SRL information, on the 20th of May the CCC provided the IHP the Evidence of Graeme Smart – A natural Hazards risk engineer. Mr. Smart undertook several Riskscape scenarios at the various SLR levels. CCRU identified a number of issues with this evidence and applied for leave to cross examine Mr Smart. CCRU also provided counter evidence from their own expert to challenge Mr Smarts evidence. CCRU were unable to question this evidence as the CCC choose to with draw it.

<http://www.chchplan.ihp.govt.nz/wp-content/uploads/2015/07/3723-CCC-Natural-Hazards-Supplementary-Evidence-of-Graeme-Smart-inc...-1.pdf>

<http://www.chchplan.ihp.govt.nz/wp-content/uploads/2015/07/3686-CCRU-Supplementary-Evidence-of-Simon-Arnold-08-06-2016-.pdf>

7

IHP reconvened to present new evidence 30th of June 2016

Decision 53 issued by the IHP for chapter 5 Natural Hazards 3rd of November 2016 indicating coastal areas contained in an overlay referred to as the RUO (residential unit overlay) where the building would be RDA

Decision 53 was issued by the IHP after considering the RDA provisions and new maps. The IHP decided that on evidence the Coastal areas posed less of a risk to life than the higher velocity river areas. The panel decided that a RUO (residential Unit Overlay) was most appropriate and that this would be based on the maps provided by the CCC. Those in the

RUO would be subjected to building as RDA and Directs the CCC to provide an appendix that depicts a Map of the RUO to which the RDA rule applies- excepts from Decision 53

IHP comments on G Harrington's evidence in the decision with regards to the fact that appropriate risk of flood mitigation in coastal areas is possible.

[100] The Council's expert in relation to the modelling and mapping of flood hazards was Mr Harrington, who also gave evidence in the Stage 1 Natural Hazards hearing. The model used various inputs. Our main area of interest in questioning was the area that was primarily affected by sea level rise.

[101] We asked him about the nature and effects of flooding in the HFHMA. While he was cautious to ensure that his answers were confined to the parameters of his investigations, he confirmed that the overwhelming majority of land was included in the HFHMA on the modelled depth of floodwaters rather than on a calculation of depth multiplied by velocity (being the first limb of the definition of "high hazard areas" in the CRPS). He also acknowledged that the CRDP's framework for the management areas was based on a progression from lifting floor levels (to keep habitable areas dry in the FMA) to preventing further development from occurring in areas that could be subject to deeper swifter water. However, he said that the modelling had not been assessed in a way that would differentiate between areas on that basis.

Even so, he accepted that velocities were likely to be higher the closer land was to a river and that this provided a basis for different policies to address the different risks.⁷⁰

[102] We accept Mr Harrington's evidence on these matters. It demonstrated to us, amongst other things, that the characteristic of the risk for coastal areas such as at New Brighton, Southshore and Redcliffs, differs from that for other more inland parts of the HFHMA also susceptible to water velocity risks.

[111] Replacement and repair of buildings can, of course, involve the construction of a new building. Even so, the Council is satisfied, as are we, that this permitted activity is appropriate for achieving what is now Strategic Objective 3.3.6. As a type of new use, it does not give rise to unacceptable risk. Given that, we also find that this extent of allowance for the replacement and repair of buildings would assist to achieve Strategic Objectives 3.3.1 (on enabling recovery and facilitating the future enhancement of the district), 3.3.4 (on housing capacity and choice) and 3.3.5 (on business and economic prosperity).

[112] The remaining issue concerns whether a greater degree of leniency can be provided for the building of new residential units on existing residentially zoned land.

[113] On the evidence, we find it would not be appropriate to do so except in the Residential Unit Overlay. What distinguishes those areas of New Brighton, Southshore and Redcliffs is the evidence that the flooding risk they face is predominantly from sea level rise (by contrast to inland areas within the HFHMA). Peppered through the residential communities of the Residential Unit Overlay are sections where once there were families and other members of these once-vibrant communities. In a number of cases, those

sections have remained vacant since the earthquakes destroyed dwellings on them. For those properties, existing use rights may have lapsed, but the evidence satisfies us that appropriate mitigation of flood risks is possible.

IHP Comments that the revised CCC version is unduly onerous, and that RDA is superior in costs and in benefits

[117] It is important to stress that an application for resource consent for an activity classified as restricted discretionary may be refused.⁷³ It is quite incorrect to regard the activity status of restricted discretionary as being somehow very close to that of a controlled activity. While the restrictions on the exercise of discretion should make the assessment of an application more focussed, any failure of a proposal to meet the requirements of the CRDP within the scope of those restrictions which are incapable of being addressed by reasonable conditions should result in such an application being declined.

[118] The Council's planning witness, Ms Ruth Evans, assisted the Panel on the limited basis we have described, on the possible drafting of a restricted discretionary activity rule. The drafting she offered, reserving her overall opinion, included matters of discretion (including specified criteria). That drafting approach was consistent with the drafting of similar RDA rules determined by Decision 6 and we found it to properly capture all matters that the evidence demonstrates as relevant.

[119] Assessing costs and benefits, on our evidential findings, we find that the Revised Version is unduly onerous. Specifically, in terms of the natural hazard risk in issue, we find no material difference between it and the option of a restricted discretionary activity classification for residential units subject to the matters of discretion that Ms Evans has offered. We find RDA classification would give relatively greater certainty and confidence to both the landowner and the community. Hence, we find it superior on our assessment of costs and benefits.

The IHP directs the CCC to provide maps depicting a RUO to which additional RDA rules will apply

[122] For those reasons, being satisfied that it is the most appropriate for responding to the Higher Order Documents and achieving related objectives, we have included in the Decision Version the modifications we have described to these rules of the Revised Version.

Accompanying these, we have directed the Council to provide to us a related Appendix that depicts, in a map, the Residential Unity Overlay to which the additional RDA rule (including non-notification) applies.

8

The PRDP became operative 19th December 2017

<http://www.chchplan.ihp.govt.nz/>

Post July 2017 residents became aware that the RUO was not being applied and that many where have difficulty getting resource consent

CCRU questioned CCC as to why The RUO was not being applied. CCC were not forth coming on the reason

Given the direction- (CCC to provide maps depicting a RUO to which additional RDA rules will apply) and context given by the considerable discussion provided by Environment court Judge Hassan in decision 53, those who were resident or owned property in the RUO were expecting the following RDA rules to apply as they had appeared in the operative plan and in Ruth Evans original draft to the Panel

discretionary activity under 5.4.6.2 RD2. The matters of discretion are limited to:

"a.The Council's discretion is limited to the following matters:

- i.Setting of minimum floor levels.
- ii.Design of buildings.
- iii.Mitigation of the effects of flooding.
- iv.Level of intensification.
- v.Safe ingress and egress.
- vi.Reducing the risk to people's safety, wellbeing and property resulting from the development.

b.These restricted discretionary activities will be assessed against the following criteria:

- i.The type of foundation and structure proposed for the residential unit and the likely impact of the building with regard to flood storage and flow of water.
- ii.The frequency at which any proposed building or addition is predicted to be flooded, the extent of damage likely to occur in such an event and the potential for injury or risk to people's safety, well-being and property from such an event.
- iii.The ability to maintain safe access to and from the residential unit from the transport network with respect to design of the access and engineering solutions."

9

Drafting error in the Operative plan is indicated as the reason for not applying the RUO

It became evident that the RUO was not being applied by the CCC.

CCRU and the community board made several approaches to the CCC to get to the bottom of the problem. It became evident from a third party and not the CCC, that the CCC were not applying the RUO due to a drafting error in the operative plan. This was allowing them to apply avoidance to all properties in the HFHMA regardless if they were also in the RUO.

On investigating further, it would appear that the original drafting requested by the IHP below

4.3 It is considered that the existing policy framework contained in Chapter 5, in particular Policy 5.2.2.1(b) will require amending to support the draft RDA rule. I suggest the amended wording below:

In High Flood Hazard Management areas:

(a) provide for development for a residential unit on residentially zoned land where appropriate mitigation can be provided that protects people's safety, well-being and property; and

(b) in all other cases, avoid subdivision, use or development where it will increase the potential risk to people's safety, wellbeing and property.

Was replaced by the CCC in their final plan submission

5.2.2.1.1 Policy - Avoid new development where there is unacceptable risk

1. Avoid new subdivision, use and development, including new urban zonings, where the risk from a natural hazard is assessed as being unacceptable.

5.2.2.2.1 Policy - Flooding

1. Map hazard risk for the Flood Management Area based on:
 1. a modelled 0.5% AEP (1 in 200-year) rainfall event plus a 5% AEP (1 in 20-year) tide event plus 250mm freeboard; OR a modelled 5% AEP (1 in 20-year flood event) plus a 0.5% AEP (1 in 200-year) tide event plus 250mm freeboard; OR 11.9m above Christchurch City Council Datum (the maximum 200-year tidal contour) plus 250mm freeboard; whichever is the greater; and
 2. allowance for 1 metre of sea level rise and an increase in rainfall intensity by 16% through to 2115 as a result of climate change; and

3. a maximum buffer extension of the modelled rainfall event areas by 60 metres in a north/south and east/west direction.

2. Avoid subdivision, use or development in the High Flood Hazard Management Area where it will increase the potential risk to people's safety, well-being and property.

You can see from point 2 that it essentially only contains point (b) from the original draft and point (a) provide for development- has fallen away.

The CCC have freely admitted that as they did not support the IHP desire to have a more permissive building pathway and a RUO and so they did not reflect this in their final draft.

This was not picked up by the panel or highlighted by the CCC until pressed by CCRU

<https://districtplan.ccc.govt.nz/pages/plan/Book.aspx?exhibit=districtplan&hid=84826>

- May 2018 Linwood Central Heathcote community Board informed of effects of HFHMA and RUO in their area

10

18th of May 2018 CCRU held a meeting for affected residents in Eastern Estuary areas

A meeting was held with over 15 effected residents. Residents told of spending thousands of dollars and still not being able to build. Lack of transparency and information by the CCC. Inconsistent application of policy. Lack of understanding of policy. At times rules being applied that were not policy. People living in caravans waiting, others buying other homes. Extreme financial hardship and mental anguish.

11

21st of May 2018 RMA hearing was held for 153 Main road Redcliff regarding building in the RUO

On the 21st of May an RMA hearing was held for a Redcliff property. The CCC and the community are waiting for the outcome of this hearing. While it may clarify some issues, it will not remedy the underlying policy of avoidance.

12

1st of June Member of CCRU meet with the CCC to discuss Drafting error and understand the situation

On the 1st of June members of CCRU, RMA lawyer Gerald Cleary, Partner at Anthony Harper met with Member of the CCC policy and consents team. CCRU posed several questions to the CCC. The discussion indicated that the CCC were aware of the problem, but indicated they had to apply the policy as it was written. They stated they were unable to change the policy until 2021 and that their hands were tied. Following are excerpts of the transcript- *See attached minute document page 11*

3

Gerard's assessment is that there is a disconnect between the rules, the objectives and the policies. His understanding is that the policy seems to be applied as if the restricted discretionary rule didn't exist. His feeling is that there has been a mistake made.

4

Council agreed with how Gerard outlined the above, however CCC said that they had to follow the District Plan as ultimately written and that they can't speculate whether a mistake had occurred.

7

Gerard's view is that the Panel's decision in terms of development of Southshore and residential unit overlay areas wasn't to be avoided. It was to be enabled provided the technical matters contained in the rule are satisfied. If you can satisfy the rule it should be granted. In practice the ability to meet those technical assessment matters is being subservient to the assessment in the avoidance policy. This policy is given much more weight than it should be.

14

Warwick: If the paragraph had been included would things be interpreted differently now? If the panel said that was a mistake

15

Council: We can't ask the Panel as it no longer exists. We can't ask for any changes now as we still have an Order in Council in place preventing plan changes until 2021, although hopefully this restriction will be removed this year. To amend the avoidance policy would need a plan change.

CCRU asked the CCC if there was a will inside the CCC to support this change of plan so as to give the CCC and opportunity to put it right.

38

Gerard: So there is a problem, potential solutions are out of the hands of the residents. Changing a plan via the GCRA is in hands of Council or the Minister.

