



RMA Form 6

Further submission – Proposed Porirua District Plan

Clause 8 of First Schedule, Resource Management Act 1991

To: Porirua City Council
Email to: dpreview@porirua.govt.nz
Subject: Further submission - PDP
Post: Proposed District Plan, Environment and City Planning, Porirua City Council, PO Box 50-218, PORIRUA CITY
Delivery: Ground Floor, Council Administration Building, Cobham Court, Porirua City, marked "Attention: Proposed District Plan, Environment and City Planning"

Closing date for further submissions is 5pm Tuesday, 11 May 2021

Submissions, a summary of decisions requested and submitter contact details can be viewed at:
www.porirua.govt.nz/proposeddistrictplan

Further Submitter Contact Details			
Full Name	<i>Last Name</i>		<i>First Name</i>
	<i>[insert additional rows if needed]</i>		
Or Company/Organisation Name <i>if applicable</i>			
Contact Person <i>if different</i>			
Email Address for Service			
Address	<i>City</i>		<i>Postcode</i>
	Porirua		5026
Mail Address for Service <i>if different</i>			
Phone	<i>Mobile</i>	<i>Home</i>	<i>Work</i>
Attendance and wish to be heard at the hearing: you must fill in both rows below			
<input type="checkbox"/> I do not wish <input checked="" type="checkbox"/> I wish			
To be heard in support of my further submission <i>(Please tick relevant box)</i>			
<input checked="" type="checkbox"/> I will <input type="checkbox"/> I will not			
consider presenting a joint case with other submitters, who make a similar further submission, at a hearing. <i>(Please tick relevant box)</i>			

Relevance - you must select one box that applies to you:

- I am a person representing a relevant aspect of the public interest
- I am a person who has an interest in the proposal that is greater than the interest the general public has
- I am the local authority for the relevant area

Explain/specify the grounds for saying that you come within this category (you must fill this in):

Submission number 081 directly affects members of the public for which a fair and just process will not have been followed. If the relief sought in the proposal is supported without a further and full assessment, the community will not have been provided the opportunity to make a submission on rezoning that has been based on sound evidence. I also own a property in Pukerua Bay.

Note to person making further submission:

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority.

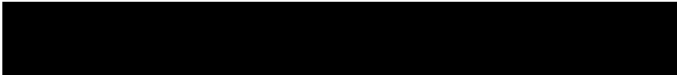
Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Privacy note:

When a person or group makes a submission or further submission on the Proposed District Plan this is public information. Please note that by making a submission your personal details, including your name and addresses will be made publicly available under the Resource Management Act 1991. This is because, under the Act, any further submission supporting or opposing your submission must be forwarded to you as well as to PCC. There are limited circumstances when your submission or your contact details can be kept confidential. If you consider you have reasons why your submission or your contact details should be kept confidential please contact the Environment & City Planning Team at dpreview@porirua.govt.nz.

Signature of person making further submission
(or person authorised to sign on behalf of
person making further submission)



Date 10 May 2021

(A signature is not required if you make your submission by electronic means.)

Your further submission:

Please complete section below and insert additional rows per submission point or submitter if required by using the enter button
Delete examples provided and enter your own further submission points

Submitter Name/ Submission Number <i>[See submission contact list]</i>	Submitter Address/Email <i>[if provided]</i>	Support or Oppose <i>[Only choose support or oppose]</i>	The particular parts of the submission I support or oppose are: <i>[clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal]</i>	The reasons for my support or opposition are: <i>[give reasons]</i>	Allow or disallow <i>[Only choose allow or disallow]</i>	I seek that the whole or part (describe part) of the submission be allowed or disallowed: <i>[give precise details]</i>
Kainga Ora <i>[Submission 81]</i>		Oppose in part	Submitter has requested that certain areas of the District (including Pukerua Bay) are rezoned to high density development and has proposed associated provisions. Submitter has also proposed removing the flood maps and is seeking amendments to the provisions that relate to the national grid, state highway 1 and railway corridor provisions.	I oppose the rezoning of all areas to High Density Residential Zone, including Pukerua Bay, removing the flood maps, and the relief sought in relation to National Grid, State Highway and Railway Corridors. The reasons for this are set out in a separate document attached to the email submitting this form. However, my opposition is largely on the grounds that there is a lack of evidence, allowing rezoning without proper assessment does not allow for a fair and just process as it prevents the community from being meaningfully consulted with regards to qualifying matters (there is no natural justice). With particular regards to Pukerua Bay, they are seeking to rezone the school, Pukerua Bay has no infrastructure (services and commercial), they are seeking to rezone in a fault rupture zone, and Pukerua Bay has resilience issue, therefore section 6 of the RMA is relevant. With regards to the infrastructure corridors, the rules in the PDP as notified are entirely appropriate and based on sound assessments and reasoning. Without the flood maps there is no other way of identifying risk, and	Disallow	Request all parts of the submission, except for those that I support in part are disallowed. In particular, I am seeking that the re-zoning of areas to high density zones (as shown on the maps in the Kainga Ora submission including Pukerua Bay), and associated provisions proposed in the submission are disallowed. I am also seeking that the relief sought to remove flooding maps, and those parts of the submission relating to national grid, rail and state highway corridors, are disallowed.
Kainga Ora <i>[Submission 81]</i>		Support in Part	Submitter has proposed that the provisions related to the same activities should be in the same section of the PDP.	I support in part the relief sought to move provisions related to the same activities into the same section of the PDP, but only insofar as this does not create unintended consequences. The reasons for this are set out in a separate document attached to the email submitting this form.	Allow in part	The part of the submission proposing to move provisions related to the same activities into the same section of the PDP, should be allowed in part, but only insofar as this does not create unintended consequences.

