



JEPS

Judgeford Environmental Protection Society

Submission
on publicly
notified
Proposed
District Plan

JEPS – who are we?

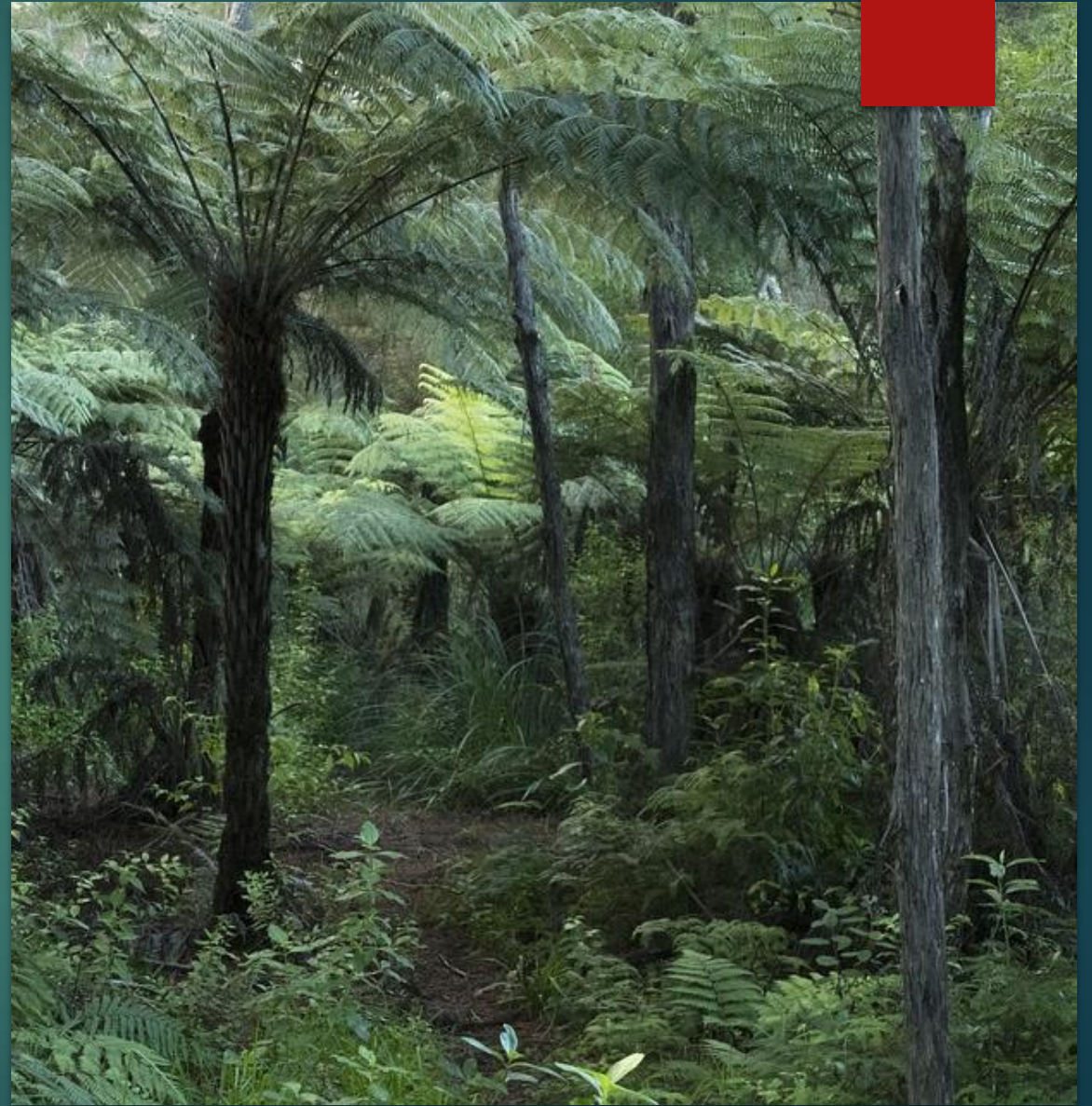
- ▶ A group of Judgeford, Pauatahanui and Whitby residents that have come together to protect our environment.
- ▶ Charitable status.



