

Supporting Document for our submission on the Proposed Porirua District Plan

Stream 5

To the Commissioners

These comments have been prepared as supporting information to our submission and presentation to be made on the 23rd of May 2022 at 9:00am

This document has been prepared by:

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Section 42 Report - Rural Zones

Introduction

Milmac Homes Ltd are the owners of both lots listed in our submission.

In our first submission to the panel and during the panels site visit we outlined our plans for the site which included initially providing all weather access to the entire site so maintenance farming could be carried out safely while plans for the development of the site were put together.

Since that visit our plan for the site has developed and moved forward but as yet we haven't completed the package to a point where it can be submitted to Council for Resource Consent. We hope to be able to have a pre-App meeting with Council in the next 3 weeks

Item 45 – In our case the further amendments we were seeking were also outlined in our Stream 2 submission (which Mr McDonnell has seen, based on comments elsewhere in his report.) and in summary include:

1. Allowing necessary farm maintenance (especially for safety) to take place without requiring a resource consent on land that is proposed to be classified as a SAL or removing the proposed SAL classification so normal farming operations can take place. (The commissioners have visited our site and have seen that the land is now accessed from a different direction [because our block has been subdivided off a much larger Block] and to ensure safe all year access is possible, major upgrading of existing tracks over the entire farm is required).

2. Insuring that if an SNA is to be fenced, the cost of the fencing and its maintenance is met by Council and not placed on the landowner. In our case, because of the steepness of the site, fence construction and maintenance would be very expensive and provide no direct benefit to us as the landowner.

3. Providing rules and objectives to allow development of the land including rural lifestyle subdivision more easily and with flexibility of lot sizes based on the terrain and the development goals.

Item 46 – Sections 10 and 11 look at various things including the appropriateness of proposed objectives using relevance, usefulness, reasonableness, and achievability as a guide.

In the proposed objectives GRUZ -01 states that *"the GRZ is used primarily for primary production activities, activities that support primary production and activities that require a rural location"*.

The report goes on to consider retaining the status quo and suggests that it is difficult to identify a reasonable alternative. The balance of these sections then tries to justify the need for this objective which we find hard to understand when the body of the section 32 report makes the following statements:

*(Page 15) **Primary Production activities***

Much of the City's rural area currently has limited value for primary production as a result of steep topography and low soil quality. Most of the rural area is classified as Class 6 or 7

(Page 17) The profitability of pastoral (sheep) farming has been falling for several decades. For many years, wool and lamb prices have been falling combined with increasing costs of supplementary feed and transportation.

Many of Porirua's original farm blocks have been incrementally fragmented through lifestyle subdivision. There is little in the way of rural support services available in Porirua and as a result shearing and fencing contractors have to travel some distance to Porirua.

Purchasing rural supplies and buying/selling stock is more difficult and expensive.

The plantation forestry sector has had its ups and downs with variable timber markets and problems with rising costs of harvesting, transport and processing. Anecdotally, many owners of small to medium sized woodlots in Porirua have reported that they have not harvested due to marginal returns and logistical challenges.

However, there may be future interest in plantation forestry in Porirua with the nationwide resurgence of this industry. It is likely that plantation forestry will increasingly be incentivised by Central Government, which has an ambitious programme to plant

significantly more trees to mitigate the effects of New Zealand's domestic greenhouse gas emissions.

There are also opportunities for the rural sector to supplement their income with aggregate extraction and processing. There is a region-wide shortage of aggregate to enable infrastructure projects and urban growth.

In summary, in Porirua's rural area natural and economic constraints have resulted in there being no farms that rely solely on primary production activity for income, it does make a contribution to the local economy which has flow-on benefits for wider community well-being. There are opportunities for it to play a greater role in Porirua's economy in the future.

This report outlines major issues for farming and other rural based industries in the district and shows the main reasons why many of the large farms are being subdivided into smaller lots. Smaller blocks (not lifestyle size) are more affordable and therefore more viable to sell, and it is assumed that the smaller blocks will have better development opportunities.

The 4th paragraph quoted above indicates;

There are opportunities for it to play a greater role in Porirua's economy in the future.

But the report doesn't outline what these opportunities might be except maybe forestry or aggregate production but both options, in our view, will be more difficult to develop under the proposed plan and this especially applies to our land which has SNA and SAL designations proposed. The section 32 report can be read that the opportunities lie with further lifestyle development.