39

-Karina: CCRU would prefer if the change was initiated by council. That is why we are here. This is a growing issue.

40

Council suggested CCRU lobby their local Community Board and ask the Board to lobby the Council for a resolution to consider.

41

-Gerard: The Community Board is well aware of issues. CCRU would like change to be driven from inside Council.

42

-Council: That's something to be discussed internally.

43

-Karina: CCRU would rather partner in this. Agree it's the overarching policy causing this.

44

-Warwick: Can we agree that there is a problem and there is a solution to come out the other side.

45

-Council: What you are asking would need to be supported from planning/policy area, and ultimately elected members. Either way, a District Plan change or wait for the Order In Council to be removed. It will take time. Using the GCRA could be quicker.

CCRU also requested the CCC to provide current maps and figures of effected vacant sites. While Vacant sites are the most effected by this policy as they generally have no existing usage rights, other properties are also affected. Those that are replacing existing dwellings with a larger house under the usage rights banner are unable to extend their footprint. Those that wish to extend their existing house also extending their foot print are being declined extensions

See attached documents

RMA20171413 List of consents issued for dwellings in HFHMA .page 17

RMA20171413 Residential Sites in the HFHMA city wide as at 30 June 2018. page 18

Maps of Vacant sites Redcliff and Southshore Appendix 1. page 21

13

- **4th June Poto Williams approached by Coastal Burwood Community Board and CCRU members to inform and discuss the issue and how it could be remedied**
- **29 June 2018 Meeting with Politicians from effected areas to inform and discuss remedy**

Govt MPs have been called in to help solve problems people face trying to get resource consents. CCRU met with MPs Ruth Dyson, Duncan Webb and Poto Williams to discuss the problem and potential remedies

<https://www.yumpu.com/en/document/view/60944229/bay-harbour-july-04-2018>

The CCC has indicated to CCRU that the only way forward to remedy this anomaly is to use the GCRA.

Section 71 GCRA

<http://www.legislation.govt.nz/act/public/2016/0014/32.0/DLM6579297.html>

The purposes of the Greater Christchurch Regeneration Act 2016 is to support the regeneration of greater Christchurch through five specified purposes as set out in section 3(1). Section 3(2) of the GCR Act provides a definition of 'regeneration' as follows:

regeneration means—

(a) rebuilding, in response to the Canterbury earthquakes or otherwise, including—

(i) extending, repairing, improving, subdividing, or converting land:

(ii) extending, repairing, improving, converting, or removing infrastructure, buildings, and other property:

(b) improving the environmental, economic, social, and cultural well-being, and the resilience, of communities through—

(i) urban renewal and development:

(ii) restoration and enhancement (including residual recovery activity)

urban renewal means the revitalisation or improvement of an urban area, and includes—

(a) rebuilding:

(b) the provision and enhancement of community facilities and public open space.

What is the exercise of power of section 71 intended to achieve

The exercise of powers under section 71 of the GCR Act is intended to amend and correct the HFHMA policy under Chapter 5 Natural hazards. So that building can be applied as a RDA in respect to vacant and existing properties that lay within RUO as intended by the IHP

The objective of the section 71 of the GCR Act is to support the regeneration of greater Christchurch through repairing, restoration, extending, renewal and improving well being. Specifically, the exercise of power will expedite the correction of the HFHMA policy under Chapter 5 Natural hazards.

This is **necessary** to regenerate the affected communities who are at this moment effectively in a holding pattern and have not been able to repair, renew or rebuild.

Proposed amendments to the Christchurch District Plan – Is it necessary and preferable?

Under section 65 of the GCRA it indicates that any proposal to use section 71 of the act must demonstrate

(d) an explanation of why the proponent considers the exercise of the power is necessary and preferable to any alternatives to the exercise of the power

Using section 71 of the GCR Act to make these amendments to the District Plan allows for a significantly more expedited process. This method is preferable as the CCC have indicated their hands are tied, they agree they are unable to amend the plan themselves and have suggested this maybe the only course of action.

In addition, and possibly the most important- using the CGRA section 71 can **expedite** this matter. This is both **necessary** for the social and emotional wellbeing of the community, and **preferable** is to the additional delays and costs the use of other processes (legal advice indicates there may not be other processes) would entail.

These communities have been battling to renew for over 7 years. They are starting to show signs of emotional, social and financial degradation. Evidence of family splits, stress related health issues and financial hardship specifically regarding this particular building issue are now becoming increasingly apparent

section 65 GCRA

<http://www.legislation.govt.nz/act/public/2016/0014/32.0/DLM6583402.html>

CCRU believe that using the powers of section 71 is the best and possibly only option as it supports the reasons why regenerate have asked in the past for section 71 to be used. - Speed, to allow the community to regenerate and ease of co-ordination other documents.

Regeneration has the following on their website and have publicly stated they are looking for opportunities to use the act to support regeneration.

<https://engage.regeneratechristchurch.nz/redcliffs>

Section 71 of the Greater Christchurch Regeneration Act can be used to make changes to the Christchurch District Plan and other planning documents in order to speed up planning processes. In late January this year, Regenerate Christchurch recommended using the legislation to enable the school to be relocated to Redcliffs Park and the original site converted to a park

It's the first time that Section 71 has been used, and Regenerate Christchurch is looking for more opportunities to use the Greater Christchurch Regeneration Act to support regeneration.

14

- **25th July CCRU (Christchurch Coastal Residents United) organizes a meeting at Redcliffs Bowling Club, in response to Coastal Residents' distress and difficulty in extending, rebuilding or building their houses in residential areas that are in the High Flood Hazard Management Area (HFHMA) and the Residential Unit Overlay (RUO). Over 100 residents attend**

The aims of this meeting was to share experience gained from Southshore and South Brighton residents with other coastal residents who are also in the in HFHMA/RUO and brief those residents how the situation is evolving.

The meeting was attended by over 100 residents, representatives from community boards, residents' associations and political proxies. The CCC was invited to attend but declined

<https://www.ccru.co.nz/single-post/2018/07/29/CCRU-video-of-meeting-for-coastal-residents-affected-by-RUO>

15

- **26 July 2018 RMA Panel releases an important decision regarding the application of the RUO and reports: "In our view, the application of a strict avoidance would result in an absurdity and would move perilously close to a prohibition".**

26 of July saw the release of RMA panel decision RMA/2017/1413 in regard to 153 Main Road, Redcliffs. CCRU maintains that the decision supports the stance that the operative plan has a gap that has resulted in a disconnect between the avoidance policy and the RUO causing it to be incorrectly applied. The decision highlighted numerous problems in the interpretation of and details the difficult planning and legal situations created by, the omission of the previously drafted paragraph as identified by CCRU. In support of this the panel states the following:

*“We consider the strict application of “avoid”, in the King Salmon sense to the RUO, would render the RUO redundant. Realistically, any new (and indeed many replacement), dwellings will increase potential risk. In our view, the application of a strict avoidance would result in an **absurdity** and would move perilously close to a **prohibition**”*

It was made clear by the panel that as this was an RMA hearing, it would not set a precedent for other properties in the RUO.

The concern raised by CCRU with both Politicians, CCC and Regenerate was that while the hearing would provide a view, the fact that it would not set a precedent was problematic and would not provide a solution to the issue at hand. CCRU believe that this may result in the CCC requiring an expensive and burdensome process of RMA hearings for each property. In our view this case by case basis would lead to more hardship, uncertainty and confusion in the community.

<https://www.ccru.co.nz/single-post/2018/07/27/IMPORTANT-RMA-DECISION-ALIGNS-WITH-CCRU-VIEW-OF-RUO-APPLICATION>

16

- **30th July Given the RMA decision CCRU sends letters Local Politicians, CCC and regenerate asking them to support the use of section 71 of the regeneration act to remedy the current situation**

CCRU requests from CCC, Regenerate and Politicians as local representatives of effected constituents, support in remedying the disconnect by the way of utilizing Section 71 of the Regeneration Act. This request was made to ensure that there is a clear and consistent assessment pathway that does not continue to unfairly disadvantage residents in the RUO.

There is a ground swell of awareness and discontent surrounding this issue and this is only set to increase. A resolution is urgently required.

17

- **To date CCRU had not received any response. In a further attempt to gain assistance CCRU sent correspondence to effected community boards asking them to write to Members of Parliament Poto Williams and Ruth Dyson**

This correspondence was tabled, resolved and carried as evident in both sets of board minutes Coastal Burwood Community Board on 20 August 2018 and the Linwood Central Heathcote Community Board on 3 September 2018. Both boards then sent letters to Ruth Dyson and Poto Williams asking for their assistance in resolving this issue

18

- **3rd September 2018. Christchurch city Councilor David East released a letter from Judge Sir John Hansen, chair of the IHP confirming in his view that the enabling clause omission from the final Draft was a mistake and should be rectified.**

“My understanding is that Council staff have taken the view that they have no legal basis to apply the RDA rule within the RUO in the absence of such policy. I find that somewhat surprising given the extremely clear findings of the Panel in Decision 53 as set about above. Such a course has denied land owners within the RUO the relief the IHP clearly granted them. Decision 53 would leave nobody in any doubt as to what the outcome of the hearing into this matter was”

“The jurisdiction of the IHP extended until the final appeal period had run. In that time, at the request of CCC and other parties, the IHP made a large number of minor corrections to the plan. If this matter had been brought to our attention, we would certainly have added the policy back into the plan as a minor correction. I am not sure of the exact timing, but it would appear that the omission of the Policy was known before our jurisdiction ceased.”

“I would strongly support the use of s 71 to reintroduce the policy into the relevant portion of the District Plan. It would correct an obvious oversight.”

https://docs.wixstatic.com/ugd/780895_5ecd6c846db44dcea199e6f62edaf146.pdf

<https://www.ccruc.co.nz/single-post/2018/09/03/Judge-confirms-error-in-district-plan-and-supports-CCRU-in-bid-for-swift-action-in-correction>


19

- **12 September 2018 CHC Mayor Lianne Dalziel attends 2 public meetings and publicly commits to getting it fixed. Community asks CCRU to write to all stakeholders on their behalf asking for assistance.**

<https://www.ccruc.co.nz/single-post/2018/09/12/Mayor-personally-commits-to-GETTING-IT-FIXED>

- **13 September 2018 a Notice of Motion was passed at the Christchurch city council meeting requesting urgency and a pathway way forward for a resolution.**

<https://www.ccruc.co.nz/single-post/2018/09/13/This-is-what-the-Mayor-promised>

Council 13 September 2018	Christchurch City Council 	Item 9
9. Notice of Motion		
Reference: 18/935833 Presenter(s): Councillor Johanson		
<p>Pursuant to Section 22 of Christchurch City Council's Standing Orders, the following Notice of Motion was submitted by Councillor Johanson:</p> <p>High Flood Hazard Management area policy</p> <ol style="list-style-type: none"> 1. That Council notes that the Linwood-Central-Heathcote and Coastal-Burwood Community Boards held a joint briefing following concerns regarding the High Flood Hazard Management area policy in the District Plan. 2. That Council notes that the Mayor has asked staff to provide advice as to options for resolving the issue that has been raised in relation to the Independent Hearings Panel decision on the District Plan. 3. That Council request urgency be accorded the matter so that the District Plan can be amended to reflect the intention of the Independent Hearings Panel as soon as possible. <p>Moved Councillor Yani Johanson</p>		
1. Recommendation to Council		
That the Council:		
<ol style="list-style-type: none"> 1. Accepts the Notice of Motion from Councillor Johanson regarding High Flood Hazard Management Area Policy. 2. Notes that the Linwood-Central-Heathcote and Coastal-Burwood Community Boards held a joint briefing following concerns regarding the High Flood Hazard Management area policy in the District Plan. 3. Notes that the Mayor has asked staff to provide advice as to options for resolving the issue that has been raised in relation to the Independent Hearings Panel decision on the District Plan. 4. Request urgency be accorded this matter so that the District Plan can be amended to reflect the intention of the Independent Hearings Panel as soon as possible. 		
Attachments		
There are no attachments to this report.		

