

S71 PROPOSAL: RESIDENTIAL UNIT OVERLAY DISTRICT PLAN CHANGES - SUMMARY OF PUBLIC WRITTEN COMMENTS

138 written comments received: 131 in support and 7 in opposition

Topic	Number of written comments received	Comment / Issue	Relief Sought	DPMC Officials Assessment of Issues
Support				
Enable community recovery and rebuild and corrects an error and injustice	131	<p>Will enable affected communities to recover and rebuild; Equity issues and corrects a perceived injustice</p> <p>Unintended omission resulting in disconnect with District Plan rules.</p> <p>Will provide clarity and certainty and enable rebuilds of a similar size to what was there.</p> <p>The Southshore land was not red zoned and therefore owners should have a right to build.</p> <p>Section 71 can expedite the process without further delay and costs, which Council are unable to correct through their own processes at this time. Quicker than other processes.</p> <p>Correction supported by Christchurch City Council (the Council) and other stakeholders.</p> <p><u>Note:</u> Written comments were received in support from the Canterbury Regional Council (ECan) and particular regard needs to be had to these comments. The comments reaffirm the views provided to the Council as a strategic partner. The Canterbury Regional Policy Statement includes policy guidance that seeks to avoid new subdivision, use and development of land in high hazard areas unless the development is located within an existing urban area in Greater Christchurch and can be appropriately mitigated.</p>	Approve the section 71 proposal.	s9(2)(g)(i)
Flood hazards can be managed/mitigated	15	<p>There is time to plan for sea level rise, assess other viable solutions, and technology is changing and improving all the time.</p> <p>The correction does not hinder the ability to adapt or mitigate hazards or future hazards; i.e. floor level. The Council does not have the right to restrict building on land before the options are looked at and consulted on.</p> <p>Sea level rise has not been proven yet. Earlier reports have got it wrong so far.</p>	<p>Council should address sea level rise in conjunction with the Government and the coastal community affected and not in isolation. Adaptation conversations need to start to happen.</p> <p>All options of mitigation of risk from flooding from sea level rise should be considered such as floating foundations, pole houses etc. Proper mitigation like a sea wall and flood lakes should be investigated and publicly consulted on separately.</p>	

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			Need an equitable city-wide approach to flooding hazard mitigation, e.g. rebuilds in other areas have been allowed by waterways.	s9(2)(g)(i)
	1 (Minister for Climate Change)	The accommodation rather than avoidance approach to some residential development in the HFMA is considered unlikely to compromise future climate change adaptation measures where appropriate mitigation measures are implemented.	Emphasise the need for Council to progress work on developing new coastal hazard provisions. The Ministry for the Environment's 2017 guidance to local government on Coastal Hazards and Climate Change recommends a robust process that Council could follow and Ministry for the Environment Officials have engaged with Council to support its implementation.	
Implementation support	1	Council need to ensure robust implementation support, particularly around defining key terms such as "appropriate mitigation" and "unacceptable risk".		
Can build but at own risk	4	Should be free to develop on hazard affected land provided land owners are aware of the risks and build appropriate to the conditions. If insurance companies start to increase premiums astronomically or won't insure against flood damage then that is a separate matter that some owners are prepared to risk.		
Compensation	4	Support overall, but spent a significant amount of time and money trying to rebuild. Had to move house out of HMFA and sacrifice a large portion of section.	Should be compensated for a Council error.	
		Should be able to rebuild what was previously there, unless land owners paid out and area vacated.	If the overlay is not implemented anyone affected should be compensated for their losses.	
Allow for access structures in addition to existing building footprint calculations	5	Support overall, but also consider that access structures (steps, ramps etc.) should be outside of the calculations of the previously existing footprint so that replacement dwelling dimensions are not compromised by the need to safely access required raised floor levels.	Consider additional wording that will allow for access structures in addition to the calculation of the existing building footprint.	

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Time limit on resource consents	5	Support overall, but concerned that a time limit may be applied to resource consents potentially affected by sea level rise. Concerned with this approach for insurance and investment viability and obtaining a mortgage. Strongly oppose this component.	That no time limit be imposed on resource consents.	s9(2)(g)(i)
Concern for owners of land within the RUO with no house prior to 4 September 2010	1	Support, but concerned for owners of sections within the RUO that have not had a house built on them since prior to 4 September 2010 as it appears these redevelopments will be subject to a highly challenging resource consent process.	Strongly advocate that the RUO needs to facilitate adaptation to climate change and provide for appropriate designed mitigation strategies, rather than a preventative and obstructive approach.	
Oppose				
Hazard risk	1	Rebuilding in an area subject to tsunami and flooding hazard should be hard. Should not be living in these areas and need to begin signalling a retreat.	It should remain difficult to rebuild in these areas as coastal hazards are not new. If the government and Council consider that owners should not bear the risk, then make rebuilding harder and leave offers on the table. A 50-year red zoning is a suggestion.	s9(2)(g)(i)