To say we are battling to understand why there appears to be two different lines of thought in the section 32 report and then a single line of thought in the section 42 report that appears to make no consideration of the issues for the rural area, raised in the section 32 report (some of them quoted above in blue), we believe is a fair comment to make.

We would have thought that now was the time for the Porirua City Council to start planning for ways and options for larger landowners to convert their land to more profitable activities in the future should they wish to.

We accept that long term owners may wish to keep farming, or growing trees or whatever rural activity it is that they want to do but others need to get out or at least substantially change what they are doing to achieve an economic return.

In our view the Sustainable Management (referred to by Mr McDonnell in **item 46** and his reference to sections 10 & 11 of the section 32 report) of large rural blocks of land unfortunately doesn't mean pastoral farming. We believe this is supported by this statement from the section 32 report also quoted above:

In summary, in Porirua's rural area natural and economic constraints have resulted in there being no farms that rely solely on primary production activity for income, it does make a contribution to the local economy which has flow-on benefits for wider community well-being.

In our view Porirua City no longer has a viable conventional rural zone so setting rules and goals to maintain "Primary Production" are causing major issues for the current landowners who need to find other ways to achieve a return from the land they own.

For example:

- The nearest source of specialist stock farm supplies that we have located is Farmlands in Otaki.
- We have just (last week) leased 160ha of land for grazing at \$10,000/ year (best offer). This will cover rates and not a lot of anything else and could hardly be called viable primary production.

We have taken the leasing option to help maintain the land in its present state while we develop and get approved an alternative use for the site which does provide an economic return.

We also don't believe that using the Councils own "appropriateness" criteria for proposed objectives in the rural zone, (relevance, usefulness, reasonableness, and achievability) that a focus on retaining all rural land for primary production could be considered the correct and proper outcome and we believe this goal fails on all of the above criteria.

We don't believe the rural focus for the new District Plan should be on the maintenance of Primary Production for all the reasons outlined in Councils Rural Section 32 report and based on our experience to date.

We find it difficult to understand how our submission, and the submission of others in this group, can be rejected **(Item 47)** without further information from the group and further investigation by the writer.

Perhaps Council need to re-look at their definition of Rural Zone, taking on board the comments made in Councils own section 32.

Item 64 - We must first state that we are disappointed by the statement from Mr McDonnell that "no evidence has been provided" which while true, we believe in this situation, it is an unrealistic expectation from the report writer to expect evidence to be supplied.

Our submission on this plan review was lodged while we were still in the process of purchasing the land, the actual land purchase wasn't complete until the end of April 2021.

Even without this situation, the preparation of evidence to justify a change in zone is a major exercise and takes a considerable time (as we are currently experiencing).

We purchased the site with a view to subdividing but the options and the issues were still to be developed. In the meantime, we proceeded with the subdivision of two 5 hectare blocks on the lower land of the large block (success was a condition of sale) and these were approved by Council (Jan 2021). The first house was under construction when the Commissioners visited the site.

Since then, we have been focused on the development of the rest of the site. To date this has involved putting together a team of people to help with the planning of the development and to continue to consider and refine our options.

To date the team includes:

- The Property Group - Planning Advice
- Boffa Miskell and Linda Kerkmeester - Landscape advice and Building platform location
- Orogen - Engineering survey and engineering design
- Traffic Concepts - Traffic engineering design.
- RDCL - Geotech advice

We have also spoken with staff from:

- Porirua City Council
- Greater Wellington Regional Council

And we have had discussions and in some cases proposals from:

- CarbonCorp - Carbon Forestry
- NZ Carbon Farming - Carbon Forestry
- Baker Ag - Farm consultancy.

We are now more than 12 months into the planning phase, and we still don't have a proposal ready to go to Council for Resource Consenting, but we are targeting a submission by the end of June 2022.

We have however included a preliminary scheme plan in Appendix 1 showing the possible building platforms and lot boundaries. We also have plans showing access roading including engineering for the access road (something questioned by Mr McDonnell) which we are happy to share if requested. The drawing attached was received by us on the 12 May for specific inclusion in the document. It isn't the final layout. Going forward we believe some of the lots will be smaller (to increase the size of the large block), 1 may be removed, and the upper level roading through lots 11, 12, and 13 will likely be realigned.