21

- **17 September 2018 CCRU write to MPs, Regenerate, PM as requested. Asking for assistance and advice on how to remedy the error.**

CCRU has always felt that the omission of the policy that enabled building in the Residential Unit Overlay from the District Plan was an oversight and John Hansen's letter confirms that. However, the CCC position has been that the current Plan *is* as the panel intended. The Mayor's comments above indicate there now appears to be a desire to fix this issue, with some urgency.

CCRU therefore strongly recommend, that clear and urgent communication is provided to the community regarding:

- Confirmation of the correct and most appropriate process that will be used to remedy this issue.
- A timetable for the reinsertion of the clause
- Report back mechanism so the community is aware of where this issue is on the timeline of resolution

And on the omission, itself:

- A Timetable for the establishment of an independent hearing to investigate how the omission occurred and the circumstances surrounding the omission.
- The appointment of the most appropriate person to head the hearing be agreed on by stakeholder not appointed solely by the CCC

<https://www.ccru.co.nz/single-post/2018/09/17/We-are-asking-for-Government-assistance-to-fix-this>

22

- **27 September 2018- following the motion of September 13th, CCC Staff presented item 31. A Proposed process to provide policy support to the Residential Unit Overlay**

https://docs.wixstatic.com/ugd/780895_359e76bede644b699f9d4d3ace98acb5.pdf

Origin of Report

1.2 This report responds to the Notice of Motion put to the Council on 13 September 2018 as resolved: 1.2.1 *That the Council:*

- 1. *Accepts the Notice of Motion from Councillor Johanson regarding High Flood Hazard Management Area Policy.*
- 2. *Notes that the Linwood-Central-Heathcote and Coastal-Burwood Community Boards held a joint briefing on 13 August 2018 following concerns regarding the High Flood Hazards Management area policy in the District Plan.*
- 3. *Notes that the Mayor has asked staff to provide advice as to options for resolving the issue that has been raised in relation to the Independent Hearings Panel decision on the District Plan.*
- 4. *Request urgency be accorded this matter so that the District Plan can be amended to reflect the intention of the Independent Hearings Panel as soon as possible.*

“We do need to learn by doing and the current way in which those laws and policy statements are working is not really allowing that. It's boxing Councils in to a certain way of acting.”

“So what has gone on in Christchurch where all these people are upset, some of the things that are happening don't seem to be logical or fair. I am sure that what they have done is perfectly legal. So there is a big onus on central government to sort this.”

- Jan Wright (Parliamentary Commissioner for the Environment 2016)

Parliamentary Commissioner for the Environment
says banking industry and insurers very focused
on rising sea levels; warns coastal owners may
face negative equity; calls on Govt to investigate
fiscal, economic risks
Posted in [News](#) [HOT TOPIC](#) March 31, 2016 - 04:14pm, [Lynn Grieveson](#)

By Lynn Grieveson

Best way to get science advice to be effective is to follow these 4 principles

Inclusive

Rigorous

Transparent

And accessible

Juliet Gerrard New science advisor to the PM, radio NZ Nine To Noon (02 Jul 2018)

23

- **October 2018**

In an effort to keep the community informed, CCRU publishes the letters that the CCC have sent to Judge Hassan and Sarah Dawson asking for their assistance and views on the proposed plan change and wording. CCRU writes a post - a layman's guide to the omitted clause

11 October CCRU, experts and other community members attend a drafting workshop. The constructive and well-organized meeting was to discuss the wording of the omitted policy regarding the RUO and the section 71 process. There was general support for the wording, and you can read CCRU feedback to CCC in the link provided. Similar support was also given to the CCC by the community boards and the SSRA.

CCRU raised several issues, these issues were noted by CCC and advised CCRU that staff had started to work through them and would include responses and any necessary amendments in their final report to Council. This final report which is expected to be 8 Nov 2018 (i.e. after feedback from strategic partners, and then council staff finalise the s71 proposal).

<https://www.ccru.co.nz/single-post/2018/11/03/Changes-coming--what-happened-in-these-3-weeks-Sep-23-Oct-16>

On 15 October Councillors approved the draft proposal to amend the District Plan in relation to the Residential Unit Overlay.

The draft proposal was immediately sent to Environment Canterbury, Selwyn District Council, Waimakariri District Council and Te Rūnanga o Ngai Tahu, along with the Department of the Prime Minister and Cabinet (DPMC) and Regenerate Christchurch, for their feedback.

Link to CCC update 4

https://docs.wixstatic.com/ugd/780895_aa1a427f677e4f27940ee895b3265023.pdf

Link to CCC extraordinary agenda 15 October

https://christchurch.infocouncil.biz/Open/2018/10/CNCL_20181015_AGN_3010_AT_EXTRA.PDF

Link to CCC approval notice 15 October

<https://www.ccc.govt.nz/news-and-events/newsline/show/3079?fbclid=IwAR38krT5FcmDozQXW2FKogsdTbxj84VYJYtB02hGT47MNRlx60ZssR0yYkk>

24

- **11 DEC 2018**

CCRU begins to have concerns that Regenerate is not following there mandate under the act and has been hijacked by Coastal Hazard issues. CCRU indicate in their view it is not appropriate to be concentrating on Hazard adaption before repair issues have been addressed. There are also concerns raised on the progress so far with a view that Regenerate has now gone off track.

CCRU subsequently raises concerns and comments on regenerates baseline docs

<https://www.ccru.co.nz/single-post/2018/12/11/CCRU-raise-concerns-and-comments-on-Regenerate-Baseline-Documents>

February 21 sees a public announcement that regenerate has “paused” pending an investigation and report from the Minister on Regenerations’ processes in Southshore/South Brighton. This leads to the eventual failure and withdrawal of Regenerate from the community on May 9th 2019. The community express concern that large sums of money have been spent with no benefit to the community and are dismayed that there was no apology or accountability from Regenerate- just a “walking away”

25

- **11 December 2018 CCRU scientific members comment on the Revised MFE Document**

<https://www.ccru.co.nz/single-post/2018/12/11/CCRU-comments-on-Mfe-2017-Coastal-hazards-and-climate-change-document>

26

- **DEC 13th, 2018 - Residential Unit Overlay District Plan Changes Section 71 Proposal approved**

Christchurch City Council's Residential Unit Overlay District Plan Changes Section 71 Proposal (the Proposal) was approved on 13 December 2018 by Hon Dr Megan Woods, the Minister for Greater Christchurch Regeneration (the Minister) under sections 69 and 71 of the Greater Christchurch Regeneration Act 2016 (GCG Act). Will be publicly notified on the 17th of December 2018

The approval was [gazetted on 14 December 2018](#).

Link to the Office of PR minister announcement

<https://dpmc.govt.nz/our-programmes/greater-christchurch-recovery-and-regeneration/section-71-proposals/residential-unit>

27

- **Feb 6th 2019- The Peter Skelton Audit into the Section 71 process is released vindicating the CCC.**

CCRU saw this audit as gathering useful information but was too narrow in focus to make useful change and gather learnings. CCRU had participated in the Audit under the understanding it would produce a set of Terms of reference for the Section 71 public inquiry promised by the Mayor in the September 12th Public meeting. Multiple enquiries by CCRU on behalf of the community, regarding the development of the TOR proved fruitless and they were never developed by the CCC nor was an enquiry into the Section 71 process undertaken.

<https://www.ccru.co.nz/single-post/2019/02/06/Please-stop-using-the-T-word>

- **February 2019 Residents report CCC are indicating building only possible if they accept time bound consents**

CCRU could find no CCC policy that indicated specifically time bound consents were a requirement. CCRU found that it appeared that this was more of a recent CCC strategic direction than policy and was being used to disincentivise building on some sites

- The general view of those at council planning was that sites that are vacant and do not have Existing Use Rights (pursuant to s.10 of the RMA) would require a resource consent to build on the site (District Plan rule 5.4.6.2(RD2)). While the outcome of a resource consent application could not be pre-determined, there is a very high chance that any resource consent for these sites would have a condition limiting how long the building can stay on the site (i.e. limiting the duration of the consent or referred to as timebound consents). The reason Council said they would likely to impose this condition is because the latest flood modelling indicates that the flood risk for this site would be deemed *unacceptable* in approximately 30-40yrs (relevant because of District Plan policy 5.2.2.2.1(b)(i)). The condition would limit the duration of the consent to approximately 30 or 40 years, at which time the building would need to be removed from the site. There would also be a condition requiring a covenant be registered on the title documenting that the resource consent has a limited duration.
- As there was no policy CCRU asked the following questions.
What happens if in 30-40 years SLR has not risen as expected? It is just like any other RC you can apply for a renewal, extension or variation.
What's to stop an overzealous CCC just decided regardless you must remove the house? Nothing- but as it was issued in relation to SLR- his view was that it would be difficult to refuse if SLR had not followed the modelling.
How is this recorded – as a caveat on tile
Can you supply the wording for this- No- we do not have anything specific?
Do you need to build a removable house? You can build whatever you like under the regs- as long as you remove it
Could you build up the land- No- not sufficiently -would cause other issues to surrounding houses
What happens if you are required to remove the house? Do you still own the land?
Pay rates? What happens to the land? – we have no plan or policy in place for this.
What happens if you do not agree with the assessment? - you could take it to the RC panel- you would have to have evidence that contravened the CCC modelling.
- CCRU were curious as to where the 30-40 years came from. It appears each individual site is assessed and modelled as to flooding and SLR combined and when it hits the spot of 1mSLR the risk is indicated to be too great and the house must be removed. The time frame – will be set based on data and section height and it this

case it's the "sweet spot" of 1m as per the DP at the 30-40 year mark. Residents were not informed as to the new modelling and as it was a not a policy or plan change rather a strategic direction the community was unaware.

- This action in our view, sort to stop the building on vacant sections by making it extremely expensive and prohibitive, rendering the sections un- buildable in a residential zone.
- CCRU legal advice indicated there was concern in the precedent setting effect of it. Indicating that it is a very harsh condition for you to invest 5 or \$600,000 to build a house and 30 to 40 years later you've got nothing, not many people would be willing to do this and banks probably wouldn't be behind it.

29

- **March 7th 2019 CCRU proposes an Pre-adaption Strategy.**

Following the failure and subsequent withdrawal of Regenerate and now in their absence, CCRU asks the question "where to now?". CCRU proposes a Pre adaption strategy. This is presented to the Coastal Burwood community board who vote to unanimously support its contents and submission to CCC

<https://www.ccru.co.nz/single-post/2019/02/21/Regenerate-has-paused--CCRU-suggests-where-to-now>

See the document here

https://docs.wixstatic.com/ugd/780895_55a43ade398d4c7aa263ae70679004ba.pdf

30

- **5th of April 2019. CCRU after community consultation and input- develops and releases a set of acceptable Terms of Reference for the promised Omitted clause independent inquiry**

After no terms of reference (TOR) for the Mayor referenced independent inquiry were forthcoming from either the CCC or Mr. Skelton post his section 71 audit, CCRU, with input from other community groups submits a community acceptable set of TOR. An independent inquiry had still not been initiated.

<https://www.ccru.co.nz/single-post/2019/04/05/Terms-of-Reference-TOR-submitted-to-the-CCC-by-the-CCRU>

31

- **6th of April. Continuing its work on supporting Coastal communities - CCRU makes a submission to the Local Government Funding and Financing Commission specifically on the financing of climate related issues and effect on Coastal communities**

<https://www.ccru.co.nz/single-post/2019/04/06/Submissions-to-the-Local-Government-Funding-and-Financing-Commission>

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- On May 1st, Simon Watts for Christchurch Coastal Residents United presented the CCRU submission on the Christchurch annual plan at the Christchurch City Council meeting. This submission pointed out the lack of expenditure on the eastern coastal estuary edge and the subsequent effects this lack of action and support has had on the wellbeing of the community.

