

RMA FORM 5

Submission on publicly notified Proposed Porirua District Plan



Clause 6 of the First Schedule, Resource Management Act 1991

To: Porirua City Council

1. Submitter details:

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Company/Organisation <i>if applicable</i>			
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2. This is a **submission** on the **Proposed District Plan** for Porirua.

3. I could I could not
gain an advantage in trade competition through this submission.
(Please tick relevant box)

If **you could** gain an advantage in trade competition through this submission please complete point four below:

4. I am I am not
directly affected by an effect of the subject matter of the submission that:
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition.
(Please tick relevant box if applicable)

Note:

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

5. I wish I do not wish
 To be heard in support of my submission
(Please tick relevant box)

6. I will I will not
 Consider presenting a joint case with other submitters, who make a similar submission, at a hearing.
(Please tick relevant box)

Please complete section below (insert additional boxes per provision you are submitting on):

The specific provision of the proposal that my submission relates to:
SUB-O4 FUZ-01 Purpose of the Future Urban Zone - The Judgeford Flats area of the Future Urban Zone will help meet the City's identified medium to long-term industrial land use needs. CEI-O8 Future Industrial Zone - Recognise that the intended use of the Northern Growth Area and Judgeford Hills is primarily for residential purposes, while Judgeford Flats is primarily for industrial purposes.
Do you: Support? Oppose? Amend?
The proposed re-zoning of General Rural Land in Judgeford Flats to "Future Urban" is opposed.
What decision are you seeking from Council?
What action would you like: Retain? Amend? Add? Delete?
Any changes to the current plan must not further entrench or imbed existing inappropriate activities that are inconsistent with the existing residential use, and amenity value, in the area. If rezoned or amended in any way, this must be done in a manner that does not continue or aggravate existing effects to existing residents associated with temporary activities already underway. Any rezoning should only enable appropriate uses such as rural lifestyle development and should only occur if there are additional protections for residents. For example, broad scale mining activities (and any other inappropriate activities) must be specifically prohibited to protect resident's amenity values and enjoyment, and to minimise negative impacts on transport networks in the area.
Reasons:
<i>A zoning of 'Future Urban' is not appropriate</i> While the proposed zoning intends to be a 'flag' that the area may in future be developed into housing or business purposes, this holding position creates an unreasonable level of uncertainty for residents. Residents of Judgeford already have increased vulnerability and sensitivity because of the prospect of temporary Willowbank Farm Quarry activity becoming a permanent activity in the area. The additional uncertainty is unacceptable and unfair.

Industrialisation is incompatible with expectations of living rurally

Amending the District Plan as proposed will allow for the consolidation of non-rural and industrial use in the Judgeford area. The proposed rezoning will give rise to activities that are a departure from the expectations of living in a rural zone, such as refuse transfer stations and their ancillary activities.

Other incompatible uses will also be enabled, such as heavy vehicles and intensive development giving rise to additional adverse effects such as increased traffic volumes and safety risk. Certain controlled activities will be able to be carried out as a right, making it easier for applicants to do things that are not acceptable to the residents of the area (including activities not anticipated by Council as they have not yet been developed). This is a further departure from residents' expectations of living in a rural environment. It is also in conflict with the Council's own objectives to allow for an integrated, efficient, and safe transport network.

This proposal is particularly inappropriate as it will exacerbate and consolidate the adverse effects of the existing Willowbank Farm quarry activity in an area of specific vulnerability from features such as the long narrow rural road, topography of the land and presence of Significant Natural Areas.

It would seem the only reasonable rationale for providing for industrial use is to support the Willowbank Farm quarry becoming a more permanent fixture, there would appear to be no other reasonable reason for providing for industrial zoning as proposed. This suggests that, despite requesting further information from Fulton Hogan, the Council has pre-determined approving their consent to extend the life of Willowbank Farm quarry for 35 years, this would be entirely inappropriate.