Your further submission:

Please complete section below and insert additional rows per submission point or submitter if required by using the enter button
Delete examples provided and enter your own further submission points

Submitter Name/ Submission Number <i>[See submission contact list]</i>	Submitter Address/Email <i>[if provided]</i>	Support or Oppose <i>[Only choose support or oppose]</i>	The particular parts of the submission I support or oppose are: <i>[clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal]</i>	The reasons for my support or opposition are: <i>[give reasons]</i>	Allow or disallow <i>[Only choose allow or disallow]</i>	I seek that the whole or part (describe part) of the submission be allowed or disallowed: <i>[give precise details]</i>

Further Submission in Respect of Submission 81 (Kainga Ora) on the Porirua City Council Proposed District Plan

This further submission opposes in part and supports in part submission 81 made by Kainga Ora in respect of the Porirua City Proposed District Plan. Whilst some of the relief sought appears sensible, some of the submission much of the relief sought has not been substantiated through a proper assessment and an appropriate evidence base. The reasons for this are set out in this further submission.

In the interest of clarity this submission only specifically supports in part those areas identified in "Reasons for Supporting in Part Submission 81". All other parts of the submission are opposed, including the proposed amendments to plan provisions and proposed new provisions relating to high density development.

I also oppose submissions and further submissions that support the parts of submission 81 to which I am opposed.

Reasons for Opposing in Part Submission 81

The submission provides no evidence to support the principles behind, and scale of, the proposed high density rules, nor the proposed supporting rule framework (including any potential 'fish hooks' and unintended consequences).

I do not consider that advocating for high density zones, and drawing lines to identify the extent of these zones without evidence, and as a 'starting point', represents reasonable grounds on which to rezone. Nor does it appear to consider the interrelatedness of decision making within the context of other plan provisions and higher order documents.

It is considered that the relief being sought by submission 81 is not within the scope of this plan change, this should form part of a later plan change at which a proper assessment of the appropriate level, extent and density of areas in the District will be conducted to give effect to the NPS-UD. This assessment will provide submitters the opportunity to consider any new proposals and make informed comments / submissions based on a well-founded and evidenced section 32 assessment.

At page 7 of submission 81, it reads: "Kāinga Ora considers that residential intensification in and around centres, and along rapid transit corridors should be emphasised and enabled further in accordance with the NPS-UD. The NPS-UD requires building heights of at least 6 storeys within a walkable distance of the city centre, as well as rapid transit stops. The directive NPS-UD policy provides an exception to this requirement in order to consider "qualifying matters", including where there is sufficient evidence to show that providing for development to the required density would be inappropriate. Kāinga Ora recognises that the hazard profile and location of SNA's within some areas will constitute as "qualifying matters" when considering the appropriateness of increasing enabling densities in these locations. However, as a starting point it is noted that the PDP as notified does not incorporate the required density uplifts as required by the NPS-UD".

I am unclear what is meant by "as a starting point" and the submission appears to be seeking to give effect to the NPS by stealth. If this were to be supported, it would require the Local Authority to have to undertake further significant and unnecessary work to modify this at a later date.

Notwithstanding the above, there are a number of other areas where the relief sought is an issue, as set out below. It does not enable fair process and natural justice, as it prevents the community from being able to meaningfully be consulted with regards to qualifying matters.

1. NPS-UD identifies as a qualifying matter, *“building heights of at least 6 storeys within at least a walkable catchment of the following: (i)existing and planned rapid transit stops(ii)the edge of city centre zones(iii)the edge of metropolitan centre zones”*.