<https://www.ccru.co.nz/single-post/2019/05/04/Submission-to-Christchurch-Annual-Plan--Urging-the-need-for-coastal-repair-budget>

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- **May 9th A CCC meeting is held to consider leadership transition from regenerate to CCC and its final withdrawal from the Coastal Community**
- At very short notice multiple individuals and community groups turn out in force to speak out about the leadership transition from regenerate to the CCC. The focus was on the lack of progress of Regenerate, its derailment, expenditure, its failure to engage the community and the effect zero repairs and failed engagement has had on community wellbeing
CCRU presents the Community Board supported Preadaptation strategy (option 3) to further the conversation in the void left by regenerate. The wider community supports this presentation. While not initially supported by CCC staff, the deputy mayor encouraged parties to come to an agreement and a modified version of the CCRU option was passed by unanimous resolution in the effort to work towards some progression of the Coastal repair issue.
- Presentations overwhelmingly indicated that the Erosion of the Wellbeing of the community was of particular concern. This was due to the failure of multiple agencies and numerous engagement process that had seen no progress. The fact that rubble, rubbish and abandoned structures remained along the estuary edge much as it was 8 years ago, while other areas had been repaired and enhanced. The view of the community was that there was a concerted effort by the CCC to do nothing, and would do so until the community were finally too exhausted to engage.

Dr Dr John Cook – GP New Brighton - eloquently said in his deputation- “continued uncertainty around the management of equity and safety and the future of the community in Southshore and South Brighton has led many residents to dark and unhealthy places...”

*"The earthquake ruptured our village, your decision corrodes our soul
Our ground continues to shake as we and our families grow old
I want you to bring humanity to the estuary edge we live by
We need you to resolve our fate so in peace in our land we can lie"*

See the presentations here

<https://www.ccru.co.nz/single-post/2019/05/11/The-earthquakes-erupted-our-village-and-your-decisions-corrode-our-soul>

- In the report tabled for the May 9th CCC meeting, the community view of the council staff's perception of their area was seemingly confirmed. This substantiated the widely held view of inequitable treatment and rules between similar suburbs and the concept of Suburb Shaming.
 "Says that repairing estuary edge may lead to continued development as a result of perceived safety"
<https://www.ccruc.co.nz/single-post/2019/05/04/Council-Says-that-repairing-estuary-edge-may-lead-to-continued-development-as-a-result-of-perceived-safety>

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- **May-August 2019- Subsequent to the CCC resolution to on the 9th of May 2019 (see below) the CCC ran several Community workshops to Canvas Community needs regarding the Estuary and Earthquake repair.**
 Having voiced their views and needs multiple times, with many agencies over an extended period of years and still with no result, the community had misgivings about this process. Nevertheless, they once again participated in these workshops. The community was also requested to provide the CCC staff with photos of how the estuary edge looked pre earthquake as a form of proof that what would be fixed would be earthquake related only. Given that the residents of these properties were Red zoned, and many had moved away this was a seemingly arduous task for the community. The Community also felt that no other Coastal community in CHC had been asked to jump through so many hoops having to prove damage to get repairs, especially as the damaged structures had remained untouched in situ for the past 8 years, some standing, some as rubble and some as eroding edges.

"The Council has therefore agreed that the best way forward is to split the project into two separate projects, but have them running simultaneously so we can avoid delays and get things back on track as quickly as possible," Dr Anstiss says.

The first project will be an urgent investigation into the estuary edge. This will build a comprehensive picture of the changes that have occurred as a result of the earthquakes and to identify any outstanding community needs. This work will include specific actions and opportunities to mitigate inundation and erosion that addresses earthquake legacy.

- 20th May 2019 on behalf of local communities CCRU engage Brighton Observatory of Environment and Economics (BOEE) to produce report on how the earthquake repairs issue has arisen.
- 12th July Coastal Futures issued their next newsletter. This is where CCC staff finalised and released the compiled needs of the community, with the view to use these needs to help identify and evaluate options to respond to earthquake-related changes to the estuary edge

- 1st of August the CCC releases the option they have developed following the community needs meetings. An Online feedback opportunity for the effected communities was provided
See the Options provided by CCC and the Coastal futures Newsletter Archive here <https://coastalfutures.engagementhq.com/>
- 2-4 August the CCC conducts several informational drop-in meetings for the community to ask questions regarding the Options. Initially the time allocated for the community to provide feedback was 2 days. This was subsequently extended to 4 days. The Southshore community were not supportive of the 2 options presented to them. Believing the options did not address the issues as indicated by the community needs engagement, did not confirm any action and were scant on details. Due to this many in the community found they could not support any of the options provided.
This Facebook post by a resident on a local community page dated 6th August - below sums up the general view of the community of the overall process

'Like most local residents even in the face of the continual battle of 8 years challenging the obvious bias in council to not invest in the provision of flood protection at Southshore and South New Brightoninstead allowing the continual erosion of the land at the estuary edge.... I held onto the hope that through becoming involved as a How Team member in the consultation process the obvious bias in council would change.

That fear of possible council bias returned strongly when council dismissed Regenerate Canterbury from the process.

I fought hard to ignore my strong feelings that removing Regen. meant the council now had full control of the process. I hoped I was wrong and that this change was signaling a positive change in council attitudes and that Southshore South New Brighton community would soon provide with the necessary degree of flood protection that would remove all risk of flooding (as provided to the southern estuary communities from Sumner to Ferrymead that has removed all risk there of flooding and erosion ensuring insurability and the value of property.

The current options offered to Southshore and South New Brighton do not offer the same level of flood management. A bund is a pile of material dumped on top of land which will erode and break down on contact with flood water. For a bund to be effective it needs to be protected from water by estuary edge erosion control which is not offered as the current options are just wasting money carrying out unnecessary further investigations. There is an obvious solution at Sumner to Ferrymead that will guarantee the future of our community which we know the council knows works. A stopbank has major foundation preparation and stops all flooding as long as it is built high enough.

A bund does not.

Building erosion protection at the estuary edge with gabion baskets and gabion mattresses on the estuary floor and edge will provide the necessary strength to build the base needed for planting a natural edge that will help counteract the impact of any storm surge.

If climate change possible increased risk of sea level rise and greater storm events does arise having the same flood management as at Sumner to Ferrymead will guarantee equity in stopping flooding in Southshore and South New Brighton from water from the estuary for the next 100 years, and will also ensure insurability and property values.

As I feared the current council earthquake legacy process is no more than wasting more money and time on temporary fixes that will fail.

I am disappointed that all I could feedback on all options was to tick the 'strongly disagree' box."

- Throughout the Regeneration and Coastal Futures process, members of the **How Team** were consulted as a community touch point.
<https://www.renewbrighton.org/how-team>
<https://static1.squarespace.com/static/5afb80974cde7ad96cbf5d9c/t/5b4841f5758d463dce49ed21/1531462138756/How+Team+Updates+Collated.pdf>

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- **The Southshore Community disappointment in the latest Estuary edge repair process is compounded by the fact that this been a long running issue of which there appears little willingness by the CCC to resolve it with what the community sees as a fit for purpose solution. It has not been for the want of effort on the communities' part. As early as March 2017 they were already frustrated with the lack of progress by the CCC. SSRA conducted their own engagement Survey and funded their own Coastal report, referred to as the Ocel report.**
https://docs.wixstatic.com/ugd/780895_bf3131582065430296ac1f8be40b3a6a.pdf
- On Monday the 20th of March 2017, the SSRA (Southshore Ratepayers Association) presented the Coastal-Burwood Community Board with a Residents Survey in regard to the Estuary Protection. ***This protection is urgently required to keep the Eastern coastal communities safe and healthy.*** The SSRA, becoming dismayed at the lack of progress in the reinstatement of the Estuary, has taken this by the horns. They have worked with a respected Coastal Engineer to develop a solution that is both ecologically sound and fit for purpose. This design celebrates and showcases the unique environment our eastern estuary is for greater Christchurch, while providing a level of protection that is vitally needed by the community. The great news is that the design is more **sensitive and adaptive** to the area and the projected costs are substantially lower than any CCC proposed concepts. SSRA have done tremendous work in canvassing their community to ensure that residents have seen the design and can put forward their views. The survey indicates overwhelming support to the design and its intent.
<https://www.ccru.co.nz/single-post/2017/03/25/Southshore-Inundation-Protection-Levy>
- The SSRA were realistic in that they viewed the Ocel report as a starting point. As it was self-funded it was intended to kick start the CCC to engage with the community in a consensual conversation towards a possible forward plan. Until this point it appears the CCC were not keen on participating in much discussion. It was concept plan only and needed further development to get workable plans and budgets. SSRA, the community Board Representatives and CCRU canvassed both Regenerate and the CCC for funding to “flesh out” the Ocel report but to no avail.
- It was foreseeable then in 2019 given the community SSRA survey and initiative in 2017, that there was much frustration during this latest round of “needs canvassing”. (It had been indicated by CCC staff that the 2017 Survey was inadequate and

therefore needs needed re canvassing) It was also understandable that with the recent 2019 options provided by the CCC being more concepts and ideas than a plan, that community referred back to the Ocel report asking again that it be updated and developed further, as to date this has been the only plan that has had input from both the community and a Coastal engineer as partners.

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- **16th August 2019, Councilor East and Community Board members have the Code of conduct disciplinary action dropped by CCC regarding the Letter release and the missing clause**

After the release of the Hansen letter Councilor East indicated that the CCC staff had “Tampered” with the clause that resulted in the omission of the said clause in the IHP decision 53. East later makes a publicly apology. CCRU posed the question to the CCC that while the CCC staff did remove the cause, something had gone wrong. Was the omission an oversight or did the CCC simply not alert the IHP and wither they could be ethically expected by the community to do so. While an independent enquiry into what went wrong was promised to the Community this has not occurred. An specifically focused audit into wither the CCC was culpable did occur but this was narrow in scope and did not address the community concerns as to what went wrong.

<https://www.stuff.co.nz/the-press/news/115031655/cloud-of-punishment-over-tampering-allegations-lifts-for-christchurch-councillor-david-east>

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- **16 August 2019 the CCC staff released the Jacobs report and Councils report on the South shore and South Brighton Earthquake Estuary edge Legacy projects item 26 on the agenda**

https://christchurch.infocouncil.biz/Open/2019/08/CNCL_20190822_AGN_3376_AT_WEB.htm

The Jacobs report is released.

The Jacobs report, bearing in mind that the TOR were instructed by the client (CCC) provides a useful evaluation of erosion, land and structures in the Estuary East. It provides information on the present-day situation and compares this to pre earthquake conditions

https://www.stuff.co.nz/the-press/news/115100867/plans-to-address-earthquake-issues-in-coastal-christchurch-fall-short-residents-say?fbclid=IwAR2_6jk6JeygJNMdxqAGc_kwJVuHghB5STc0O2Fhok_AUFoGJB5Y-m3-4Pk

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- **22 August 2019 the Reports were tabled at the CCC meeting. Once again, the community made Deputations to the Council to implore them to vote on making an action plan.**

In consultation with Community Groups the Burwood Coastal Community board drafted a resolution to request an action plan outcome. This was contrary to the Staff report recommendation for Southshore, that more investigation was required but did not specify a timetable or required action plan leading to an outcome. Due to time shortage on the day the voting on this resolution was deferred until the 29th of August

Community deputation time stamp start 14.20

<http://councillive.ccc.govt.nz/video/8680>

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- **29 August 2019. After 8 years of waiting and fighting for earthquake repairs to be done on the Estuary edge, a Community drafted Resolution was finally Passed by Christchurch City council. This ensures Budgeting and Erosion management for the area around South Brighton Reserve, and further investigations on the stopbanks north of Bridge Street were also agreed to, as was an investigation into erosion and flood mitigation in Southshore**

In Southshore, the Council has agreed to investigate proposed options to address earthquake-legacy related erosion, as well as the position of the 11.4m bund to help mitigate flooding. To help with this investigation, a collaborative group will be set up, and will include a technical expert nominated by the Southshore community

Watch the debate and resolution voting

<http://councillive.ccc.govt.nz/video/8700>

Christchurch Press and CCC press release

<https://www.stuff.co.nz/the-press/news/115187922/council-finally-agrees-to-repair-earthquake-damage-along-christchurchs-avon-heathcote-estuary>

<https://cccgovtnz.cwp.govt.nz/news-and-events/newsline/show/3854>

Southshore South New Brighton Earthquake Legacy Project
Council Resolved CNCL/2019/00001

That the Council:

Area wide

1. Requests staff to develop a continuous walkway/cycleway adjacent to the estuary edge, including renewal of the existing Estuary Walkway from Evans Ave to Ebbside Street in South New Brighton and from Ebbside Street through the red zone to the south end of Southshore. The track improvement component of the work will be funded by \$150,000 of the regeneration initiatives capital funding in 2019/20.
- a. Notes that funding for any proposed bund track for Southshore will be sought as part of the 2020/21 Annual Plan Process.