Flood hazard

Additionally, the future Urban Zone proposal will potentially cost hundreds of thousands of ratepayers' dollars to fund the need to drain and flood proof the land bordering SH58 area in order to allow for safe activity by commercial enterprises. This is as should be identified in APP10-Table 3 as a medium risk for flooding.

Rural and rural lifestyle are more appropriate zoning designations

The Judgeford area would seem to be more appropriate for further rural lifestyle development noting that Rural Lifestyle Zoning will also introduce some reproduction and reverse sensitivity aspects and allow for the intensification of the current rural zone (hobby farm and other lower density residential). Judgeford must be retained as rural and/ or rural lifestyle. Any new lifestyle holding would need to build consistent with potential flood ponding hazards.

When amending the current plan care should be taken to ensure that changes do not further entrench or imbed existing inappropriate activities in the area. This means they must not encourage activities that will aggravate the effects of existing inappropriate activities already underway. Grandparenting provisions could apply to any primary production industry currently located within this area (excluding mining and quarrying).

For the avoidance of doubt, a quarry and industrial hub are not appropriate activities for the area.

Irrespective of zoning changes, additional protections are needed

The district plan informs the resource consent process and they are inextricably linked. The plan specifies the types of activities that might be carried out in an area and the restrictions that may apply to those activities (such as hours of operation). The activity at Willowbank Farm serves as a case study of how the current District Plan has failed to protect the amenity value and quiet enjoyment of residents, of their own properties. In this case the District Plan and application of discretion by Council has resulted in:

- inadequate identification and due diligence of affected parties and effects.
- poor consultation with few select residents.
- substandard monitoring (heavily reliant on the operator self-monitoring).
- minimal enforcement action.

The Council has a responsibility to protect its rate payers from adverse effects. Council must not now respond to this failure by rezoning the General Rural Zone so that it is more sympathetic to further inappropriate activities.

Irrespective of zoning decisions, additional protections must be added to the plan now to ensure there are no further negative consequences for the residents and ratepayers of the Judgeford area. At a minimum, all mining and quarrying activity should be prohibited in the Judgeford area, and Council should urgently develop and publicly consult on a policy on the policy to ensure that no other Porirua residents are subjected to a similar experience of mining activities being established so close to their dwellings. Other inappropriate activities – such as industrial activities - should also be prohibited.

If rural zoning is retained, the definition of primary production must be amended so as to exclude all broad scale mining / quarrying activities (and any other inappropriate activities) that will have an adverse effect on the amenity and enjoyment of the area.

Please complete section below (insert additional boxes per provision you are submitting on):

The specific provision of the proposal that my submission relates to:
GRUZ -P5 Quarrying activities and mining activity
Do you: Support? Oppose? Amend?
The provision of new quarrying activities in the General Rural Zone, is opposed.
What decision are you seeking from Council?
What action would you like: Retain? Amend? Add? Delete?
Mining and quarrying activities are entirely inappropriate as they are not consistent with the expectations of rural life and as such, they should be deemed prohibited activities.
Irrespective of zoning, quarry and mining activities should not be permitted in the Judgeford area, particularly so close to established residential dwellings and SNA areas.
Reasons:
<i>The high amenity value of Judgeford area must be protected from inappropriate activities</i>
The Judgeford area is an area of high character and amenity value for residential use as well as passive recreation. Enabling mining activities is entirely out of character with the area.
The expectations of residents living in the General Rural Zone - in relation to enjoyment and amenity - are currently not being met. The rural zone policies (that refer to matters such as siting, scale and visual screening measures to minimise impact on character and amenity) are not adequate protection from inappropriate activities that are currently having an adverse effect on residents.
The SNA status of my property and many of my neighbours indicates that is worthy of preservation and as such the Council places encumbrances on me. The SNAs prejudice the developability of my own land and is at odds with a quarry site being located next door.

With many SNA areas in the vicinity, the area should be considered to be of 'High Natural Character' and quarrying and mining activities should be avoided within the locality.