It should be noted that the NPS-UD is very clear that it refers to Rapid Transit Stops and not Rapid Transit Corridors referred to in Submission 81.

Whilst it is possible that Pukerua Bay may become a rapid transit stop it has not, to my knowledge, yet been identified as one. Indeed the Draft Regional Land Transport Plan only currently identifies corridors, stating that the stops are to be confirmed. It also states *“whether or not intensification is appropriate around rapid transit stops will be considered as part of each council’s district plan processes”*. This process is due to take place but not should not form part of this plan change.

The basis for a Rapid Transit Stop in both the Government Policy Statement on Land Transport and the NPS-UD is *“a quick, frequent, reliable and high-capacity public transport service that operates on a permanent route (road or rail) that is largely separated from other traffic”*. What is quick, frequent, reliable and high-capacity is as yet unclear. With specific regards to capacity, it is difficult to get a seat on the train south of Pukerua Bay. Whilst COVID-19 did provide some capacity, boardings are rapidly returning to pre COVID-19 levels, and any spare capacity will soon be taken up by growth already proposed, as well as that identified in the Wellington Regional Growth Framework. Where this growth will be located is a matter currently under investigation, with significant assessments being undertaken. Irrespective of this, growth on the Kapiti Line is already growing rapidly at a rate of around 8% per annum. There is also currently no clarity around planned improvements to the Kapiti Line to address this capacity issues, or provide additional frequency.

2. In seeking to rezone some of the areas in Attachment 2 (of submission 81) to High Density Zones appears to be based on walkable catchments (400m / a five minute walk). The rezoning proposed in submission 81 fails to recognise two key factors - topography and crossing points, whilst this applies to many areas it includes Pukerua Bay.

Much of Pukerua Bay topography is hilly and so walking is not necessarily considered to be easy or within 5 minutes of the station, particularly for the mobility impaired. Secondly, the rail station is on the Eastern side of Pukerua Bay, meaning that residents in the Western side have to cross State Highway 1. The bridge across State Highway 1 adds up to 10 minutes on some journeys and is not accessible for some, and the ‘safe crossing’ has been hit by vehicle frequently. Whilst Transmission Gully will provide some relief for vehicle numbers, this comes as the potential cost of increased speed, and the road will have to act as back up during major incidents on Transmission Gully.

3. Submission 81 also states that *“Kāinga Ora seeks a zoning framework that will enable high density housing around the City Centre/Large Format Zones (400m proximity) and existing and planned Rapid Transit Stops (400m proximity), where development is required by theNPS-UD to be enabled to be at least six storeys in height. Kāinga Ora seeks the introduction of a High Density Residential Zone (“HRZ”) in these areas. Kāinga Ora considers that this will provide an appropriate transition from the height limit within the City Centre to the surrounding MRZ. Provisions for the proposed HRZ are included at Attachment 2”*.

If the two parts of these paragraphs related, it is not understood how this applies to areas outside of the City Centre (such as in Pukerua Bay) where the high density residential zones proposed in Submission 81 do not transition to medium density zones.

Policy 3 of the NPS-UD states: *“in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:*

- *(i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or*
- *(ii) relative demand for housing and business use in that location”.*

4. The submission appears to ignore the fact that in seeking to rezone areas such as Pukerua Bay as a high density zone, consideration has not been given the submission to Policy 3 (d)(ii) *“relative demand for housing and business use in that location”.*

It is unclear whether the Kainga Ora submission has been based on the Housing and Business Assessment produced by Porirua City Council for any areas proposed for rezoning, or if this has been based on detailed analysis following site visits. As an example, a site visit to Pukerua Bay will quickly demonstrate that even the existing housing in Pukerua Bay is not supported by service and business infrastructure. The nearest supermarket is around 10km away, and there is only a small spot zoning for commercial activity. This is relevant in policies 1 and 7 of the NPS-UD in respect of a well-functioning urban environment. Section 5 of the RMA states:

“In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment”.

An assessment against these principles does not appear to have informed the areas proposed for high density rezoning.

Part of developing a sufficient evidence base will be to determine, whether a certain level of housing development could sustain a level of commercial and service development and support mode shift, or if it will determine that only some or no high density development is appropriate. In many cases general or medium density zones may be deemed more fitting in providing for housing choice in areas where people cannot meet their daily needs within a walkable distance with, for example, heavy shopping.