South New Brighton – north of Bridge Street

2. Requests staff to undertake a stopbank condition assessment and an update of previous investigations into the life-safety risk of flooding from a breach or overtopping of the stopbanks between Pages Road and Bridge Street to account for the updated 2018 high tide statistics and to report the result of that investigation to the Council and the community.
- a. Note that the process for accessing risk will be undertaken in accordance with ISO31000 (2018).

South New Brighton – south of Bridge Street

3. Request staff to proceed with the following:
 - a. For the Estuary Edge, Bridge Street to Jetty area, acknowledge the current salt marsh and implement engineered set back bunds giving protection to the South New Brighton School and Seaford Place.
 - b. For the Estuary Edge, Yacht Club to the boardwalk, implement a restoration of the edge as per earthquake legacy edge repairs using reno mattresses and gabion baskets as previously existed pre earthquake.
4. Requests staff to report separately on any flood protection measures that may be required for the area, in the context of this report.
5. Resolve works will be funded by \$750,000 of the regeneration initiatives capital funding in 2019/20, with any short fall to be reported back to Council as a matter of urgency.

Southshore

6. Requests staff to investigate immediate and longer-term erosion options in Southshore (including options for the privately owned edge structures).
 - a. Requests that a collaborative group be established which includes a technical expert nominated by the Southshore community, to investigate the immediate Earthquake Legacy edge issues for the Estuary Edge repair and protection including the development of a suitable erosion mitigation plan with costings (including options for the formerly, privately-owned edge structures, and the position of the 11.4 m bund).
 - b. Notes the above Southshore Erosion Mitigation Plan will be presented in the first instance to the Southshore Residents Association and the Coastal-Burwood Community Board for comment before presentation to Council in early 2020.
 - c. Recommend that funding be made available for implementation of the estuary edge earthquake legacy repair in 2020 and urgently prioritised.

Other recommendations

7. Resolves that the investigations referred to in resolutions 2 and 4 above for north of Bridge Street and for resolution 6 for Southshore estimated at \$400,000 will be funded from the \$1.3 million regeneration funding available for these areas.
8. Notes that the implementation of some of these actions is subject to obtaining necessary resource consents from Environment Canterbury and/or the Christchurch City Council and request staff to ensure that options under the Greater Christchurch Regeneration Act are considered to expedite processes.

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- **Annual Review of the Greater Christchurch Regeneration Act 2016**

Reviewer: Liz Sinclair

September 2019

Under Section 150 of the Greater Christchurch Regeneration Act 2016 (the Act) specifies that the Minister responsible for administration of provisions of the Act¹ must commission an annual review (the Review) of the operation and effectiveness of the Act within 12 months of the commencement of the Act, and every 12 months after that. A report must be prepared for the Minister on that review, and the Minister must present the report to the House of Representatives as soon as practicable after the Review has been completed.

The review is most interesting and mentions that the act has not been used as much as intended. The earthquake repair work in Southshore and South Brighton gets a mention as possible and appropriate uses of the act, as mentioned below. This appears to be supported by the Minister in a desire to see the act used more in its remaining life.

61. "Although there is a desire to see the Act used more during its remaining life, I did not hear a long list of specific opportunities. Those mentioned included Southshore and South New Brighton. That work now sits with the Council which has announced a forward path involving two separate projects running simultaneously to resolve the outstanding impacts of the earthquakes and do more detailed planning on responding to climate change.⁹ Others possibilities were the Brooklands and Port Hills Residential Red Zones (RRZs)".

<https://www.ccruc.co.nz/single-post/2020/01/10/Annual-Review-of-the-Greater-Christchurch-Regeneration-Act-2016>

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- **Coastal Futures newsletter for October 2019 issued**

On 29 August the Council made its decision on responses to the earthquake legacy issues in South New Brighton and Southshore. This newsletter indicates what has been done since the resolution. That Council are doing what can be done right away, and planning for what needs to go out to contract for future projects

<https://www.ccruc.co.nz/blog-news>

<https://www.ccruc.co.nz/single-post/2019/11/15/Coastal-Futures-newsletter-update-October-2019>

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- **Community Groups give newly elected City Councillors and Community Board Members a crash course on coastal earthquake legacy issues.**

Several community groups from South of the Bridge met with the newly elected Christchurch City Councillors and Community Board Members for the Coastal Ward. The purpose of this gathering was to get them up to speed on local coastal issues and important ongoing projects. It was a chance for the representatives to see the vast range of expert knowledge in the community and encourage them to use this knowledge as a resource. **Several important points were highlighted.** Many of the issues, such as the lack of estuary edge repair, surface flooding and inadequate but solvable drainage are all still earthquake legacy issues that have yet to be addressed and continue to be **incorrectly** placed in the Coastal Hazard space. The community has indicated for a long time that earthquake legacy issues must be resolved **before** Coastal Hazards can be a focus.

<https://www.ccruc.co.nz/single-post/2019/11/15/Crash-course-on-coastal-earthquake-legacy-issues>

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- **Southshore Residents Association (SSRA) ask community to endorse their Technical expert nomination.**

11 November -Southshore Residents Association ask the community to vote on whether they support the SSRA proposed nominated technical expert Gary Teear. Mr Teear from Ocel, is a qualified Marine Engineer who has already undertaken work in the area and has knowledge of the community issues. If supported in his nomination he will collaborate with the CCC as the community's technical expert representative on the estuary edge repair, from inception to its completion. CCRU and the community are keen to see the concept of "collaboration" as per the wording in the August 29th resolution, is adhered to and matches the IAP2 standard of public participation. This standard is seen as best practice and is purported to be followed by the CCC. SSRA and CCRU continue to monitor the process.

<https://www.ccruc.co.nz/single-post/2019/12/22/Southshore-Residents-Association-ask-community-to-endorse-their-technical-expert-nomination>

IAP2'S PUBLIC PARTICIPATION SPECTRUM



The IAP2 Federation has developed the Spectrum to help groups define the public's role in any public participation process. The IAP2 Spectrum is quickly becoming an international standard.

INCREASING IMPACT ON THE DECISION					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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- **21 November members and associated experts from CCRU met with CCC staff from the planning and consents team.**

This was to address issues with inconstant resources consent rules whereby some resource consents have been issued with time bound restrictions and others have been issues with trigger point restrictions. We asked where the CCC was heading with this, what would be the consistent application of rule and how was this calculated.

We inquired on the timeline of the proposed Coastal Hazards process and CCC idea on how that should be approached with communities

CCRU highlighted the anomaly of Non-compliant rules of commercial building activity in Southshore as it did not fit in the current RUO

The following was received from CCC on issues they would provide follow up on.

- *To identify and review decisions on resource consent applications for development in the Residential Unit overlay, incl. conditions limiting the duration of any consents vs thresholds such as sea level rise, and other areas where Policy 5.2.2.2.1(b)(i) applies across the City*
- *Prepare a guidance note and/or flow chart outlining the consenting options and pathway to assist in interpretation of the District Plan*

- *Determine the number of occasions where there have been pre-application meetings for development in the RUO and the number where an application for resource consent has subsequently been made*
- *To advise in early 2020 on the programme for adaptation planning and changes to the District Plan*
- *To consider a collaborative approach to evidence gathering for adaptation planning*

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- **Southshore Residents Association (SSRA) release results of community endorsement vote for their Technical expert nomination.**

Gary Teear confirmed as the South Shore community nomination. 31 percent of the community participated in the feedback and 99.99 percent supported Mr Teear. He will collaborate with the CCC as the community's technical expert representative on the estuary edge repair, from inception to its completion. CCRU and the community are keen to see the concept of "collaboration" as per the wording in the August 29th resolution, is adhered to. (refer Southshore Beacon issue 307 page 3)

https://89ae3c7b-cb51-4d1c-9672-8f97e68fe5c3.filesusr.com/ugd/780895_4e60c06992864886b5443097a594a51c.pdf?index=true

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- **December 2019 CCC releases the LDRP113-Coastal-Sand-Budget-for-Southern-Pegasus-Bay-Stage-A and B-Future-Sand-Budget-Final-June-2018-Murray-Hicks-NIWA reviewed by Martin Single**

<http://www.ccc.govt.nz/assets/Documents/Environment/Land/Coastal-Hazards/19-1116247-NIWA-sediment-report-Martin-Single-review-comments.pdf>

<http://www.ccc.govt.nz/assets/Documents/Environment/Land/Coastal-Hazards/LDRP113-Coastal-Sand-Budget-for-Southern-Stage-A-NIWA-Client-Report-Final-April-2018-Murray-Hicks.pdf>

<http://www.ccc.govt.nz/assets/Documents/Environment/Land/Coastal-Hazards/LDRP113-Coastal-Sand-Budget-for-Southern-Pegasus-Bay-Stage-B-Future-Sand-Budget-Final-June-2018-Murray-Hicks-NIWA.pdf>

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- **10 December 2019**
following the November 21st meeting with CCC CRU and associated experts are invited and attend a meeting with CCC on 24 February with the following proposed agenda

Draft Agenda

1. Introductions – acknowledging that some of us are yet to meet in person
2. CCRU – overview of position, issues, questions etc
3. Council - overview of the current state of the coastal hazard's adaptation planning programme, key milestones, next steps, opportunities for input and any related work
4. Southshore erosion investigation – update on the establishment of the collaboration. Note that members of the collaboration will not be attending this meeting, so we will confine the discussion to the process as opposed to any technical updates – there will be other channels for community engagement on the technical aspects of the investigation and we can provide more detail on those.

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- **21 Feb 2020 CCRU sends a communication to Minister Woods for consideration regarding the scrapping Christchurch earthquake recovery laws earlier than planned, suggesting that there is unfinished business, and the Minister discusses this repeal with the communities its premature repeal may also affect not just Government agencies**

The Greater Christchurch Regeneration Act is a law which grants special powers in planning and land management to the Government to help recovery work from the Canterbury earthquakes. It has relevance to CCRU in that damaged occurred to the land in Coastal communities due to the red zoning process remained unrepaired and unresolved

Dear Minister

CCRU (Christchurch Coastal Residents United) read with interest that you are considering the repeal of the Greater Christchurch Regeneration act and that staff were drafting legislation that would repeal the act (Stuff article<<https://www.stuff.co.nz/national/politics/119253492/review-recommends-christchurch-earthquake-recovery-laws-scrapped>>). Discussing whether it should be scrapped with those agencies impacted by it. CCRU would like to request that you also discuss this repeal with the communities its premature repeal may also affect not just agencies.

While we understand the need to get back to “business as usual” and that your own recent review has indicated that the act has been underutilised, we feel there is still unfinished business that will be less complicated and costly if able to use the act.

Some examples of this are mentioned by the yearly review of the act By Liz Sinclair, issued in September 2019.

61. "Although there is a desire to see the Act used more during its remaining life, I did not hear a long list of specific opportunities. Those mentioned included Southshore and South New Brighton. That work now sits with the Council which has announced a forward path involving two separate projects running simultaneously to resolve the outstanding impacts of the earthquakes and do more detailed planning on responding to climate change.⁹ Others possibilities were the Brooklands and Port Hills Residential Red Zones (RRZs)".

<https://www.ccruc.co.nz/single-post/2020/01/10/Annual-Review-of-the-Greater-Christchurch-Regeneration-Act-2016><<https://www.ccruc.co.nz/single-post/2020/01/10/Annual-Review-of-the-Greater-Christchurch-Regeneration-Act-2016>>

The Southshore and South Brighton estuary edge example would seem a prime candidate but may miss out due to the ball passing between various departments, engagement processes with little outcome and the withdrawal of Regenerate. CCRU would like an independent assessment to see if the act could assist is in the area of climate change adaption planning. More specifically to develop and consent mitigation plans to be used in the future if and when required. Precautionary building restrictions and a lack of mitigation planning in response to climate change projections are contributing to slow regeneration in coastal areas. The act might be of assistance in getting mitigation plans in place which will enable less sever building restrictions.