What we request

Appropriate zoning that will:

- ▶ Enable residents to develop rural land.
- ▶ Protect amenity.
- ▶ Protect against the entrenchment of inappropriate activities in the current Rural zone.



What we request

Appropriate zoning that will protect dwellings and the environment.

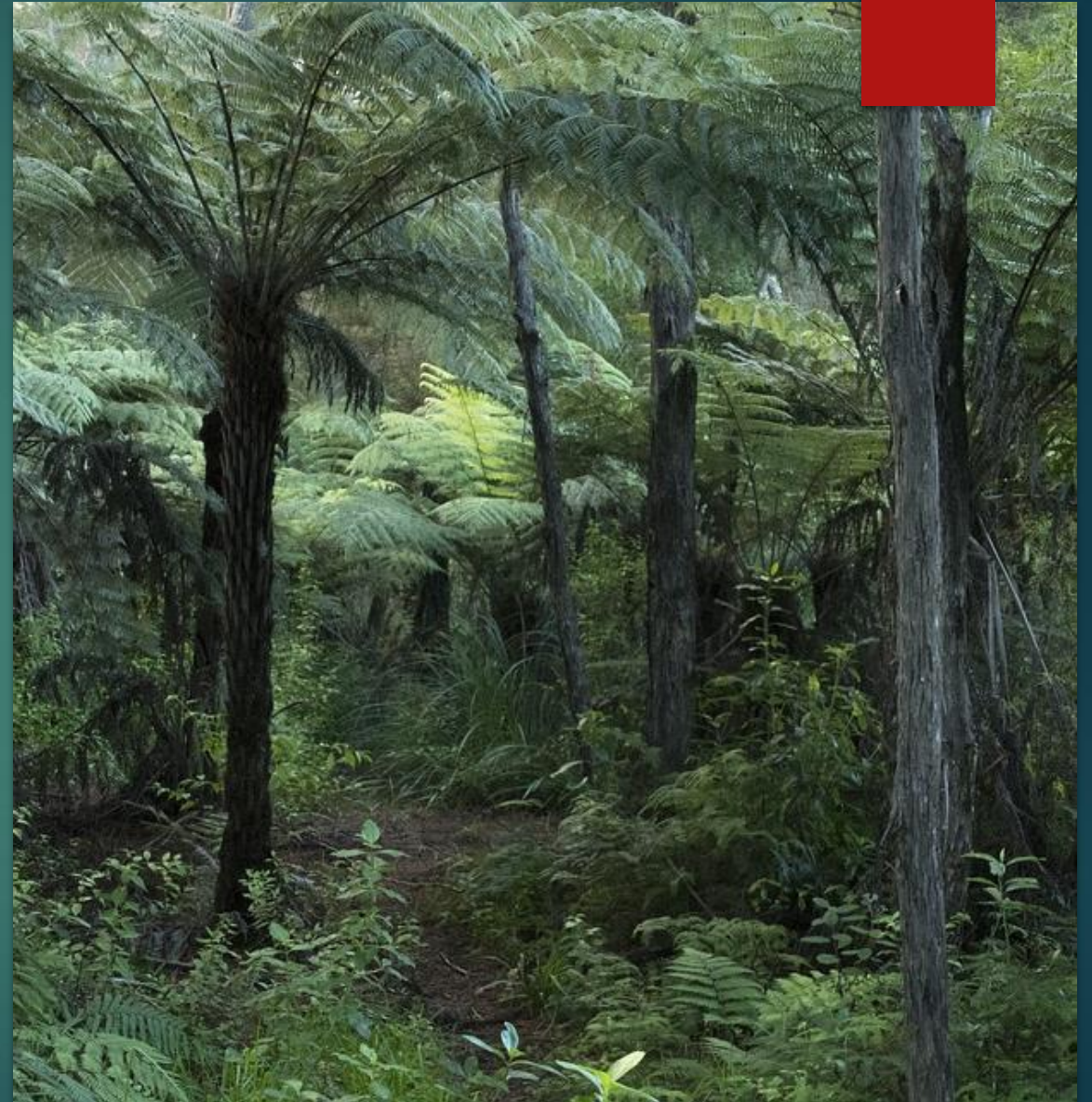
From our lived experience Mining and Quarrying (in particular) are inappropriate activities where people are living and should be prohibited.