5. I am unclear why other areas have been identified as medium density zones without supporting evidence regarding both the extent and principles behind this rezoning.
6. Related to the above, Submission 81 states that the *“provisions of the residential zones do not sufficiently encourage housing choice that is necessary to support the social and economic demands of Porirua City or give effect to the NPS-UD”.* No clear evidence has been provided in submission 81 identifying on what basis / evidence their assessment that these areas are appropriate has been made or the level of support required by Porirua City?

7. Considering that “*Kāinga Ora recognises that the hazard profile and location of SNA’s within some areas will constitute as ‘qualifying matters’*” it is not understood why, in seeking to rezone much of Pukerua Bay as a high density zone, it does not recognise that some of the area they are proposing to rezone falls within a fault rupture zone. Section 6 of the RMA as a qualifying matter, therefore, applies. The Pukerua Bay fault rupture zone is shown as a layer on the District Plan maps.

The Proposed District Plan specifically identifies hazard sensitive development as a restricted discretionary activity, and matters over which discretion is restricted includes:

- the consideration of mitigation measures that demonstrate that risk to people's lives and wellbeing and building damage is avoided; and
- the risk to adjacent properties, activities and people is not increased as a result of the activity proceeding.

Therefore, a consent in this zone would be required, irrespective of whether high density development is a permitted activity, and no rezoning of this area should take place without being supported by appropriate assessment.

8. Waka Kotahi has identified Pukerua Bay transport network as an area that is problematic from a resilience perspective. In the event of a major earthquake Pukerua Bay will be cut off from both the north and south (road and rail). This has already occurred during recent slips. This leaves Pukerua Bay with no access to essential services including health care. It is considered that these are qualifying matters under the NPS-UD
9. If Porirua City Council determines that high density development is not appropriate as a permitted activity in many of the areas identified in submission 81, it will not necessarily preclude the a consent being applied for.
10. Submission 81 seeks to rezone Pukerua Bay School for high density residential development. Not only has this been designated as a Ministry of Education site, but where are the children that will live in the zones proposed by Kainga Ora supposed to attend school? The next nearest school some distance away, and the school may also need to be relied upon to support the new development proposed at Plimmerton Farm.
11. The submission fails to recognise that much of Pukerua Bay is on a north / south axis, with the sun rising in the east and setting in the west. With the sun low in the winter, the north / south nature of the proposed rezoning in submission 81 for Pukerua Bay, could leave a significant number of properties with no solar gain if development in excess of six storeys were to be developed. Even three storeys can cause an issue, and shading would significantly impact on the ability to ensure healthy homes.
12. The NPS-UD considers that for development to be infrastructure ready.

“Development capacity is plan-enabled for housing or for business land if:

a) in relation to the short term, it is on land that is zoned for housing or for business use (as applicable) in an operative district plan

b) in relation to the medium term, either paragraph (a) applies, or it is on land that is zoned for housing or for business use (as applicable) in a proposed district plan

c) in relation to the long term, either paragraph (b) applies, or it is on land identified by the local authority for future urban use or urban intensification in an FDS or, if the local authority is not required to have an FDS, any other relevant plan or strategy”.

Submission 81 provides no evidence that there is sufficient infrastructure to support the high density zones proposed. Additionally the Wellington Region Proposed Natural Resources Plan (PNRP) has implications for the development of infrastructure, particularly in regard to stormwater. It is difficult to achieve hydraulic neutrality and stormwater treatment as required by the PNRP in high density development, and Kainga Ora have undertaken no capacity assessments, or identified the ability to develop new infrastructure to support this level of intensity.

13. I oppose to the relief sought to remove the flood maps from the District Plan as this is a section 6 matter in the RMA, and no evidence has been provided to support this proposal. It is not understood on what grounds Submission 81 considers the flood extent considered to be dynamic and how this can support permitted activity provisions. Hazard mapping needs to support / direct the rezoning proposals in the plan, and if maps are not incorporated by reference then it is unclear how the rules in the plan could apply.

In other Districts a more appropriate response is to include the flood hazards as a layer, and use more dynamic mapping as a way of addressing matters over which Council restricts its discretion in determining effect and mitigation measures. Kainga Ora’s submission state that they “*oppose the inclusion of, and reference to, compliance with non-statutory documents within the PDP. Kāinga Ora consider that all rules and effects standards that require assessment to determine compliance must be set out in the plan*”, so it is unclear why the submission seeks the flood maps to be removed.