Given the CCC is looking to be budget wise and the community is keen to get value for money we would like to suggest that using the act would appropriately expedite the process and that without the act projects may incur significant extra costs, complications and time delays.

Should the Minister and staff decide to repeal the act, and have it ceased earlier than June 2021 date, may we suggest that there be a form of place holder marking, expression of interest to apply or grandfathering. The purpose of this would be to give the communities that are moving towards the use of the act but are not quite ready to apply under it, an opportunity to still make use of the act.

Thank you for your time. We look forward to your response and comments

*Kind regards
Warwick Schaffer -Chair CCRU*

- **24 Feb 2020- following the November 21st meeting with CCC CCRU and associated experts are invited and attend a meeting with CCC**

In attendance were the following

Mark Stevenson – Team Leader City Planning, Jane Morgan, Principal Programme Advisor, Katy McRae – Engagement Manager, Peter Kingsbury – Principal Advisor – Natural Hazards Maiki Andersen – Senior Policy Planner, Darrel Hall – Senior Advisor – Mayors Office (tbc) Members of CCRU, Reps of Sumner, Redcliff, South shore, and Akaroa residents' associations, affected community board Members and various interested experts from the Coastal engineering, legal and Environmental disciplines

The meeting was essentially in 3 parts

1. Report back on a review of the RC that were time limited
2. Update on coastal Hazards process
3. Possible addition/ amendment to the DP

CCC reported back on the time limited Resource consents- CCC will use trigger points as the measure from now moving forward. It was asked what the trigger points are. Explanation of limited duration consent review- review of policy indicated that policy was working as consents were being given.

CCRU asked could we see the trigger points - as there are none at this point -answer Technical advice on appropriate trigger points but no actual specific trigger points. Trigger point= risk becomes unacceptable as per NZCP statement.

Each property evaluated individually and has own specific outcome

CCC will issue a Draft information sheet to explain with flow charts- Will advise CCRU when this is coming out on CCC website

Clarifying the time limited consent vs perpetuity of a RC- how does a trigger-based consent work- is it in perpetuity if it has no time limit. CCRU asked for this to be clarified. CCC were unable to provide an answer at that time. Also said that as the time limit was just informational it could change.

With the new focus on Trigger points, CCRU asked what happens to those who have a time limited consents - Information on time limited consent options and how they would roll over to a trigger-based consent with time information note. There needs to be more information on the Cost to do this for owners.

CCC indicated they would consider this on a case-by-case basis but that it would be a new consent and they would have to apply

CCRU asked for more information and Confirmation on exemptions for site coverage in RUO

Attendees requested to have a person with consent experience at the next meeting as several questions could not be answered by the staff attending.

CCC have engaged an international firm - adaptation experts found using a closed tendering process - Royal Hiskoning DHV - Dutch multi discipline, range of experts - policy, engagement engineering planning. Work in Australia UK and NZ

There was discussion on what areas should start first. Attendees indicated that some areas – will be unaware that they will be part of the discussion, some will be ready, some still have EQC repairs and are busy with that.

CCC spoke about increasing direction from Govt for the need for planning and policy to be responsive

Coastal Professionals in attendance indicated to CCC staff that the latest Sand sediment study has indicated the CCC views and modelling on erosion is not correct. That the study shows a dynamic beach environment but is an accreting beach and is not expected to go into negative sand budget.

CCRU asked if the sediment report, which is extremely positive for the area and shows little future erosion could be used to update the erosion zones.

It was stated by attendees that it appears the CCC are happy to update the modelling to the negative but not the positive.

CCRU indicated that this attitude does not bode well for trust and that a published revised erosion risk could have a positive effect on actual individuals with respect to insurance

CCRU asked what the process was for shrinking or extending hazard zones when new information arose. CCC indicated that they needed new methods to be more responsive.

Regarding adaption planning CCRU indicated that it is our view that CCC should start early but broad and issue a map showing all hazard areas that will be part of the conversation with no timelines- picking out no specific area - giving the information time to percolate in areas and allow community experts and volunteers to come to the surface and realise that are stake holders

There was discussion on the community being at a disadvantage expert wise and CCRU indicated the use of expert Gary Tear for the Estuary edge was a possible model that could be used in the Coastal Hazard process

CCC staff indicated that they were thinking of /considering amending the DP - essentially what they want to do is create a category using an existing overlay that allows them to consider risk of further development. Focus is on large scale significant development. Separating out existing risk from new risk. There was little discussion or detail on this topic

CCRU sent an email the next day requesting more information.

- Can you confirm the chapter in the DP that this proposed policy intends to sit under? – possibly 9.6 Coastal environment?
- If it is its own sub policy- do you have proposed set of objectives and rules?
- Given that many of these areas have 8 overlays already, what is the purpose of the policy and rational for the need of an additional overlay rules.
- How many parcels of land in the proposed area are possible developments sites?
- The existing overlay mapping you suggested you might utilise- would this be the Coastal environment band under Natural and Culture heritage overlay?

- Can you provide some proposed wording for the policy?
- From a planning perspective is the proposal- Non- complying, RD or permitted activities?
- How do you propose to measure increased risk in relation to this policy?
- How will this policy interact with existing rules and overlays- FMA, HFMA, RUO and the SBCMA1, SBCMA2

50

- **May 2020 BOEE report on South shore and the estuary edge commissioned by CCRU released in draft form. Still to be peer reviewed**

This work summarizes the recent history of the area and events from before the earthquakes until early August 2019. This has relevance to CCRU as damage occurred to the levels of coastal land during the red zone demolition process, increasing flood risk. This remained unresolved.

Watts, S.F, [2019] **The Estuary-edge of Southshore and South New Brighton**. BOEE, New Brighton. 120pp. Note this is not the final version. This is a late draft: the peer review is incomplete.

<https://www.dropbox.com/s/zwj3cz7na9corwx/Southshore%20%26%20SNB%20estuary%20edge%20v2.8.21.pdf?dl=0>

51

- **11 May CCC issue the Agenda for the upcoming Council meeting 14 May 2020. Item 15 was to establish the Coastal Hazards working Group and work on the proposed plan change indicated in the 24 February 2020 meeting**

CCRU raised concerns with local councillors and community board members, regarding the formulation of the group and its narrow breadth of membership. Also, the lack of details regarding the plan change and the concerning use of a fast-track process.

CCRU had previously requested details of the proposed upcoming plan change but the staff have said the scope of the change is not yet complete and so they are unable to provide additional information other than that they are required to make the change to comply with the NZCPS.

https://christchurch.infocouncil.biz/Open/2020/05/CNCL_20200514_AGN_4045_AT.PDF

- From the Agenda for May 14 Meeting CCC. Reasons for proposed plan change. TOR and members of CHWG as of 14 May 2020

Proposed Plan Changes

- **NZCPS alignment responsibilities** - provide governance oversight and advice ahead of the following process steps and in advance of seeking approval from the Urban Development and Transport Committee:
 - Possibility of using a streamlined planning process (SPP) as an alternative to the standard Resource Management Act plan change process;
 - Application to the Minister for the Environment (the 'Minister') requesting a direction to use the SPP;
 - Pending the Minister's decision on the request, publicly notifying the plan change; and
 - Submitting the plan change (post-notification and hearing) to the Minister for a decision.
- Provide governance and advice on other key matters provided by staff (as required) relating to the Proposed Plan Change – NZCPS Alignment (hazards) and any future plan changes required to implement community adaptation plans

Coastal Hazards Planning Working Group – Terms of Reference

Joint Chair	Councillors Davidson and Templeton
Membership	Mayor Dalziel Councillor Cotter Councillor Johanson Councillor Daniels Councillor Mauger Councillor Turner Councillor MacDonald
Programmes of Work	Coastal Hazards Adaptation Planning Programme (CHAPP) Proposed plan change - New Zealand Coastal Policy Statement (NZCPS) Alignment (Hazards)
Quorum	Half of the members if the number of members (including vacancies) is even, or a majority of members if the number of members (including vacancies) is odd.
Meeting Cycle	Meetings will be held as required – likely to be every 4 to 6 weeks
Reports To	Sustainability and Community Resilience Committee: CHAPP Urban Development and Transport Committee: Proposed plan change – NZCPS Alignment (Hazards) Council: in the instance that either of the above committees are unable to meet
Focus	Task based

This Item was **subsequently withdrawn** from the May 14th Meeting by the Mayor, to be deferred until after the annual plan, given the importance of the issue to the community.

<https://councillive.ccc.govt.nz/video/9098>

52

- **19 May 2020 After the withdrawal of Item 15, CCRU made to following request to staff at CCC for information.**

We recently observed that item 15 on the 14th of May CCC agenda was the formation of a Coastal Hazards working group, with items

5.2.2 The **proposed Plan Change - New Zealand Coastal Policy Statement Alignment (hazards)** is a discrete piece of work with a limited scope, which is required to give effect to national direction for coastal hazards and provides the framework for new risks and exposure to be managed in advance of adaptation planning.

6.1.2. The **proposed Plan Change - New Zealand Coastal Policy Statement Alignment (hazards)** is a discrete piece of work with a limited scope, which is required to give effect to national direction for coastal hazards and provides the framework for new risks and exposure to be managed in advance of adaptation planning, and the possibility of using an SSP as an alternative to the standard RMA process.

Given that it has been indicated to councillors that the current policy statement is inconsistent with the NZCPS and CCC have specified that the remedy is a "discrete piece of work with limited scope", It appears Council staff are currently be in a position to identify those parts of the NZCPS which require implementation through the proposed plan change.

In the spirit of the open dialogue, we have all worked to foster on these issues, can you please provide the following additional information to CCRU

- Why is the current plan inconsistent with the NZCPS?
- Can you specify what the inconsistencies are?
- What is the current proposal for change and how will it remedy this/these inconsistencies?
- Why would an SSP process be required as opposed to the standard RMA process
- Why is it preferable for this change in this instance?

The following reply was received

Unfortunately, we are not in a position to respond to the questions you have asked because we are yet to develop the detail of the proposed changes and we are waiting on a decision to establish the Coastal Hazards Working Group.

The establishment of the Coastal Hazards Working Group will allow Councillors to be fully briefed and provide feedback on the proposed approach to the Plan Change (and the establishment of the Coastal Hazards Adaptation Planning Programme).

The establishment of this Working Group has been deferred to August to allow Council to focus on an update of the Annual Plan 2020-21 to take into account the financial fall-out from the COVID-19 crisis.

Staff are hoping to instigate pre-notification engagement discussions with CCRU and other stakeholders shortly after this Working Group has been established and has had the opportunity to provide direction to staff. The earliest this is likely to occur is September-October 2020.

Staff will be in touch once the Working Group has been established to provide you with an update on timeframes and to set a date to meet again.

53

- **13 July 2020 CCRU are invited to Meet with Members of the proposed Coastal Hazards group yet formed, deferred from May 14th CCC agenda**

CCRU and Councillors discussed the following

- That all CHCH will be affected by SLR and climate change, we are concerned that coastal suburbs are being singled out, climate shamed.
- Extreme scenarios coupled with harsh restrictions.
- CCC influencing insurance companies using extreme scenarios and not properly explaining model assumptions.
- Use of fast-track processes and lack of natural justice. That there is a view in council or elements in it that we are doomed and need to be moved along. A view that influences policy development in a way that looks to withdrawal of investment or support rather than adaptability. 'A sinking lid policy for coastal suburbs.
- CCC Conflict of interest (in being able to reduce risk via planning tools without direct cost).
- That part of the 'discrete' change will extend the no build zone and further stall building or significantly increase the complication and cost of building for coastal communities.
- Changes in policy that do not support the ongoing growth of the community or community assets.

Next Step

It was decided that councillors would invite CCRU to talk through the Working Group paper before it becomes public on 7 August for the 13 August Council meeting.

54

- **27 July 2020 CCRU representatives attend a follow up meeting to July 13 regarding the proposed Coastal Hazards working group establishment at the CCC meeting 13 August 2020**

Discussions at this meeting covered the following:

The regeneration experience, from a CCRU perspective, lacked action so it is understandable that residents try to get some gains through focusing on earthquake repairs rather than adaptation work: The Regen process undermined trust in the community. It is CCRU view that the Estuary Earthquake legacy repairs must be designed with the opportunity to make sure the earthquake response supports future adaptation work.