The plan also shows potential glamping sites and the location of the proposed SAL.

Also included in appendix 1, For the benefit of the Commissioners, we have included four preliminary drawing prepared by Boffa Miskell showing the technology used to select building platforms where they would have the least impact on the SAL and this is prior to any local landscaping around the new building which would further reduce any visual impacts. These indicator drawings were prepared in July last year, well before the attached scheme plan so the building platforms may not align.

To put together a scheme plan that has any merit takes months if not years to develop and to expect submitters to have this level of information available for inclusion in first submissions, we believe is totally unrealistic. While submitters may have plans and goals for their land, many don't want to spend the money necessary to develop a proposal unless they are sure they will succeed. Starting with a zone that allows them to do what they would like to do is the first step for many and we believe this is why you have submissions from others seeking the same outcome but without this level of evidence.

During this site development process, we have had several key drivers:

1. Achieve an economic return on the land.
2. Consider Councils desire to include the land in a SAL and to maintain or enhance the SNA.
3. Look to achieve long term benefits for the site, the owners, the Council and the area in general.

During the development process we have had discussions with Carbon Forestry companies and staff from the GWRC and the PCC about planting options for the site including riparian planting and carbon forestry.

During this submission process there is no value in going into all of the detail of our future consent application but our key requirement, which doesn't appear to be catered for under the current or proposed plans is to position each of the building platforms on sections of 1.5 to 2.5 hect (subject to land profile because of the steep nature of the site) and retain the balance for the site as one large block which will allow us to carry out riparian planting, enhanced planting of the existing SNA and the development of a Carbon forest with probably a combination of exotic (eucalypts) and native planting.

We believe what we are proposing for the large block goes close to meeting policy SUB-P9 in the subdivision section of the PDP.

Item 65 – Our development proposal has moved on since our stream 2 presentation as can be seen from the comments above and we will also include in our application:

- A plan to apply to subdivide our smaller block of land (included in our submission) into lifestyle blocks to help fund the construction of a new bridge which will be necessary for the entire development and some of the access road. This subdivision could, however, be hampered by an esplanade strip claim (refer to our comments on page 12).
- A proposal to develop a "Glamping business" on the site on the far side of the property, which when initially discussed with Council staff, received great support.

We believe this proposal will be a win win for:

- Us as the landowner by providing and economic and long-term return from our land and the funding necessary to complete a development of this size.

- For Council by providing riparian planting of the waterways and hillside planting of the bulk of the site to provide long-term stability and improved visual appeal for both the SAL and the balance of the property. The proposal also provides rural lifestyle living close to the city and will generate rates income and other financial benefits.
- For the area by bringing new people to live in the area and via the Glamping business bringing visitors to the area and the city.

Whether the subdivision proceeds or not, essential track upgrades are required to provide safe year-round access to the site, and this will require significant earthworks which needs to be catered for within the rules of the SAL or as stated elsewhere, the SAL designation needs to be removed.

Item 66 - As for additional capacity on the Paekakariki Hill Road, during our earlier consent process for two sites, the Council report stated that there were no issues with additional capacity on this road Refer below.

Traffic

The proposed two lots, with the proposed building platforms, will create additional traffic on Paekakariki Hill Road. In terms of the potential effects on the safety and efficiency of the Paekakariki Hill Road network it is noted that the road corridor is capable of accommodating the additional traffic. This assurance is based on the report produced by Stantec, which was commissioned for the Proposed District Plan, to assess the ability of the rural roads' ability to accommodate future traffic growth associated with the proposed new Rural Lifestyle zone¹. The report stated that Paekakariki Hill Road has, due to Transmission Gully being completed, the ability for "some 200 lots could be potentially developed before volumes begin to approach current average daily traffic". Overall then the road is capable of and has the capacity to absorb any additional traffic generated by the applicant's subdivision.

This statement supports the initial comments in **item 66** that there is available capacity, an additional 200 lots.

We note in Mr Whittaker's evidence that he has assumed that the entire 162 hact site will be subdivided into 2 hact lots creating traffic from an additional 81 lots and hence his statement to not support rezoning of our land.

