

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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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:
Future Urban Zone – Judgeford Flats
Do you: Oppose
What decision are you seeking from Council? What action would you like: Delete FUZ
Retain as General Rural

Reasons:**Summary**

- We acknowledge that PCC through the National Policy on Urban Development 2020 and the Future Growth Strategy for Porirua 2018, PCC must identify areas within the Porirua Region for future urban growth.
- We acknowledge that Porirua has run out of new large parcels of land for future industrial/commercial use
- We acknowledge that there is demand from large logistics companies and a need for warehouse/storage facilities to be built within Porirua and the TG West- East corridor.
- However Judgeford Flats fails to deliver a suitable area for future urban growth within the NPUD 2020 objectives and criteria of :
 - Traffic safety
 - Scope for public transport provision and development Transportation
 - Adequate 'three waters' provision Wastewater – storm water and sewerage
 - Geotechnical safety considering the topography and the Moonshine Rupture Zone
 - Management measures for a known flooding zone
 - Environmental balance, environmental threats and environmental protection

We support the Structure Plan as described in **FUZ P2 Part 4 Appendices and Schedules Appendix 11**

- Given the concerns with regard to Judgeford Flats unsuitability to be classed as FUZ, we propose further amendments, constraints and conditions to protect the character of this area

National Policy on Urban Development 2020**2.1 Objectives**

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

- (a) the area is in or near a centre zone or other area with many employment opportunities
- (b) the area is well-served by existing or planned public transport
- (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

Objective 6: Local authority decisions on urban development that affect urban environments are:

- (a) integrated with infrastructure planning and funding decisions; and
- (b) strategic over the medium term and long term; and
- (c) responsive, particularly in relation to proposals that would supply significant development capacity.

Objective 8: New Zealand's urban environments:

- (a) support reductions in greenhouse gas emissions; and
- (b) are resilient to the current and future effects of climate change

There are several criteria set out in this policy document pertaining to future urban development for

business:

3.3 Sufficient development capacity for business land

(1) Every tier 1, 2, and 3 local authority must provide at least sufficient development capacity in its region or district to meet the expected demand for business land:

- (a) from different business sectors; and
- (b) in the short term, medium term, and long term.

(2) In order to be sufficient to meet expected demand for business land, the development capacity provided must be:

- (a) plan-enabled (see clause 3.4(1)); and
- (b) infrastructure-ready (see clause 3.4(3)); and
- (c) suitable (as described in clause 3.29(2)) to meet the demands of different business sectors (as described in clause 3.28(3));
- (d) and for tier 1 and 2 local authorities only, meet the expected demand plus the appropriate competitiveness margin (see clause 3.22).

3.4 (3) Development capacity is infrastructure-ready if:

- (a) in relation to the short term, there is adequate existing development infrastructure to support the development of the land
- (b) in relation to the medium term, either paragraph (a) applies, or funding for adequate infrastructure to support development of the land is identified in a long-term plan
- (c) in relation to the long term, either paragraph (b) applies, or the development infrastructure to support the development capacity is identified in the local authority's infrastructure strategy (as required as part of its long-term plan).

3.5 Availability of additional infrastructure

(1) Local authorities must be satisfied that the additional infrastructure to service the development capacity is likely to be available.

3.29 Business land development capacity assessment

(1) Every HBA must estimate the following, for the short term, medium term, and long term, for the region and each constituent district of the tier 1 or tier 2 urban environments:

- (b) the development capacity (in terms of hectares or floor areas) to meet expected demand for business land for each business sector, plus the appropriate competitiveness margin; and
- (b) of that development capacity, the development capacity that is: (i) plan-enabled; and (ii) plan-enabled and infrastructure-ready; and (iii) plan-enabled, infrastructure-ready, and suitable for each business sector.

How does the FUZ at Judgeford Flats sit within this **National Policy on Urban Development 2020 (NPUD2020)** objectives and criteria?