Terms of Reference of the Coastal Hazards Working Group (CHWG)

CHWG will advise staff of their community engagement as well as engage the community directly. CHWG will have a flexible approach so it can take opportunities. While CCC staff are the primary source of formal advice, the CHWG may also seek external advice if that adds value.

It was also noted that:

- The CHWG process will ensure members have a better understanding of the technical information.
- The CHWG will continue at least for this term of Council.
- There should be a Plan change this term of Council.

CCRU asked if more information was available from staff on the scope, time frame and overlays of the Plan change discussion.

CCRU indicated that while they saw the Establishment of the group as a positive step, they were concerned with the group being limited to councillors and felt that this singular membership would not provide suitable breadth and depth of discussion and expertise. There was discussion by Councillors that additional members may make the group too large to function efficiently.

It should be noted that after the group was established on August 13 at the CCC meeting, additional members were added to this group. These were two elected members from Environment Canterbury and two Ngāi Tahu representatives and Partners from adjacent City councils.

55

- **28 July 2020 As a result of long term discussions with CCC staff on the complexities of resource consents in coastal areas, CCRU were pleased to see staff issue a new HFHMA information sheet / guidance document which is available on the public website on Resource Consent page under Residential and Housing**
<https://ccc.govt.nz/assets/Documents/Consents-and-Licences/building-consents/Building-a-house-within-the-High-Flood-Hazard-Management-Area.pdf>

The Document covers:

- Flood hazard rules within and outside the Residential Unit Overlay, for replacement houses and new houses on sites where there was not one previously (as at key dates)
- Flowcharts for the above, showing whether a Resource Consent is required, and the matters taken into consideration in determining whether consent can be granted
- Situations in which no Resource Consent is required, i.e. existing use rights and existing resource consents
- The plan change, policy framework and significance of the flood hazard policy 5.2.2.2.1 b.i “Unacceptable risk” and mitigating factors
- The types of conditions commonly included on resource consents
- Rules for garages and dwelling additions.

In developing this guidance, we undertook a review of the use of the amended Policy 5.2.2.2.1(b)(i) during the period it came into legal effect (14 December 2019) until February 2020.

CCC indicated that this document was in response to actions requested below from the CCRU/CCC meeting in late 2019:

- To identify and review decisions on resource consent applications for development in the Residential Unit Overlay incl. conditions limiting the duration of any consents vs thresholds such as sea level rise and other areas where Policy 5.2.2.2.1(b)(i) applies across the City.
- Prepare a guidance note and/or flow chart outlining the consenting options and pathway to assist in interpretation of the District Plan
- Determine the number of occasions where there have been pre-application meetings for development in the RUO and the number where an application for resource consent has subsequently been made

56

- **CCC issue the Agenda for 13 August 2020 and Item 19 the Establishment of the Coastal Hazards working group (previously deferred item 15)**

Coastal Hazards Working Group – Terms of Reference

Chair ¹	Councillor Davidson
Deputy Chair	Councillor Templeton
Membership	Councillor Cotter Councillor Johanson Councillor Daniels Councillor Mauger Councillor Turner Councillor Coker Te Rūnanga o Ngāi Tahu representative to be appointed
Programmes of Work	Coastal Hazards Adaptation Planning programme Proposed plan change - New Zealand Coastal Policy Statement (NZCPS) Alignment (Hazards)
Meeting Cycle	Meetings will be held as required – following a period of initial briefings these are likely to be every 4 to 6 weeks
Reports To	Urban Development and Transport Committee
Focus	Task based

Background/Context:

Council has delegated authority to the Urban Development and Transport Committee:

- to oversee and make decisions on implementing the Coastal Hazards Adaptation Planning programme.
- to make decisions regarding the District Plan which includes the Proposed Plan Change – New Zealand Coastal Policy Statement Alignment (Hazards).

The proposed Plan Change - NZCPS Alignment (Hazards) is required to give effect to national direction for coastal hazards and provides the framework for new risks and exposure to be managed in advance of adaptation planning.

The Coastal Hazards Adaptation Planning programme is a longer term programme, which seeks to address existing risks and exposure from coastal hazards over the next 100 years through a structured community engagement process.

Both projects are in the early stages of scoping and development and no key decisions have been made.

Purpose and Responsibilities:

The Coastal Hazards Working Group will work with staff and any external parties² invited to attend the working group, to support the delivery of both the Proposed Plan Change – NZCPS Alignment and Coastal Hazards Adaptation Planning programme.

Specific responsibilities will include providing advice and feedback to staff in advance of decisions, raising awareness and overseeing the development and implementation of these programmes of work. Given the disparate nature of these two work programmes, the

¹ The Chair and Deputy Chair may, at their discretion, alternate roles for different components of the meetings.

² As defined overleaf.

Responsibilities of the Coastal Hazards Working Group have been separated out as detailed in the section below.

Proposed Plan Changes - NZCPS alignment responsibilities

Provide governance oversight and advice on the scope and engagement approach in advance of public engagement and any key decisions on the Proposed Plan Change - NZCPS Alignment (hazards) and any future plan changes required to implement community adaptation plans.

Coastal Hazards Adaptation Planning programme responsibilities

Considering issues and providing strategic direction and advice as required throughout the development and implementation of the programme.

Developing a sound understanding of the key aspects of the programme including the engagement approach to inform decision-making.

Reporting back to the Urban Development and Transport Committee on any recommended further actions for Council Officers or proposed initiatives.

Involvement of External Parties

External parties comprised of Greater Christchurch Partnership partners³ may be co-opted for a period or a specific task, based on project needs.

Delegations

There are no delegations provided to this group.

Status:

The Coastal Hazards Working Group does not have the status of a Committee, and the Council's Standing Orders accordingly do not apply to its meetings.

See the full August 13th, 2020 CCC agenda for Item 19 here

https://89ae3c7b-cb51-4d1c-9672-8f97e68fe5c3.filesusr.com/ugd/780895_04920df29faf4063be51c6171e003bd3.pdf?index=true

57

- **15 October 2020 CCRU organises the first of an ongoing set of presentation and forums on Coastal Issues. The aim is to broaden the contributors to the Coastal conversation and enhance the knowledge bank.**
 - 1. Geoff Butcher Presentation: Economics of South Shore development**
<https://www.ccru.co.nz/video-presentations>

58

- **6 November 2020 CCC releases agenda indicating options to address erosion and flood risk in Southshore and South New Brighton**

CCRU were interested in the resolution of this issue for several reasons.

1. The damage to the Estuary edge during the demolition of properties significantly lowered the ground level and was a subsequent cause of flooding.
2. The flooding caused by the damage to the land and the lack of edge repair effects the safety and risk assessment of adjacent properties
3. CCRU has long held the view that the community is inherently disadvantaged regarding technical conversations as expert information is generally presented by the council alone. A first for the CCC the CCRU supported suggestion of an independent expert, though not without its challenges was a successful model that could be used in the Coastal Hazard's programme.

Proposed options - costing about \$12.5 million - to address erosion and flood risk in Southshore and South New Brighton will be considered by the Christchurch City Council on Thursday.

"Earthquake legacy issues have been an ongoing concern for Southshore and South New Brighton residents," says Council Head of Planning and Strategic Transport, David Griffiths. "Residents have made it clear to us that, before they are willing to have a conversation about how their area could respond to sea level rise in the future, they want these issues resolved."

"This report aims to address some of those concerns by providing recommendations for how we can reduce the risk of erosion and flooding along the estuary edge."

[https://89ae3c7b-cb51-4d1c-9672-](https://89ae3c7b-cb51-4d1c-9672-8f97e68fe5c3.filesusr.com/ugd/780895_c7ff40dc16eb486687ceb957c2dae2d9.pdf?index=true)

[8f97e68fe5c3.filesusr.com/ugd/780895_c7ff40dc16eb486687ceb957c2dae2d9.pdf?index=true](https://89ae3c7b-cb51-4d1c-9672-8f97e68fe5c3.filesusr.com/ugd/780895_c7ff40dc16eb486687ceb957c2dae2d9.pdf?index=true)

59

- **11 November 2020, Establishment of the Coastal Hazards Adaptation Planning programme- Urban Development and Transport Committee**

The purpose of this report is to seek formal endorsement for the establishment of the Coastal Hazards Adaptation Planning (CHAP) programme of work within Council. The general approach and key milestones are outlined; and a Council committee decision is also sought on the first tranche of communities for adaptation planning

5.17 The proposed programme is spread across three phases as set out in the table below.

Phase	Key Milestones
Phase One: Programme Initiation (1 year) Establish team, identify resources, develop programme approach.	<ul style="list-style-type: none"> •Establish Project Team and contract adaptation expertise. •Scope and commission key deliverables (i.e. foundation documents). •Establish a governance working group (CHWG). •Initiate community science projects. •Develop proposed process including engagement and decision-making steps. •Identify the first tranche of communities for Phase Three adaptation planning. •Agree the engagement approach.
Phase Two: City-wide Education and Awareness Phase (6 months) Build community awareness of the hazards, seek whole district input to the proposed process.	<ul style="list-style-type: none"> •Finalise and publically release foundation documents: <ul style="list-style-type: none"> •Baseline Information Document •Coastal Hazards Assessment •Options Assessment Framework •Seek feedback on the Options Assessment Process and funding principles. •Prepare for Phase Three engagement – agree rūnanga engagement and appoint Coastal Panel.
Phase Three: Collaborative Adaptation Planning with Communities (1.5 years) Undertake adaptation planning with the first tranche of communities.	<ul style="list-style-type: none"> •Engage with the community to build awareness of the hazards information, identify community values and assets, and identify any additional community options for short-listing. •Over a series of steps the Coastal Panel (with support from specialists and input from rūnanga) undertakes short listing, identifies triggers, and develops adaptation pathways. These are tested with the community and formalised through Council decisions.

The attachments to this report also included The Royal Haskoning DHV short report on Coastal Hazard Adaptation Planning, Maps prioritising areas and types of risk. The report indicated best information to date was used for the maps and report. CCRU questioned this fact, pointing out the Southshore Erosion line was based 2017 information. This has now been superseded by the 2018 NIWA Sand Budget report that indicated this portion of the beach was acerating and was unlikely to go into negative sand budget in the foreseeable future.

Since the NIWA Sand report was released in 2018, CCRU had been consistently notifying CCC staff that this information should be used in all current reports. CCRU were disappointed to see the 2017 superseded information used as the basis for the erosion lines in this report. At the 24 February 2020 Meeting CCRU inquired as to why the 2-year-old Sand report had not influenced the updating of erosion lines and information in affected areas.

See all reports here-

https://89ae3c7b-cb51-4d1c-9672-8f97e68fe5c3.filesusr.com/ugd/780895_33bb6c3e8c964cb0bea2fb8bd4c2a19e.pdf?index=true

60

- **12 November 2020 CCC meeting Item 22 -Southshore and South New Brighton Earthquake Legacy Project and funding is approved.**

https://christchurch.infocouncil.biz/Open/2020/11/CNCL_20201112_AGN_4051_AT.PDF

61

- **19 November 2020 CCRU organises the Second of an ongoing set of presentation and forums on Coastal Issues. The aim is to broaden the contributors to the Coastal conversation and enhance the knowledge bank.**

2. Gerard Cleary Presentation: Balancing Risk When Applying the NZ Coastal Policy Statement

See the presentations here - <https://www.ccru.co.nz/video-presentations>

62

- **2nd December 2020 The Council agreed to start adaptation planning with low-lying coastal and inland communities likely to be impacted by rising sea levels.**

The first communities it will be engaging with are those in the Whakaraupō / Lyttleton–Mt Herbert area. A round of 3 Public meetings occur to discuss the details of the recently presented and CCC endorsed CHAP process.

CCRU attended these public meetings and again indicated to CCC staff that best practice would be to use the most up to date information in reports with reference to the Sand budget report. That the Accreting Beach and the labelling of the dynamic beach processes as erosion even though the Sand budget would not go into the negative was unhelpful and potentially technically incorrect.