However, Mr McDonnell's opening comments note that our site is steep and creating additional lots will be difficult and we agree, especially if we needed 81 new lots which is not practical or cost effectively possible. We are not sure why Mr McDonnell didn't qualify the comments from Mr Whittaker's report with the simple

assessment we have made, ie 81 lots was most likely not the correct basis for his recommendation.

As you can see from the plans included, we have around 13 lot options at the top of the site and possibly 3 plus 1 already consented on the bottom land. We wonder what Mr Whittaker's recommendation would be for 17 lots rather than 81 assumed by his report. Please note that these numbers will change before the final submission is lodged but the final number will be closer to 17 than 81.

The issue that future RLZ rezoning could yield 172 lots is based on **all** the existing landowners subdividing and we suspect that not all will. So, based on the Stantec report stating Paekakariki Hill Road could accommodate another 200 lots, if we develop 17 new lots and all 172 come from the existing RLZ then there will still space for another 11 lots before any upgrade work is required from a capacity perspective. That said the road is in desperate need of some major maintenance **Now**.

Item 79 – We also make the comment that both Mr McDonnell and Mr Whittaker rejected our request (and the request of others) stating there is "insufficient evidence" to support the request. This section 42 report was issued more than 12 months after submissions were made and, in our case, and perhaps others, the situation has changed and could have easily been updated.

Would it not be easier to **ask the question** of the submitters and find out what if anything they had to support their requests, rather than simply reject them.

We don't believe it is fair to reject our submission or others after this period of time has passed, without seeking further information. We also believe the initial expectation to supply complex evidence in such a short timeframe is unreasonable and we hope that the information provided in this submission is sufficient to show that we are serious about our rezoning request along with the other requests we have made.

Item 84 – A general comment and not included in our original submission but we believe we need to make it. We disagree strongly with this statement from Mr McDonnell.

At Battle Hill Park on the Paekakariki Hill Road you will find “Nature School”. This is a special education facility focusing on outdoor activities and from what we have personally seen, there is no way this facility could be run in an urban environment.



(Photos above show children attending Nature School at Battle Hill. Developing a dry stream crossing, feeding the eels, preparing lunch, cooking lunch on their own open fire).

Appendix A Definitions

We believe Council need to further review the descriptions used to define the rural zone and objectives GRUZ-01, GRUZ-02, and possibly GRUZ-03 and Policies Z-P1, Z-P8 and possibly Z-P7 for the General Rural Zone in light of the current activities taking place and the need for many landowners to change the way they get a viable return from their land.

For example, GRUZ-R2 Buildings and structures ... refers to milking/dairy sheds but after a quick enquiry with Dairy NZ, their database shows no currently active dairy

sheds in the Porirua District. There information shows the closest dairy sheds to Porirua would be in the Hutt area.

This makes us wonder how much research (beyond the Section 32 report) has gone into what “primary production industries” exist in the Porirua area, what are they producing, and what is their short- and long-term outlook. We believe if Council asked these questions of the landowners in the district, they would get a lot more information to support some of the statements made in the section 32 report and which don’t appear to have been accepted by any of the section 42 writers.

RLZ-01 includes the words “while still enabling primary production to occur”. We would be interested to know what is meant by this statement as we find it difficult to envisage any form of primary production taking place on a 2 hact lot other than growing flowers (or similar) or having a couple of sheep or beef cattle for personal use, which we don’t believe qualifies as “Primary Production”, this is just a small farming type activity.

We would question the use of these words in this objective, and we note that these words are not used in the description of the Rural Lifestyle Zone at the start of this section.

Same comment applies to RLZ-02, RLZ-P1, RLZ-P4-6, and other places.

Perhaps a more appropriate description would be “minor farming type activities”.

Section 42a Report – Subdivision

We provided additional comments to several submissions in this area, and we were supportive of the 2 hact average, 1 hact minimum because in our view it would make the most of the natural ground profile.

We note the assessment comments in **sections 73 and 74** of the report and understand the concern of a “second subsequent subdivision” and ask if there is a mechanism that can be put in place at the time of the first subdivision that would stop any further subdivision taking place.

From a developer’s perspective, further subdivision of a site can have a detrimental impact of the surrounding landowners. To this end we would look to put restrictions on titles so the other buyers know what the surrounds will look like into the future.