We do not support the proposed rezoning

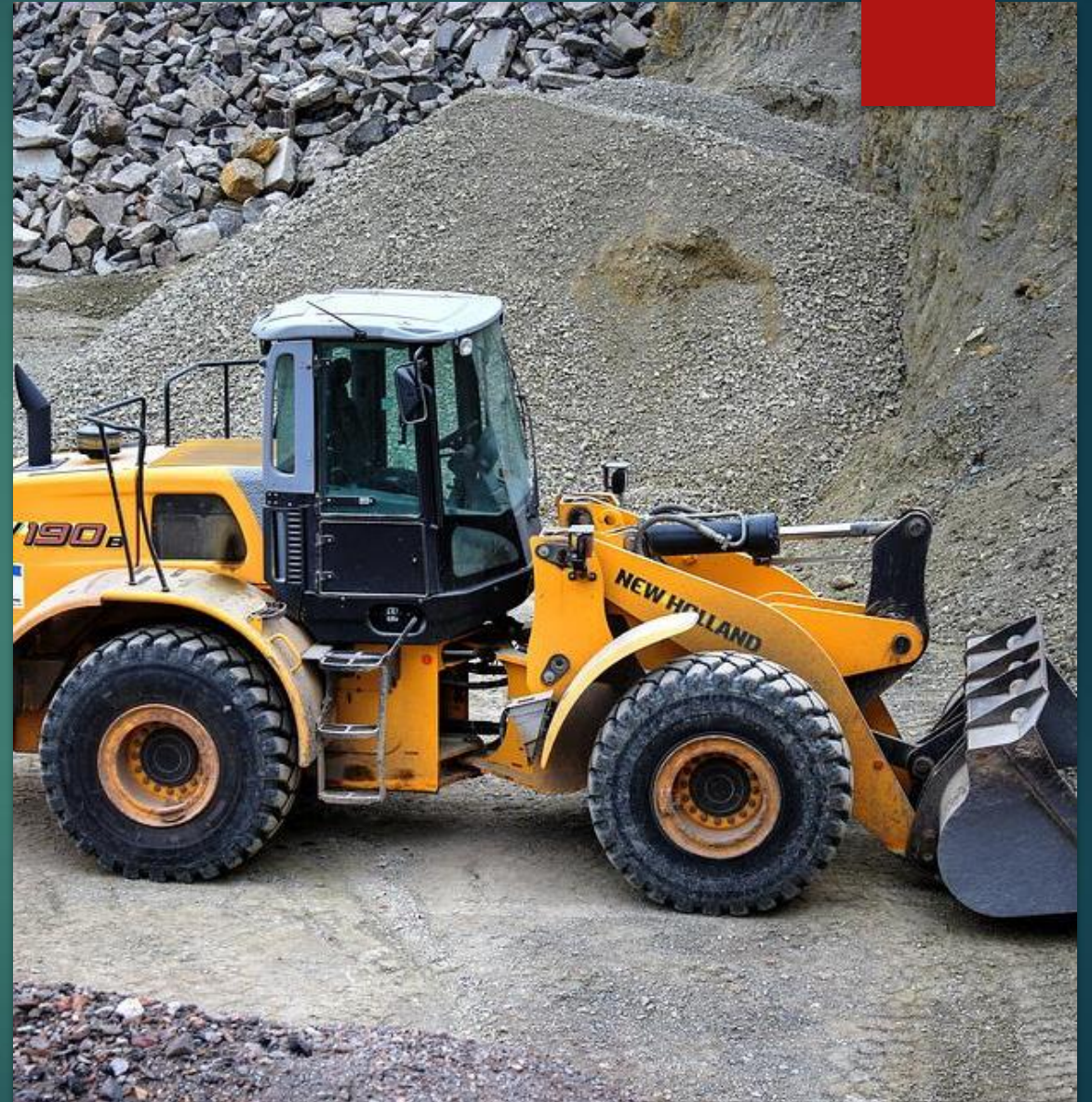
There is no equivalent of the FUZ in the Operative Plan. It is a complete change from the status quo. We think the it will:

- ▶ Consolidate non-rural and industrial uses.
- ▶ Give rise to activities that are a departure from the expectations of living in a rural zone.
- ▶ Bring more uncertainty for residents.
- ▶ Provide for the inclusion of primary production which includes mining and extraction which was asked for by the quarry industry. **We disagree with this.**



Incompatible Uses

- ▶ Other incompatible uses will be enabled including heavy vehicles and intensive development giving rise to additional adverse effects such as increased traffic volumes and safety risk.
- ▶ This is a further departure from residents' expectations of living in a rural environment and is in conflict with the Council's own objectives to allow for an integrated, efficient, and safe transport network.



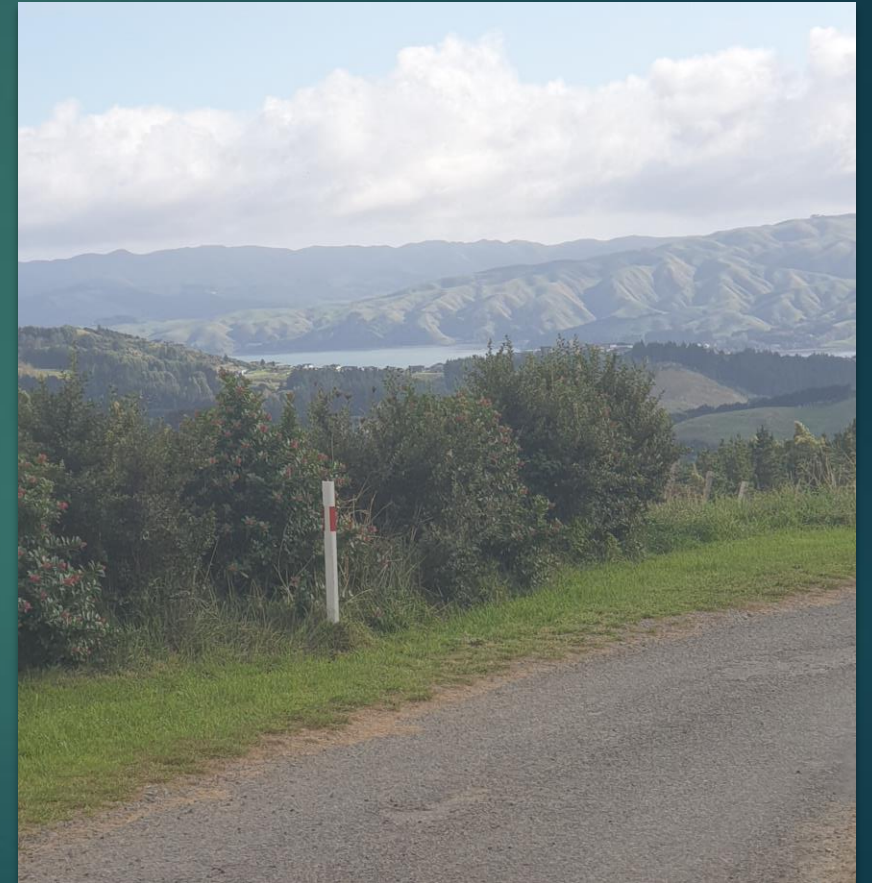
Incompatible Uses

- ▶ 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 the Council has pre-determined approving the Fulton Hogan consent application to extend the temporary Farm quarry for potentially 35 years.
- ▶ Given all the issues we have experienced – and that Council are aware of – this would be entirely inappropriate.



