

Porirua's Proposed District Plan 2020

Submission on Porirua's Proposed District Plan

To - Environment and City Planning Team

Date received 20/11/2020

Submission Reference Number #66

Wishes to be heard? Yes

Is willing to present a joint case? Yes

Could gain an advantage in trade competition in making this submission? No

Directly affected by an effect of the subject matter of the submission? No

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Submission points

Point 66.1

Support / Support in part / Oppose

Amend

Section: RLZ - Rural Lifestyle Zone

Sub-section: RLZ - Rural Lifestyle Zone

Provision

General

Submission

AMMENDMENT SOUGHT:

Amend zoning of submitters' property (lots 3, 4 and 5 of Pikarere Farm) from Rural Zone to Rural Lifestyle Zone (or any other decision that would satisfy the submitter's concerns so that the zone reflects the future potential of the land).

DESCRIPTION OF SITE & SURROUNDINGS

The land that is the subject of this submission is contained in CFR's being Lot 3 DP 524022 having 5.0020 hectares, Lot 4 DP 524022 having 5.0020 hectares and Lot 5 DP 524022 having 5 hectares ("submitters' properties"). The application site is part of Pikarere Farm, and it is presently being used as agricultural farmland. The application site is located at the end of Pikarere Street, and contains a farm track which runs through it. Adjoining to the north is the Porirua Sewer Treatment Plant, and to the east is the Porirua Scenic Reserve. Adjacent to the north-west is the Tasman Sea. The application site is situated to the north of Colonial Knob. The topography of the application site is undulating, and the surrounding area is zoned rural apart from Porirua Scenic Reserve which is zoned Open Space. It is also noted that further to the north along Pikarere Street are residential dwellings which have a zoning of Suburban.

REASONS WHY ZONING OF SUBMITTERS' PROPERTIES SHOULD BE AMMENDED FROM RURAL TO RURAL LIFESTYLE

1. The submitters are owners of Lot 3 DP 524022 (Markus Rochel) and Lot 4 DP 524022 (Annalise Bracken, Reirini Bracken and Kimai Bracken) of Pikaere Farm.
2. The submitters are currently in settlement for the purchase of Lot 5 DP 524022 (Ronwyn Rochel and Taiamai Bracken) of Pikarere Farm. This settlement finalises on 1 December 2020.
3. The submitters are collectively a Maaori family (“whanau”) who have purchased the properties collectively (“submitters’ properties”) to provide homes for whanau.
4. The submitters’ properties (lots 3, 4 and soon to be Lot 5) are inclusive of a private driveway with access from Pikarere Street (refer sub-division planners’ reports for Lots 3, 4 and 5 sent to Porirua Council). This also means that changing the submitters’ properties zoning to rural lifestyle won’t disrupt anything, or anyone else.
5. The submitters’ properties’ private driveway has been calculated to cater for an estimated 15 cars per block which means the private driveway itself has capacity to cater to vehicle traffic that comes with additional housing (approximately 45 cars) with minimum disturbance.
6. Resource consent has been **granted*** by Porirua City Council for Land Use for earthworks and dwellings on Lots 3-5 (refer attachment).
7. Resource consent has been **granted*** by Porirua City Council for a non-complying activity pursuant to sections 104, 104B, 104D and 108 and 220 of the Resource Management Act 1991 for the following reasons:
 1. It is considered that the activity will not - have or be likely to have adverse effects on the environment that are more than minor beyond the subject land and adjacent land.
 2. The effects are considered to be less than minor such that no persons have been identified as potentially affected.
 3. That due regard has been given to the objectives and policies of the District Plan and it is not inconsistent with those provisions.
 4. The proposal meets both the gateway tests of Section 104D of the Resource Management Act (refer attachment).
8. With the resource consents above, rural zoning is no longer considered 'fit for purpose' for the submitters' properties.
9. Considering the surrounding areas and/or potential of surrounding areas - the submitters’ properties are part of a wider subdivision of Pikarere Farm where lots have been sold for rural lifestyle purpose (to provide homes for whanau). Some lots nearby on Pikaere Farm are already in the process of building houses (within restrictions). This means that re-zoning of the submitters' properties from rural to 'rural lifestyle' will be consistent with purposes of surrounding and/or developing rural residential properties.
10. Zoning of the submitters’ properties (and driveway) are also within the city-fringe.
11. The submitters acknowledge it’s (5316108.5) encumbrance to Porirua City Council (affecting Lot 8 DP 524022) and continue to support this.
12. The submitters also acknowledge that some surrounding areas (outside of the submitters’ properties but within Pikarere Farm) are of cultural / historic Maori significance and value. The submitters support the preservation of these sites.
13. Any future planning on the submitters’ properties will be aligning with promoting sustainable management of surrounding physical and natural resources.
14. The submitters propose to reduce the effects on the natural and physical environment with a sympathetic need to protect native vegetation and/or wildlife within the submitters’ properties, as well as with the intention to encourage the maintenance and enhancement of the ecological integrity and natural character of Pikarere Farm.
15. The submitters do not wish to detract from preserving the outstanding character and beauty of Pikarere Farm and it's surrounding lands as well as scenic and recreational value - rather, balancing this out with the need to provide housing for whanau.
16. Rural lifestyle zoning of the submitters’ properties would facilitate more housing within the Porirua Region.
17. Rural lifestyle zoning of the submitters’ properties would facilitate job creation and/or apprenticeship opportunities with the allowance to build more houses on submitters’ properties.