Mining and quarrying are not appropriate activities for areas where people are residing

Rural blocks of land and housing such as Judgeford and mining activities are incompatible with each other. Particularly when the activity is inappropriately managed (monitored and enforced).

While a rural zone would naturally anticipate that some activities to be undertaken at odd hours reflecting the nature of rural life, the activity of a quarry is quite beyond the character of a rural zone.

The permitted noise standards for the current quarry operations in Judgeford are not appropriate as the appropriate baseline should be the noise which would be expected in this locality without the quarry operation.

Safety and traffic concerns arising from the activity

State highway 58 is a narrow traffic corridor and mining and quarrying activities are high trip generating activities. These activities will create high volumes of traffic (Council is aware that Fulton Hogan and Willowbank Trustee Limited are planning a 35-year mining activity with 60 return trips per hour Monday to Saturday 6am – 10 pm).

The high volumes of traffic will have significant adverse effects on the transport network and adversely affect the amenity of nearby residents.

These additional vehicles will be heavy vehicles which will cause rapid and continual degradation of the road; which will require constant works, further placing residents and road users at risk.

Council has demonstrated that it is unable to effectively oversee the management of large-scale mining operations

Without a specific quarry policy in place to guide decision making, Council has consented to discretionary activities that are out of character with the amenity value of the area. This is causing considerable disturbance to and adverse effects on residents.

The current quarry activity at Willowbank Farm is carried out in a General Rural zone. As such it is a "discretionary" activity consented for the specific purpose of Transmission Gully only. This should, in practice, mean that the activity is stringently managed and monitored by Council. This has not been the case.

The effect of the activity is not localised, and Council has not adequately protected residents with effects due to hours of quarry operation and acoustic (operational and trucking) and blasting effects.

Council has subsequently responded to residents by directing them to their insurers, to the Quarry operator, and to the Police as mechanisms to deal with the complaints and implications of the activity.

The current situation with Willowbank Farm quarrying operations illustrates that there should be no discretion afforded to the Council in this matter.

Council must now act to protect residents - through protective measures in the District Plan to prohibit mining and quarrying in Judgeford - rather than respond in a manner that exacerbates the predicament of residents (encouraging industrialisation and mining).

Please complete section below (insert additional boxes per provision you are submitting on):

The specific provision of the proposal that my submission relates to:
Significant Natural Area SNA 160 – Murphy’s Road Bush
Do you: Support? Oppose? Amend?
Oppose
What decision are you seeking from Council? What action would you like: Retain? Amend? Add? Delete?
Quarry and Mining activities should not be permitted in areas with SNAs.
Reasons:
<p><i>Significant Natural Areas are not protected adequately</i></p> <p>While Significant Natural Areas have been defined, the Porirua City council appears to have not provided sufficient mechanisms in the draft plan to permit the protection of SNAs from nuisance values emanating from the proposed extractive industries in the rural zone. This is at odds with Council’s stated aims to protect them through policies and rules in our district plan. https://porirua.govt.nz/your-council/city-planning-and-reporting/district-plan/proposed-district-plan/past-consultations/ecology-and-landscapes/significant-natural-areas-faq/</p> <p><i>This SNA status prejudices the developability of my own land</i></p> <p>Key areas of concern are:</p> <ul style="list-style-type: none"> • Paying rates on land that Council wants control of • Fire risk and • Costs of consents and arborist. <p>Better support should be provided to ratepayers of land with SNA status.</p> <p>I wish to provide evidence at the hearing.</p>

Please return this form no later than **5pm on Friday 20 November 2020** to:

- Proposed District Plan, Environment and City Planning, Porirua City Council, PO Box 50-218, PORIRUA CITY or
- email dpreview@pcc.govt.nz

Signature of submitter
(or person authorised
to sign
on behalf of submitter):

Lyle & Tracey Davies

Date: 7 Nov 2020