Exacerbating effects in the presence of vulnerable features such as SNAs

- ▶ This proposal is particularly inappropriate as it will exacerbate and consolidate the adverse effects of the existing temporary 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 SNAs.



High Amenity Value should be protected

- ▶ 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 SNA status of many of the properties indicates that the area is worthy of preservation and as such the Council has placed encumbrances on land holdings which prejudice the developability of land. This is at odds with a quarry site being located next door.
- ▶ With many SNA 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
inappropriate
where
people are
residing -

- ▶ The expectations of residents living in the General Rural Zone - in relation to enjoyment and amenity - are currently not being met.
- ▶ While the degree and nature of effects caused by quarrying varies according to the type of quarry, the scale of operation, excavation methods, the geology of the area; in this particular instance the well-established surrounding land uses are entirely incompatible with the quarry activity.

Mining and Quarrying are inappropriate where people are residing -

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





Mining and Quarrying are inappropriate where people are residing – noise nuisance

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

Mining and
Quarrying are
inappropriate
where
people are
residing –
existing use

- ▶ When considering changes to the District Plan, the Council must consider existing use rights of existing residents living in General Rural zone.
- ▶ In terms of Willowbank - most residents were informed **after** the consent was granted that the quarry activity was time-limited and would cease the earlier of 31 December 2020 or once Transmission Gully was completed.
- ▶ Council must now act to protect residents - through additional 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).

Porirua City Council is unable to oversee the management of large-scale mining operations

- ▶ Council has consented to an activity that is out of character with the amenity value of the area and is causing considerable disturbance to and adverse effects on the environment and residents.
- ▶ Rock aggregate is produced through frequent blasting and crushing to obtain a desirable size for transport.
- ▶ The effects of the quarry include both on-site and off-site environmental effects through the blasting, excavation, crushing, stockpiling and transport of aggregate (including night-time).



Porirua City
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mining
operations

The environmental effects of the quarrying include:

- ▶ the disturbance of land and vegetation
- ▶ the disturbance of streams
- ▶ dust
- ▶ vibration
- ▶ noise
- ▶ traffic
- ▶ visual effects
- ▶ the discharge of contaminants into air, water and land.

Porirua City
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- ▶ As the current quarry activity has highlighted while the effects of quarrying can be mitigated and internalised, they cannot always be avoided. Especially when so close to established dwellings.
- ▶ The specific effects of Society members have been communicated to the Council on 28 September 2020 and many times since.