FURTHER REFERENCE

*Please refer to the following documents from Porirua City Council Consultant Planner, Jenny Grimmett:

1. The planners report and decision letter for the original subdivision (sorry these are word documents and not signed as the scanned files are huge and too big to email);
2. The planners report and decision letter for the change of conditions (both signed);
3. Approved plans for the latest decision.

Relief sought

AMMENDMENT SOUGHT:

Amend zoning of submitters' properties (lots 3, 4 and 5 of Pikarere Farm) from Rural Zone to Rural Lifestyle Zone (or any other decision that would satisfy the submitter's concerns so that the zone reflects the future potential of the land).

Attachments

- RC6818 planning report signed.pdf
- RC6818 Plans.pdf
- RC6818 - Decision letter (1080052).doc
- RC6818 - Planners Report (1077104).docx
- Screen Shot of email from PCC Consultant Planner dated 20170711.png
- 20201108_Pikarere Farm Ltd - proposal to re-zone lots to rural lifestyle.pdf

PLANNING REPORT

CHANGE OF CONDITIONS OF RESOURCE CONSENT TO UNDERTAKE A SUBDIVISION TO CREATE FIVE ‘RURAL – RESIDENTIAL ALLOTMENTS’ AND A LAND USE CONSENT FOR THE FUTURE CONSTRUCTION OF DWELLINGS AT 320 - 380 PIKARERE STREET, COLONIAL KNOB (BEING LOTS 1- 3 DP 62408, LOT 3 DP 373530 & LOT 7 DP 373530).

RESOURCE CONSENT RC6818 – SB0014/16

| | |
|-----------------------------|----------------------------|
| Applicant | Pikarere Farm Ltd |
| Application Received | 6/07/2016 |
| Reporting Planner | Robinson Dembetembe |

1.0 DESCRIPTION OF PROPOSAL

The applicant has requested an amendment to the original resource consent conditions such that conditions 1, 7, 8, 9, 10, 25(c) & (d), 29, and the recommendation under Section 243 referencing the amended easements be changed from the original decision RC6818 granted on 6 March 2015.

The applicant was granted a resource consent to subdivide Lots 1 - 3 DP 62408, Lot 3 DP 737530 & Lot 7 DP 373530 at 320- 380 Pikarere Street, and land use consent for the future construction of buildings including dwellings on the five rural-residential sites that are proposed to be created as part of the application. The applicant is not seeking to change the approved identified development areas that were shown on the original plans. The proposed changes will not create any additional allotments more than what was previously approved.