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	1	For land in danger of long-term climate change there should be a disclaimer that they can build, but at their own risk. Empty red zone sections in Bexley where building should never have been allowed and now the government has had to purchase land.	There should be a disclaimer - free to build but at own risk of long-term climate change. There should be no comeback at a future stage seeking support to protect land from sea level rise or to relocate. Need a clear set of government led national principles that give clear guidance in regard to the liability of the impacts of climate change and a framework for managed withdrawal.	
	1	With global warming effects need to look 50-100 years into the future, not the next 5 years.		
	1	Doesn't give choice for a change to the house footprint. We are not affected as don't plan on building.	Need to be more liberal.	
	1	Irresponsible to allow rebuilding without conditions that reflect the risks from climate change. Managed retreat is likely the most sensible long-term option and this decision would send a conflicted message to the community allowing rebuild without sufficient building regulation. Councils need to be supported by Government to start taking climate change into account. Patchwork planning	Rebuilt properties should be required to take into consideration the new risks of sea level rise, storms and coastal erosion and beyond the 32 properties requesting rebuilding, no new properties should be constructed until after the wider coastal and climate plans for the city are finalised.	

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		<p>practice ahead of coastal and climate management. Understates the serious high risk and not clear why Council would not be liable for this long-term risk.</p>	<p>There is an opportunity to exercise the buy-out option for 32 properties, rather than allowing rebuilds in high risk zones which will create new injustices long term and is unsustainable. Request that the s71 powers not be used in this way.</p>	s9(2)(g)(i)
	1	<p>South Brighton suffered severe damage in the earthquakes with lateral spreading and subsidence and now faces threats of high groundwater, erosion, tidal flooding and future earthquakes. No land remediation has been carried out and the protection required has been denied.</p> <p>Houses have been rebuilt in some instances at levels that do not provide flood protection, based on Council modelling <i>“that assumed the construction of a future stop bank in the vicinity of Bridge Street.”</i></p> <p>Amending the District Plan to allow houses to be rebuilt without resource consent is not supported due to the flood risk for such properties, resulting safety and insurability issues, and the expected reduced property life cycle.</p> <p>Due to climate change and rising sea levels, robust protection against flooding should be a priority. Central and local government have a responsibility to mitigate risks as required under the NZCPS, RMA, and CRPS.</p> <p>The proposal has no information about the number of owners who wish to rebuild. Residents can currently rebuild on vacant sites provided they accept liability for flooding.</p>	<p>In the interests of community wellbeing, civil defence, common sense and greater Christchurch Regeneration, it is strongly requested that the proposed amendment be declined. A relaxation in standards is not in the interests of residents or the wider community.</p> <p>Coastal hazard protection is what the eastern suburbs urgently need.</p>	s9(2)(g)(i)
Contrary to New Zealand Coastal Policy Statement	1	<p>The Panel’s approach was wrong in law and contrary to the objectives and policies in the NZCPS, and is confirmed by legal opinions received by CCC. For example:</p> <ul style="list-style-type: none"> - The IHP reading of “avoid” as meaning something other than its ordinary meaning conflicts with the approach in the King Salmon Supreme Court decision. - Policy 5.2.2.2.1(b) is a risky approach and could lead to a permissive approach to new development in an area identified as prone to flood hazard. A more conservative interpretation of the provisions 	<p>The Minister should decline this proposal and when the District Plan Order in Council is revoked, CCC can then initiate a plan change and follow the normal procedures under the RMA. The public would then be entitled to make submissions and rights of appeal to the Environment Court and higher courts.</p>	s9(2)(g)(i)

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		<p>would be more consistent with the precautionary principle provided for in the NZCPS.</p> <p>The proposed addition of “appropriate mitigation” to the policy does not follow the Supreme Court ruling as to the meaning of “avoid”.</p>		s9(2)(g)(i)
Use of s71 powers constitutionally unsound		<p>No valid reason for a hasty decision using section 71 powers and to do so would be constitutionally unsound.</p> <p>The NZ Coastal Policy Statement dates back to 2010 and its meaning has been considered in detail by the Environment Court, the Court of Appeal and the Supreme Court. A Minister overturning that well-established legal precedent would be a travesty.</p> <p>Using s71 to “correct” and “error” which Council’s own legal advisors have found to be flawed would be an affront to constitutional norms.</p>		