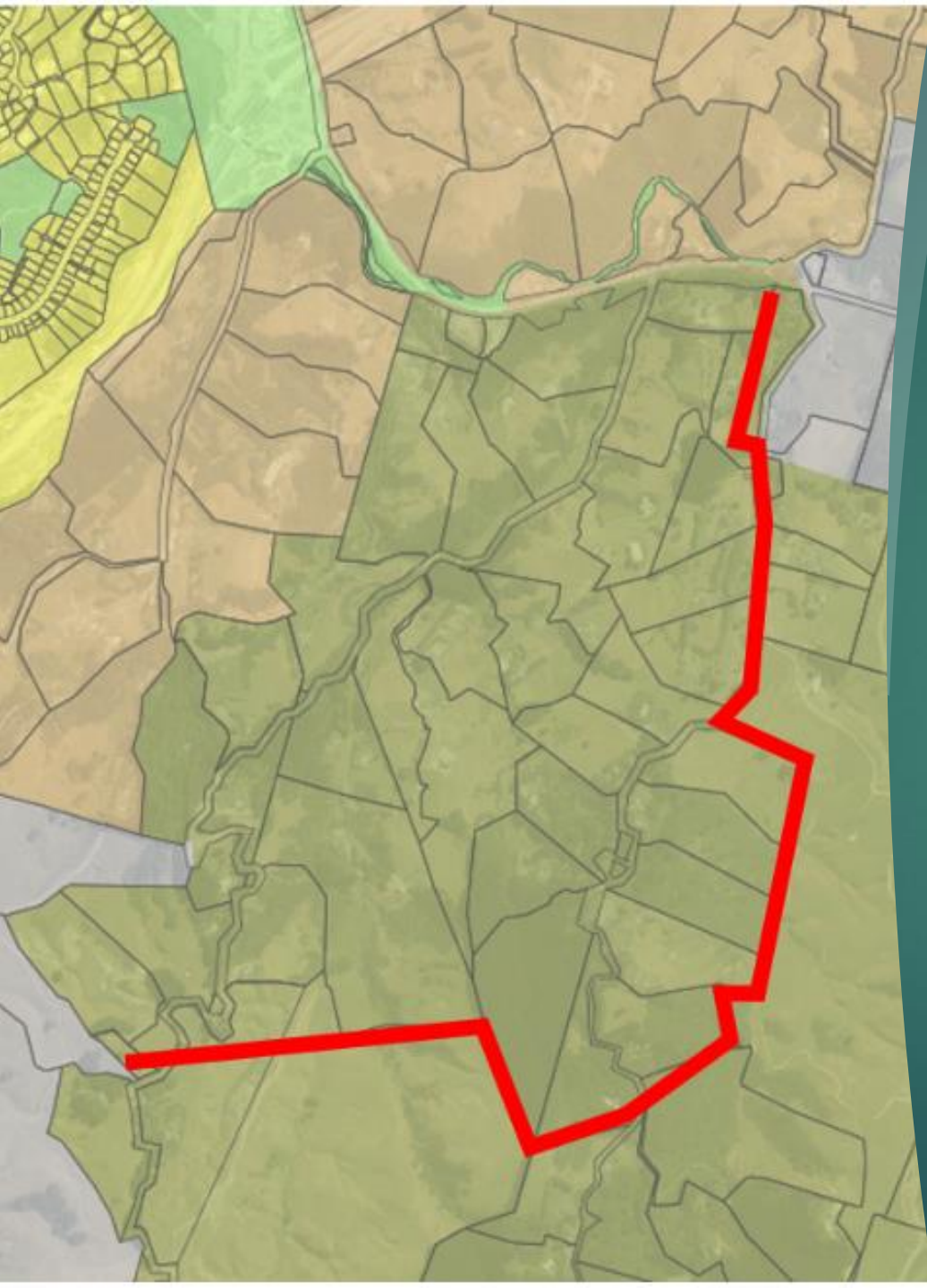
Porirua City
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- ▶ These effects must be considered when considering District Plan changes.
- ▶ The quarry is a non-notified “discretionary” activity which should mean, in practice, that the activity is stringently managed and monitored by Council. This has not been the case. The reality is that the effect of the activity is not localised, and Council has not adequately protected residents from effects.



Rural and
Rural Lifestyle
are more
appropriate
designations
than Future
Urban

- ▶ 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.



Rural vs Rural Lifestyle

- ▶ The land to the west of the red line could be better placed as Rural lifestyle zone.
- ▶ The land is just as fragmented as the proposed Rural lifestyle zone (likely also smaller lots on average than the proposed Rural lifestyle zone).

Rural and Rural Lifestyle are more appropriate designations than Future Urban

- ▶ When amending the current plan care should be taken to 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).



Rural and Rural Lifestyle are more appropriate designations than Future Urban

- ▶ The Future Urban information appears to be based on the document “Pauatahanui Judgeford Structure Plan November 2012”.
- ▶ Why are rural areas identified in the Structure plan no longer suitable for further development?
- ▶ One reason given in the s42 report was the state of Murphy’s Road not being suitable for lots of housing/traffic. This hasn't stopped development before. The Council simply imposes the cost of upgrading the road on the developer.

Rural and
Rural Lifestyle
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- ▶ That is happening in Upper Hutt right now: the Upper Hutt City Council has imposed it as a condition on the developer for getting the consent. They are making the developer pay the cost of turning a one-lane bridge into a two-lane bridge in order to provide for the extra 160(?) homes and the associated traffic. The suggestion is that safety requires two lanes for that amount of traffic on the road.