The applicant is seeking the following;

“Correcting Errors in the approved Scheme Plan

- i. Show the area of Lot 8 which is held together with Proposed Lot 3;*
- ii. Amend the area of Lot 1 less the area within lots 8, 10 and 13;*
- iii. Show lots 9, 10, 11 and 12 as stand-alone lots to indicate separate lots being “held together” under amalgamation conditions;*
- iv. Delete Lot 7 (stage 1) 121.70 ha and retain Lot 7 DP 373530. Lots 11 and 12 (stage 1) will be “held together” with the existing Lot 7 DP 373530.*

NEW –

- i. Widening the Main farm Access (ROW) in parts to ensure an even width of 25 metres along its width. This requires two further boundary adjustments. The area within lot 13 is to be excluded from Lot 3 and held as part of the main farm track (being lot 1) and lot 8 boundaries are to be varied slightly from what was currently approved.*
- ii. Lot 3 to be accessed directly from the main farm track (ROWS “J” and “K”) and not from the old farm access track (ROW “I”). Shorten the ROW “I” so it*

finishes at the boundary of Lot 5. This utilises the existing access from the main farm track up to the now decommissioned Airwaves Corporation Beacon. This requires less earthworks and is a shorter distance than the access as proposed under the original subdivision consent.

Access, Services & Easements

A few minor changes are proposed to the setting out of the easements:

- *Deleting ROW A on DP 62408 and replacing it with ROWs J and K*
- *Deleting ROW B on DP 373530 and replacing it with ROWs L, M, N, O and P*
- *Deleting lot 3 from ROW I and reducing its length, and providing access to lot 3 from the main farm track over ROW J and K*

The purpose of doing this is to better align access rights and the entry area for services with building sites; and reduce the length of access to the building site on Lot 3.

Memorandum of Proposed Easements now includes provision of water supply within ROWs 'J' through to 'M.' We are not proposing any changes to condition 20. The landowner is seeking to future proof the lots in the event that the owners of those lots decide to seek approval to connect into Council's reticulated water supply located to the east of the cul-de-sac head of Pikarere Street and in which case that water supply could come up the main farm access track.

We are also proposing to provide for telecommunications and power within the ROWS that were previously identified as 'B' and 'C' on DP 373530. These services are not required to the boundary of Lot 6 or Lot 7 DP 373530 under the approved subdivision as no new lots are being created, however, the landowner would like to make provision for them so as to future proof his land."

The original application was assessed as a non-complying activity and was granted on a non-notified basis. The original application was granted amongst other reasons, due to consideration that;

1. The activity will not have or be likely to have adverse effects on the environment that are more than minor beyond the subject land and adjacent land.
2. The effects are considered to be less than minor such that no persons have been identified as potentially affected.
3. That due regard was given to the objectives and policies of the District Plan and was not inconsistent with those provisions.
4. The proposal met both the gateway tests of Section 104D of the Resource Management Act.

2.0 RELEVANT PLANNING PROVISIONS

2.1 Section 127 RMA

Section 127 of the Resource Management Act provides for the change or cancellation of conditions of a resource consent as follows:

127. *Change or cancellation of consent condition on application by consent holder*

- (1) *The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent, subject to the following:*
- (a) the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and*
- (b) no holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.*
- (2) *[Repealed]*
- (3) *Sections 88 to 121 apply, with all necessary modifications, as if—*
- (a) the application were an application for a resource consent for a discretionary activity; and*
- (b) the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.*
- (3A) *If the resource consent is a coastal permit authorising aquaculture activities to be undertaken in the coastal marine area, no aquaculture decision is required in respect of the application if the application is for a change or cancellation of a condition of the consent and does not relate to a condition that has been specified under section 186H(3) of the Fisheries Act 1996 as a condition that may not be changed or cancelled until the chief executive of the Ministry of Fisheries makes a further aquaculture decision.*
- (4) *For the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who—*
- (a) made a submission on the original application; and*
- (b) may be affected by the change or cancellation.*

3.0 ASSESSMENT

It is the effects of the change that are relevant. The appropriate comparison is between any adverse effects from the activity in its original form and any adverse effects that would arise from the proposal in its varied form.

The physical changes that will result from the proposed changes will be the widening of part of the main farm access identified within areas of ROW easements K & L. All sites will have a minimum total area of 5 hectares as previously approved. The proposed changes will not create any additional allotments more than what was previously approved. The location of the approved development areas will remain as previously consented, and all the other land use conditions will remain the same. The applicant is proposing new easements to future proof some of the approved lots in the event if provision of water supply to those lots will be connected to the Council mains from Pikarere Street.

The proposed changes are internal to the subject site, and will not change the approved external boundaries approved for the subdivision. Various allotments will be amalgamated such that all sites will have a minimum total area of 5 hectares. This is consistent with the original approved subdivision consent and this will still maintain the character and quality of the rural environment. The only affected party to this varied form will be the applicant. I therefore consider the proposed amended design and layout of the proposed subdivision to be appropriate and consistent with the original approved resource consent and will have adverse effects that are less than minor on the environment and any adjoining neighbours.