14. I oppose the following relief being sought:

“Kāinga Ora considers that the provisions of the National Grid Corridor are overly restrictive and do not efficiently manage sensitive activities within close proximity to and under the National Grid. Kāinga Ora opposes the National Grid provisions in its current proposed state and seeks the full package of provisions(objectives, policies, rules and definitions), including the spatial extent of the corridor overlay as shown in the PDP is deleted and updated with more suitable controls.(v)

Kāinga Ora opposes the provisions of land use adjacent to the Railway corridor and considers these to be overly restrictive and do not efficiently manage activities within close proximity to the Railway. Kāinga Ora opposes the associated noise provisions in its current proposed state and seeks the fullpackage of provisions (objectives, policies, rules and definitions) are reviewed and amended.(w)

Similarly, Kāinga Ora considers that the provisions of land use adjacent to the State Highway network are overly restrictive and do not efficiently manage activities within close proximity to the State Highway. Kāinga Ora opposes the associated noise provisions in its current proposed state and seeks the full package of provisions (objectives, policies, rules and definitions) are reviewed and amended”.

No justification has been provided, and these rules are entirely appropriate to manage sensitive development, and in some cases will give effect to higher order documents.

15. I oppose the part of Kainga Ora's submission that the *"PDP introduces a number of transport provisions that will constrain residential development (and regeneration outcomes in eastern Porirua). In addition to limiting yield outcomes, some of these provisions will require substantial increase in landform modification and associated hard surfacing. Kāinga Ora opposes the transport provisions in the current proposed state and seeks the full package of provisions (objectives, policies, rules and standards) are reviewed and amended so that they appropriately manage the safety and efficiency of the transport network, while recognising and providing for residential intensification."*

It is entirely appropriate that Porirua City Council ensures that development will be sustainably supported by appropriate infrastructure, and that will not ultimately end up significantly costing the ratepayer. As identified above, higher order documents such as the Wellington Region Proposed Natural Resources Plan may also make this difficult to achieve.

16. It is unclear why Kainga Ora landholdings is seeking to have other areas rezoned as high density and at the same time appears to be protecting its own landholdings. Submission 81 states *"The notified MRZ spatial extent in the PDP for eastern Porirua is interrupted by a number of "pockets" within, which are zoned GRZ. This creates a zoning anomaly and appears to be based on a criterion relating to steep south facing slopes. Kāinga Ora opposes the zoning of these GRZ pockets within the wider MRZ in eastern Porirua and instead seeks MRZ in these locations. Kāinga Ora notes that the rationale for excluding these "pockets" from MRZ within these areas is inconsistent with best practice and would not constitute being a "qualifying matter", which is a necessary consideration under the NPS-UD. As per Policy 3 of the NPS-UD, the Council is required to enable intensification in areas where there is demand and good accessibility. These "pockets" are located in areas that have both demand for intensification and are well located from an accessibility perspective. The GRZ pockets are therefore not consistent with the NPS-UD and present a risk to the successful delivery of the EPRP and required yield outcomes. Kāinga Ora accordingly seeks their zoning of these areas from GRZ to MRZ"*.

If Kainga Ora considers that residential areas that are unsupported by commercial activities and rapid transit stops should be rezoned for high density housing, shouldn't the same reasoning be applied to all Kainga Ora landholdings, especially where they are well located from an accessibility perspective. The assessment leading to Porirua City Council zoning in the way they have will also have followed significant work and justification provided in the section 32 assessment, and topography and slope stability is an entirely appropriate consideration.

17. Submission 81 also provides no evidential basis on which developments under 22m high should be a permitted activity, nor why height in relation to boundary provisions should not apply to roads, where shading could create icy conditions and therefore impact on road safety.

Reasons for Supporting in Part Submission 81

On the surface it appears sensible that all transport provisions are in the transport section, and all earthworks provisions are in the earthworks section. However, careful consideration needs to be given to the fact that this should not have unintended consequences elsewhere in the plan.

Relief Sought

This further submission is not intended to be anti-development, further intensification may well be appropriate for the District.

However, the relief sought is:

- Submission 81 should be rejected and should not lead to outcomes that prejudice the proper consideration of the NPS-UD provisions, and any other high order documents that Porirua City Council will need to give effect to;
- Any submissions or further submissions supporting submission 81 should be rejected;
- The high density zones referred to in the Kainga Ora submission 81 are rejected and any rezoning deferred to a later plan change, where decision making can be supported by an appropriate assessment conducted by Porirua City Council;
- The provisions in the plan are retained as notified, with the possible exception of bringing together provisions relating to the same activities e.g. earthworks; and
- Any zone further zone changes should form part of the next plan change and be based on a sound evidence base that provides opportunity for appropriate assessment and debate / submissions process to allow for a fair and just consultation process.

Hearing

I do wish to be heard in respect to the matters outlined in this further submission.