Council currently has restrictions on height, colour (in some settings) and others so why not a limit on further subdivision?

SUB – 03 - Esplanade Reserves (ER) and Esplanade Strips (ES)

While we did not submit on this item (we didn't see it) we believe more care needs to be taken by Council when they use a subdivision process to claim either of the above.

Depending on the location of the waterway an ER or ES can make large areas of land useless to the landowner.

Also, Council claims these areas without thought to ongoing use or the potential timing of that use or future maintenance and this can be a real issue if the river is prone to flooding.

What happens to the river crossings/bridges and who becomes responsible for damage caused by the river during a flood inside the ER, ES? For example, the access road is damaged or the bridge, therefore removing access to the property.

Our property can be used as an example where all the above have or will apply should an ER, ES be applied to the land.

The stream/river is 42m from the front bdy at the southern end, 13m at its closest point, just below the ford, and 22m from the front bdy at the northern end. We could effectively lose the use of 5,300m² (or more) of land if the property was divided by an ER, ES.

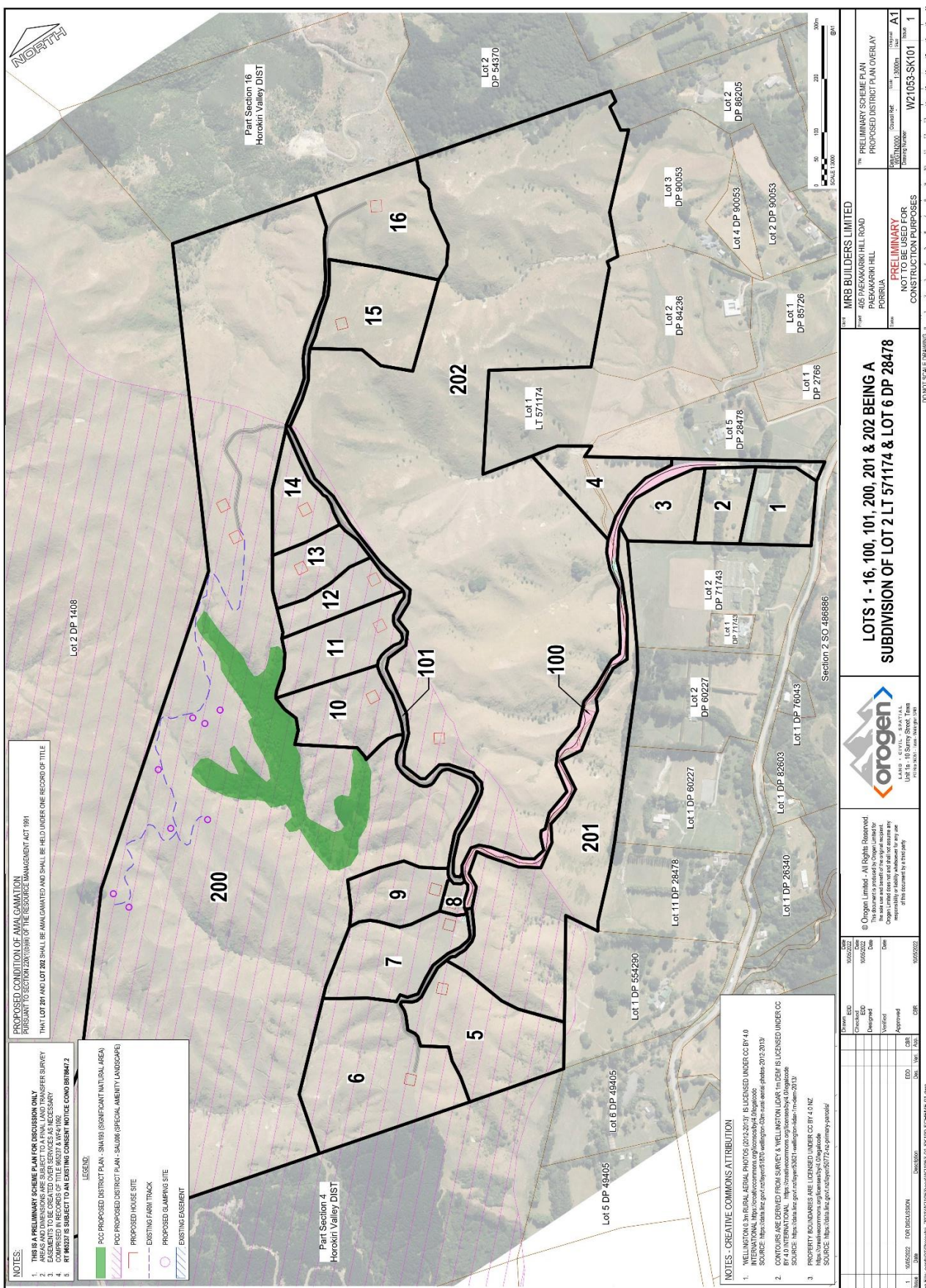
The ER, ES in this situation will almost certainly rule out further subdivision of this area of land at a huge cost to the landowner. Again, in our example, we would look to subdivide just above the blueberry farm (because it fits the landform). A key draw card for this new property is the stream and the trees on either side. To have this site almost cut in half and then allow public access through the property via the ER, ES,