The applicant wants to delete approved Lot 7 and retain Lot 7 DP 373530 (the parent legal description). This is for the reason not to re-survey this block at the time of certification.

Consultation has been undertaken with the Office of the Registrar – General of Land in regard to the proposed amalgamation conditions and advised that the amalgamation conditions are practicable under Section 220(1)(b) of the Resource Management Act. The request number in the condition is 1383375.

3.2 Comments from other Council Departments

This application has been referred to Council's Manager Land Use & Subdivision Engineering, Phillip Rhodes for comment, and has made the following comments;

- (i) *It is proposed to widen the main ROW to an even 25m width. The ROW boundaries shown on the consent plans appear to follow existing fencelines and vary in width from 19 to 47m. This is for the first 240m of the ROW from the end of Pikarere St and after that the ROW has an average width of 21m to 22m. The fencelines are located mainly according to the topography with a cut batter on the inland side and steeper slopes falling towards the sea on the opposite side.*
- (ii) *I assume therefore that the boundaries would be smoothed out so that where the width is less than 25m there would be some relatively minor adjustments. Any widening of the boundaries can have beneficial effects especially where the topography is rounded requiring cut batters. Additional width will provide some good setback for fencing and allow space for remedial works within the road area for repairs to batters where erosion occurs.*
- (iii) *Additional width increasing to 25m may also provide necessary road widening opportunities where two lanes become desirable. In this sort of topography where lane widening requires batter development, the extra width of the earthworks within the ROW ensures that private titles are not affected.*
- (iv) *Access to lot 3 is proposed to come from the main ROW which seems to be a sensible approach and is easily achieved from multiple locations.*

- (v) *Deleting or surrendering ROW B on DP373530 is proposed so that replacement ROW L, M, N, O & P can be segmented into parts more appropriate for the location of the various dominant tenements along the easement and creating a more logical division of responsibility. The proposal is a practical approach to the allocation of future responsibilities for maintenance of the ROW.*
- (vi) *The memorandum inclusion of a water easement probably has no real effect at this stage since there is no water supply proposed but is acceptable practice to establish such easements well in advance of their need.*

Mr Phillip Rhodes is satisfied with the proposed changes which include the widening of the main farm access, lot 3 to be accessed from the main farm access and establishment of easements for water supply.

4.0 CONCLUSION

I consider that the provisions of Section 127 of the Resource Management Act 1991 have been met, and that it would be appropriate to change conditions 1, 7, 8, 9, 10, 25(c) & (d), 29 of the original resource consent RC6818 in this instance as requested by the applicant.

5.0 RECOMMENDATION

On the above grounds, it is recommended that the Manager Resource Consents - Policy, Planning and Regulatory Services approve the proposal:

That the request for change of conditions 1, 7, 8, 9, 10, 25(c) & (d), 29 from original decision of resource consent RC6818 pursuant to Section 127 of the Resource Management Act 1991 be approved to read as follows:


1. That the development be in general accordance with the information and plans submitted with the application stamped Approved Plans for Resource Consent RC6818 and held on Council file RC6818 (*Development Plan Rural Residential Subdivision and Boundary adjustment, Drawing No. DP PIK1 Rev 05, and Stage 1: Subdivision of Lots 1, 2, & 3 DP 62408 into Lots 1, 2, 3, 4, 8, 10 and of lot 3 DP 373530 into Lots 11 and 12, Stage 2 – Subdivision of Lot 2 (stage 1) into Lots 1 & 2- Drawing No. DP PIK1 Rev 06*), although minor alterations may be approved upon request providing the development is not materially different, the scale and intensity of adverse effects will be no greater, and no approval from affected persons is needed.
7. Individual certifications pursuant to sections 223 and 224(c) of the RMA may be issued for this subdivision in a series of stages as follows:
 - Stage I – Lots 1-5, 8, 9, 10 & 13 and subdivision of Lot 3 DP 373530 into Lots 6, 11 & 12. Then the following lots will be amalgamated to be held in one Computer Freehold Register: Lots 1, 9 and 10 and 13 to be held in one CFR, Lots 3 & 8 to be held in one CFR, and Lots 7 DP 373530 and Lots 11 & 12 to be held together in one CFR
 - Stage II– Subdivision of Lot 2 in Stage 1 into two Lots 1 & 2;

provided that:

- Each individual allotment must be consistent with the proposal as approved;
 - All conditions pertaining to the specific allotments shown in the particular stage on the survey plan must be satisfied prior to the execution of a certificate pursuant to section 224(c) of the RMA in respect of that stage.
8. Prior to approval under Section 223 of the Resource Management Act 1991, the easements specified on the approved scheme plan DP PIK1 Rev 6 shall be created or reserved for the purpose specified and endorsed in a memorandum on the Land Transfer Plan.
 9. Prior to approval under section 223 of the Resource Management Act 1991 the identified development areas shown on Drawing Number DP PIK1 Rev 6 dated 22/7/16 drawn by Land Matters Property Consultants shall be surveyed and marked on the Land Transfer Plan.
 10. That pursuant to section 220(1)(b)(i) & (ii) of the Resource Management Act 1991, that;
 - “Lots 1, 9, 10 and 13 are held together in one CFR;
 - Lots 3 and 8 are held together in one CFR;
 - Lot 7 DP 373530 and Lots 11 and 12 are held together in one CFR.”
 (Request number in the condition is 1383375). This shall be recorded on the Transfer Plan submitted for this stage under Section 223 of the Resource Management Act.
 - 25(c). Proposed Right of Ways identified as “I” on Land Matters Plan DP PIK1 Rev 6 shall be formed and drained in accordance with the PCC Code of Land Development and Subdivision 2010, Land Development and Subdivision Infrastructure - NZS 4404: 2010, and Part H of the District Plan.
 - 25(d) Due to the age and condition of the existing access A on DP 62408, the formation of ROW J, K & L shall be reconstructed where required in order to achieve uniform, consistent continuous surface, and then metalled in compliance with the Land Development and Subdivision Engineering - NZS 4404: 2004, PCC's Code of Land Development and Subdivision 2010 and all works shall be to the satisfaction of the General Manager, Environment and Regulatory Services.
 29. That the development be in general accordance with the information and plans submitted with the application stamped Approved Plans for Resource Consent RC6818 and held on Council file RC6818 (*Development Plan Rural Residential Subdivision and Boundary adjustment, Drawing No. DP PIK1 Rev 05, and Stage 1: Subdivision of Lots 1, 2, & 3 DP 62408 into Lots 1, 2, 3, 4, 8, 10 and of lot 3 DP 373530 into Lots 11 and 12, Stage 2 – Subdivision of Lot 2 (stage 1) into Lots 1 & 2- Drawing No. DP PIK1 Rev 06*), although minor alterations may be approved upon request providing the development is not materially different, the scale and intensity of adverse effects will be no greater, and no approval from affected persons is needed.

6.0 CONCLUSION AND RECOMMENDATION UNDER SECTION 243 OF THE RESOURCE MANAGEMENT ACT

As discussed in the planning report it is appropriate to cancel the easement identified as 'B' on DP 62408. Easements 'A' on DP 62408 and 'B' on DP 373530 and 'C' on DP 373530 be replaced with easements 'J', 'K', 'L', 'M', 'N', 'O', and 'P' as discussed above. It is therefore recommended that Council grants approval to surrender easements identified as 'A' and 'B' on DP 62408, and easements 'B' and 'C' on DP 373530 and sends a Notice of Cancellation to the District Land Registrar advising that the easements have been fully cancelled.



Robinson Dembetembe
RESOURCE CONSENTS PLANNER

3/8/16
Date

Decision of Council

That conditions 1, 7, 8, 9, 10, 25(c) & (d), 29 be changed from the original decision granted 6 March 2015 as stated in the above recommendation in Section 5.0.

The application to surrender easements identified as 'A' and 'B' on DP 62408, and easements 'B' and 'C' on DP 373530 and a certificate be signed by the Resource Consents Manager - Policy, Planning & Regulatory Services pursuant to Sections 243(a) & (e) of the Resource Management Act 1991.



Adrian Ramage
**MANAGER RESOURCE CONSENTS
POLICY, PLANNING & REGULATORY SERVICES
under Delegated Authority**

3/8/16
Date