63

- **9 December 2020, CCRU and other stakeholders are invited and attend a technical information session on the Christchurch City Council's updated Coastal Hazards Assessment process.**

As part of the Coastal Hazards Adaptation Planning Programme CCC are updating our Coastal Hazards Assessment. This assessment was last completed in 2017 and we now want to update our understanding of the coastal hazards across our district to incorporate new technical information available and include additional geographic areas.

This information session is specifically for interested stakeholders. This session will provide an overview of our proposed methodology and will be an opportunity to understand how this work is progressing, and the rationale for our intended approach.

64

- **16 December 2020, 3 waters infrastructure committee issues agenda with report on Impacts of Earthquakes and Sea Level Rise on Shallow Ground water- item 10**

The purpose of the groundwater assessment was not to accurately define the shallow groundwater hazard at a local scale, but to provide a high-level assessment at the citywide scale. It is not sufficiently detailed to identify individual property risks therefore will have no impact on LIM wording. Any future consideration of a groundwater response would be part of long-term planning and will require additional investigation and policy direction from Council.

See the full report here including the Aqualinc SLR Ground water report

[https://89ae3c7b-cb51-4d1c-9672-](https://89ae3c7b-cb51-4d1c-9672-8f97e68fe5c3.filesusr.com/ugd/780895_b2e47a27c92b43c1824fb75237f834d2.pdf?index=true)

[8f97e68fe5c3.filesusr.com/ugd/780895_b2e47a27c92b43c1824fb75237f834d2.pdf?index=true](https://89ae3c7b-cb51-4d1c-9672-8f97e68fe5c3.filesusr.com/ugd/780895_b2e47a27c92b43c1824fb75237f834d2.pdf?index=true)

65

- **17 December 2020 CCRU organises the Third and final presentation for 2020. One of an ongoing series of presentation and forums on Coastal Issues. The aim is to broaden the contributors to the Coastal conversation and enhance the knowledge bank.**

3. Gary Teear Presentation: Mitigating coastal hazards and protecting communities

See the presentations here - <https://www.ccru.co.nz/video-presentations>

66

- **18 December the CCC issued their first newsletter on their Coastal Hazards Adaptation Planning Programme.** This followed their 3 information sessions in late November / early December. Through this programme, CCC indicated they are wanting to work with communities to start planning now for how they will manage coastal hazard risks over the next 100 years. They are focusing on low lying coastal and inland communities in Christchurch and Banks Peninsula that are likely to be impacted by sea level rise through coastal erosion, flooding, and rising groundwater. See the Newsletter here.
https://89ae3c7b-cb51-4d1c-9672-8f97e68fe5c3.filesusr.com/ugd/780895_716322c6f7894db6af3f2c7943ac27e6.pdf?index=true

67

- **21 January 2021 CCRU organises their 4th and first presentation for 2021. One of an ongoing series of presentation and forums on Coastal Issues. The aim is to broaden the contributors to the Coastal conversation and enhance the knowledge bank.**
4. Simon Watts Presentation: Adaptation of Coastal communities: The Good, the Bad, and the Ugly.
See the presentations here - <https://www.ccru.co.nz/video-presentations>

68

- **28 January 2021. CCC offer the Chair of CCRU the opportunity to read the New Draft Tonkin and Taylor report. Due to restrictive confidentiality requirements CCRU decline.**
The CCC offer CCRU the opportunity to give feedback on a New Draft Tonkin Taylor technical report due out later this year. While always keen to promote and part of any engagement offered by the CCC, on this occasion CCRU chose not to participate. This was due to the very strict parameters of the offered engagement. The document could only be viewed by the Chair. The Chair was not able to share the information in the document with committee members or the wider member group. The chair was also unable to comment on the technical content of the report and feedback was limited to suggestions on how the CCC could successfully deliver the information to the public. Given these restrictions CCRU felt that as a group that reports to and advocates for the Coastal community, being unable to be transparent with information would put them in a compromising position and did not promote community discussion. The CCC acknowledged the position CCRU might find themselves and indicated there maybe other opportunities further down the track.

CCRU Indicated that they did not need to see the Technical report to offer some feedback on best practice engagement. Below was sent to CCC as a feedback response.

Community concerns

1. That all CHCH will be affected by SLR and climate change, we are concerned that coastal suburbs are being singled out, climate shamed.
2. Extreme scenarios coupled with harsh restrictions.
3. CCC influencing insurance companies using extreme scenarios and not properly explaining model assumptions.
4. Use of fast-track processes and lack of natural justice.
5. That there is a view in council or elements in it that we are doomed and need to be moved along. A view that influences policy development in a way that looks to withdrawal of investment or support rather than adaptability. 'A sinking lid policy for coastal suburbs.
6. CCC Conflict of interest (in being able to reduce risk via planning tools without direct cost).
7. That part of the 'discrete' change will extend the no build zone and further stall building or significantly increase the complication and cost of building for coastal communities.
8. Changes in policy that do not support the ongoing growth of the community or community assets.

69

- **18 March 2021 CCRU organises their 5th Presentation. One of an ongoing series of presentation and forums on Coastal Issues. The aim is to broaden the contributors to the Coastal conversation and enhance the knowledge bank.**

5. Richard Dalman and Simon Brown Respected and Knowledgeable Local Architects Present: Designing for a Successful coastal Build.

See the presentations here - <https://www.ccru.co.nz/video-presentations>

70

- **15 April 2021 CCRU organises their 6th Presentation. One of an ongoing series of presentation and forums on Coastal Issues. The aim is to broaden the contributors to the Coastal conversation and enhance the knowledge bank.**

6. Warwick Schaffer – Coastal Hazard process, what we know, the gaps and our concerns- presented in New Brighton

71

- **19 April CCRU attend a Stakeholders invited session on Coastal hazards Assessment outputs- maps, website, and outline of report. This session involved a testing of proposed interactive Coastal hazard maps and a show and tell of online viewer mock-ups.**

Attending were senior engagement and policy planners, representatives from CCRU and the estuary trust. Below are agreed notes from the session.

CCRU continue to point out to CCC that if the Coastal Conversation is based on concerns for SLR then planning should also be underway for other city areas and in context of a city-wide response plan. There appears to be an abundance of caution and attention on coastal areas in contrast to reports that surface flooding of inland areas maybe a more immediate SLR outcome. The concentration of the SLR response on coastal areas only, has led to the belief that other areas of the city will not be affected. This has resulted in a city wide response that is alarmist and based on a somewhat narrow purview.

NOTES FROM THE SESSION – FEEDBACK AND SUGGESTIONS FOR IMPROVEMENTS

Online maps showing how inundation could be displayed

- Need to be very clear about the uncertainties and assumptions in the information, particularly RCPs.
- As a starting point, describe as low vs high emissions scenarios rather than likely/unlikely.
- Provide some context to sea level rise increments, without implying any likelihood.
- Have additional information available in 'pop-up' boxes eg current national guidance, etc.
- Need to be very transparent about whether inundation maps take into consideration bunds / walls etc and, if so, how do structures impact the results.
- Request to show future, planned structures in the maps eg erosion and flooding mitigation planned for Southshore and South New Brighton. Even if it can't be mapped exactly at the moment, needs to be shown in some form as this work is planned.
- Agreement that showing depth of water very useful.
- Vertical land movement (from ongoing tectonic processes and individual earthquake events) is just another uncertainty in a list of uncertainties (rainfall, carbon emissions etc) therefore important to acknowledge.
- Rather than showing vertical land movement as a slider and graph, have a section / another tab that explains what it means and shows its implications (noting that this is something that affects the whole city, not just the coastal areas).
- Need to explain that sea level rise in the future could be made up of sea level rise AND land fall / rise.

Online maps showing how erosion could be displayed

- Challenges with the word erosion and how we describe beaches. If the beach is accreting, it should not be described as eroding. It is a dynamic beach that accretes and erodes.
- Need explanation around why the 11 per cent reduction is included as a sediment budget option.
- Need to clarify what mapped erosion area relates to i.e. shoreline in future or areas that could be impacted by some extent of erosion, and how the process of an accreting beach factors into this.

Printed maps

- Print maps that show both a high and low emissions scenario rather than one or the other. Shows people how their behaviour can potentially influence the level of change.

General comments on how to communicate this information

- The elephant in the room is that, last time, people questioned the reasonableness of the information. People could work out they were in the zone but didn't see the zones as reasonable.
- Need to communicate the consequences of the maps – that there are planning consequences, but that these haven't been determined yet. At this stage it is just information.
- People also need to know the timeframe for when and how this information will be used – eg adaptation planning, district planning changes etc.
- Need clear communications about the process, who people need to get in touch with and how they can get involved.
- Need to provide enough 'background information' to understand how those lines on the maps have appeared – the technical detail that sits behind the report.
- **Careful thought needs to go into how we position the 'city-wide' conversation. Needs to be balanced and as part of a larger awareness-raising conversation about hazards. Shouldn't just be limited to a funding conversation as this could be unhelpful – pit suburb against suburb, etc**

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- **20 May 2021 CCRU organises their 6th Presentation. One of an ongoing series of presentation and forums on Coastal Issues. The aim is to broaden the contributors to the Coastal conversation and enhance the knowledge bank.**

7. Warwick Schaffer – Coastal Hazard process, what we know, the gaps and our concerns- presented in Sumner in partnership with the Sumner residents association

See the presentations here - <https://www.ccru.co.nz/video-presentations>

A list of **concerns** was tabled for discussion at both New Brighton and Sumner presentations

- That coastal suburbs are being singled out, picked on, hazards with higher likelihood exist in other areas and building is not being restricted there.
- In coastal communities' extreme scenarios stacked on top of each other coupled with harsh restrictions have been proposed.
- That there is a view in council or elements in it that coastal suburbs are doomed and need to be moved along. A view that influences policy development in a way that looks to withdrawal of investment or support rather than adaptability. 'A sinking lid policy for coastal suburbs'.
- Use of fast-track processes and lack of natural justice.
- CCC Conflict of interest (in being able to reduce risk via planning tools without direct cost).
- Lack of community representation and critical voices on the working group
- The working group is behind closed doors, Transparency now - not later, meaningful inclusion.
- Experts are nameless and not available to be questioned.
- Decisions already made regardless of community suggestion/experts/concerns
- Negligent CCC planning to maintain 1 in 5 year flood for storm water with Building Act and Flood Hazard requirement 1 in 50 year calc for building

Questions

- Will Sumner be removed from the hazard maps on the same basis as it was last time and will other areas be removed on the same basis
- Is 100 years the appropriate time scale to be planning building restrictions (building design life is 50 years)
- What is "our place" in the system
- Did the 1 in 100 year flood modelling match the 2015 Rocking Horse road flooding or 2014 Red Cliffs? (have the models been back validated)

Community Board Merge

- Proposed new community board areas -Not making sense – Coastal areas with common issues should be grouped together.
- Only 2 options put forward - did not include coastal areas joining.
- Feels like a dividing strategy.- when activities or policies maybe interrelated
- Dilutes community voice

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Additional Documents available on request

1. Minute re further mapping in regard to sea level rise, flood ponding management areas, permitted activities in rural areas 3-3-2016
2. CCRU chairman's Report 2019
3. RMA20171413 List of consents issued for dwellings in HFHMA
4. RMA20171413 Residential Vacant Sites in the HFHMA as at 30 June 2018

Abbreviations

CCC Christchurch City Council

CCRU Christchurch Coastal Residents' United--<https://www.ccru.co.nz/archive>

CRO Chief Resilience Officer

GCRA Greater Christchurch regeneration act

HFHMA High Flood hazard Management Area

IHP Independent hearing panel

ITE Infrastructure Transport & Environment

LDRP Land Drainage Recovery Programme

LINZ Land Information New Zealand

LTDP Long Term District Planning

LTP Long term plan

OCEL Levy Report

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CCRU KH

PRDP	Proposed Replacement district plan
RDA	Restricted Discretionary Activity
RMA	Resource Management Act
RUO	Residential Unit Overlay
SLR	Sea Level Rise
SRA	Sumner Residents Association
SSRA	Southshore Residents Association
TOR	Terms of reference