we believe would make this rural lifestyle block unsellable.

Providing Council are prepared to take over full responsibility for the ES, and the land that becomes wasted, provides easements for crossings and access for maintenance of the bridge and pays appropriate compensation, then we can perhaps make it work.

Appendix 1





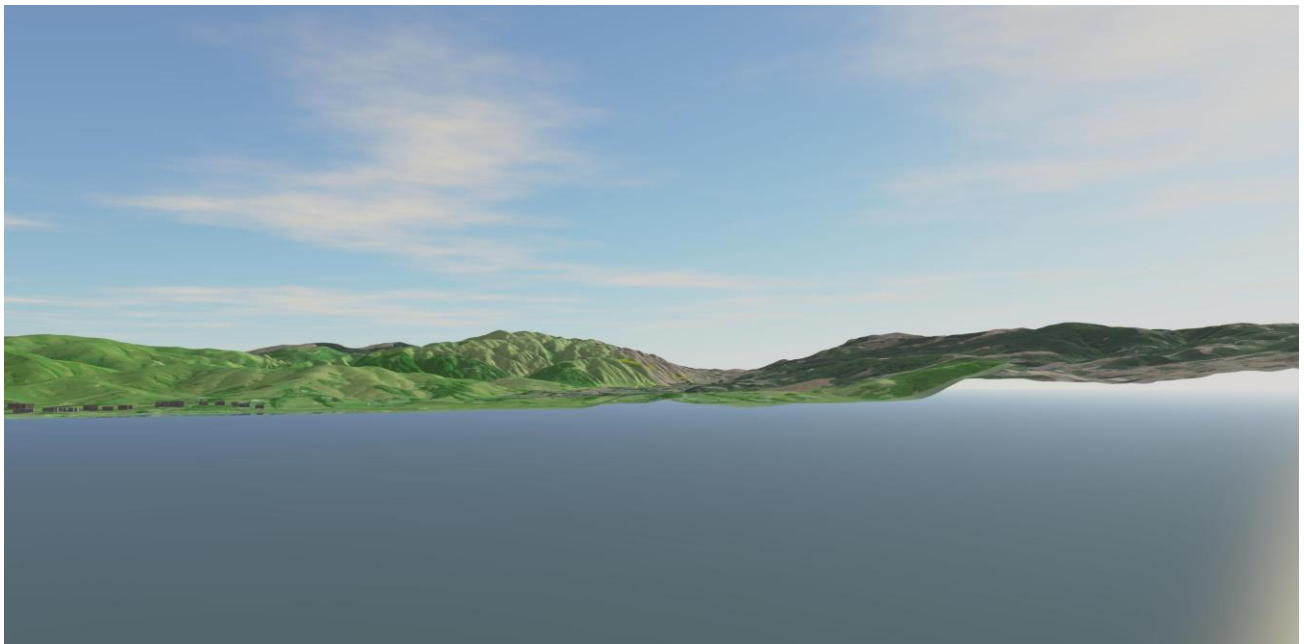
Purple boxes show the potential building envelope. The access road is also visible.



The darker the red colour, the more places it can be seen from (up to 5). Note building envelopes are outside the high visibility areas.



From a position on the Paekakariki Hill road, note only two sites really visible, note access road.



From the Whitby side of the bay, approximately 6 envelopes can be seen using magnification