Potential risks – Flood and Earthquake Hazards

- ▶ Rupture of earthquake faults could lead to catastrophic outcomes from sediment ponds failing in the event of climate change.
- ▶ When considering heavy metals as flocculants, that are being contained in sediment ponds that may or may not be lined, then there is no faith under the current law that effects will be minor in fact. In the Waikato these ponds are unlined, and they leach into streams and stream life has been killed.
- ▶ Restrictions on the use of flocculants (for example as prohibited status in the area of the Pauatahanui Wildlife Reserve catchment) should be required if Mining and Quarrying is not a prohibited status

Potential risks – Flood Hazards

- ▶ 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.



The Environment needs protecting

- ▶ 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.
- ▶ SNA and SAL areas
- ▶ Pauatahanui Wildlife Reserve
- ▶ Fish Ladder (lived experience)
- ▶ Prohibit using heavy metals and flocculants in the Pauatahanui catchment area.

Irrespective
of zoning,
Prohibited
status for
Mining and
Extraction is
needed

Prohibited Status is requested.

- ▶ There are circumstances in which Prohibited status is warranted. We have a national level wildlife refuge in an earthquake rupture zone, (plus a special character settlement village). We need to prevent the devastating consequences of the realisation of any risks (such as release of heavy metals which are toxic to the downstream ecosystem). This is one situation prohibited status is justified.

Irrespective
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Prohibited Status is requested.

- ▶ We cannot rely on industry best practice. In the Waikato this has led to sediment ponds that are now full, and at risk of spillage and heavy rains. Instead of fixing the sediment ponds a resource consent is granted to divert a stream, so it doesn't overflow into the ponds.
- ▶ Discretionary if this is not approved. Activity should be stringently managed.
- ▶ Restricted Discretionary is too lax for environmental protections.

Irrespective
of zoning,
additional
protection is
needed

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.

Irrespective
of zoning,
additional
protection is
needed ...
continued

- ▶ substandard monitoring (heavily reliant on the operator self-monitoring).
- ▶ minimal enforcement action.

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

The History of Judgeford Quarry

- ▶ 1994 consented for five years
- ▶ Nuisance was high, residents complained.
- ▶ Residents took action and it was shut down by in 1999 by an Environment Court determination.



The History of Judgeford Quarry

- ▶ The complainant (in his Affidavit to the Environment Court) describes the loss of amenity for the rural area surrounding the very small Judgeford quarry site, and the serious nuisances trucks, noise and vibration had on the community. Further he has documented serious concerns for the environment as the runoff from sedimentation ponds leached into streams.
- ▶ These streams are the headwaters to the Pauatahanui Wildlife Reserve and Pautahanui Inlet.

Willowbank Farm temporary Quarry

- ▶ The land was purchased by the main complainant and is now subsumed into Willowbank Farm.
- ▶ Sometime in 2017-18 Transmission Gully's HEB/CPB and Willowbank Farm created a joint applicant request to Porirua City Council to re-open this quarry as non-notified, with a specific sunset clause – for the purposes of obtaining aggregate for Transmission Gully.
- ▶ A **non-notified** Resource Consent was issued.
- ▶ A handful of residents were informed of this development on their boundary.
- ▶ The consent was to expire on 31 December 2020, or the completion of Transmission Gully, whichever came first.

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Willowbank Farm temporary Quarry

- ▶ There were a number of quite specific conditions provided for on this operation around the hours of operation, number and type of truck and number of blasts and noise.
- ▶ To complete Transmission Gully, residents endured night-time as well as day-time operations.



What was the lived experience

- ▶ 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 property.
- ▶ Property damage - Council and operator informed and residents told to go to insurers and EQC for relief.
- ▶ Conditions were frequently breached.
- ▶ Residents were expected to act as monitors.

Certainty for residents

- ▶ Much is made of the need for certainty for developers and industry.
- ▶ We agree that there is a need for aggregate BUT we believe mining and extraction activities are inappropriate beside existing housing.
- ▶ We have concerns that the targeting of the rural Judgeford area is specifically to enable easier consenting for reopening the Willowbank Quarry.