Objective 2.1.1 Judgeford Flats is:

- (a) situated on SH58, a roadway notorious for its poor safety record. NZTA object to the rezoning of the Judgeford Flats area to FUZ. Note that NZTA have no future plans to upgrade SH58 passed the current safety improvement plan which
 - (i) does not take into account any increased traffic volumes from the Transmission Gully off ramp at Lanes Flat due to a change of zone at Judgeford Flats
 - (ii) does not take into account increased heavy vehicle volumes from quarry activities or other increased industrial activity in the Judgeford Flat area
 - (b) Judgeford Golf Course situated on Judgeford Flats will possibly be the only remaining golf course in the Porirua Region due to financial instability of other golf courses in the area and the rezoning of Pauatahanui Golf Course rural lifestyle making it more attractive to subdivision. By rezoning the Judgeford golf course as FUZ puts pressure on the committee to sell up to a developer. It would be a shame to lose this amenity for Porirua
- Proposed District Plan FC-03**
- (c) Judgeford / Pauatahanui is known as the lungs of Porirua, to turn it into an industrial area would be a loss to the community as a whole. **Proposed District Plan RE-01 and RE-02**
 - (d) Given the natural hazards in this area from the Moonshine Fault Rupture Zone and the Flooding Hazard, Porirua City Council and its rate payers are exposed to future risk from adverse events - even presuming any new infrastructure was built to standards suitable to withstand these hazards and sufficient future funds were sequestered for maintenance and upgrades. Taking as an example the intensification of building and commercial enterprise in the Christchurch Red Zone prior to the 2010/2011 earthquakes. Porirua City

Council would be creating a significant financial vulnerability for a ratepayer base already struggling with existing amenity and utility costs.

Objective 2.1.3 Judgeford Flats is :

- (a) **not** situated near an area with many employment opportunities
- (b) is **not** well served by public transport,
- (c) there is **not** a high demand for housing or business land in this area.

The demographic for this area (Whitby/ Pauatahanui/ Judgeford) includes those living here who mainly travel into Wellington as that is where their employment is located – mainly office/ commerce type. There is limited public transport - mainly school and polytechnic transport - and workers from other areas already have difficulty travelling to Judgeford. The people that want to live and work in Judgeford have chosen to live and work in a low density area; they wish to keep livestock; or their business is best suited to an area not built up with other businesses or residential properties which would not like to be co-located. BRANZ is an obvious example of this situation and is well-established in the community with its existing surrounding spaces and safety precautions. Another would be Judgeford dog kennels and cattery.

Objective 2.1.6 Judgeford Flats:

Infrastructure in this area does not fulfil the objective or the criteria set out in the NPUD2020 either in the short, medium or long term. Or the **Proposed District Plan FC-01 and UFD-04**

The costs to PCC and the **rate payers** to put in place and maintain the infrastructure required to mitigate: Lack of current public transport – no rail; few buses and a lack of space to provide safe bus stops; no cycle ways and no space to safely include these.

Road safety – steadily increasing traffic volumes and road surface maintenance costs with associated increasing toxic run off (petrochemicals) into the bush, into vulnerable waterways and into the Pauatahanui Inlet.

The geotechnical aspects of the area which include the Moonshine Fault Rupture Zone ,hilly topography and a general geology of fractured rock and heavy clays already subject to frequent slips and washouts. General impact on waterways which all feed into the Pauatahanui Inlet. The Pauatahanui Inlet is a Taonga and is a DOC conservation area. It contains wet lands and is home to many rare species of birds.

“The Pauatahanui Inlet is threatened by siltation, pollution, eutrophication (enrichment with nutrients, road development and depletion of fish stocks through commercial and recreational fishing. DOC is working with community groups to advocate for land and water management to protect the natural and historic resources of this important estuarine wetland.”

Proposed District Plan NE-01

Flooding Hazard– this area is a flood plain, is in a stream corridor subject to tidal flows and consequent sudden ponding of large volumes of water

Public sewerage provision is non-existent and would require expenditure to install and maintain which could not be recovered from new users and would have to be subsidised by other ratepayers

Storm water provision is currently rudimentary along public roads and debris, flooding and road damage are common; upgrading drains, culverts and sumps again would be a large cost not recoverable from new users and requiring unpopular cross-subsidisation

Air pollution would increase

All of these costs will be **high** and not justifiable or recoverable by any predictable future monetary gain to the city.

Objective 2.1.8 Judgeford Flats is :

- (a) **not** near a rail link. Rail transport is going to be far more important in the future for business than road. FUZ at Judgeford Flats would see more private vehicles using an already busy road contributing to an inefficient use of transport infrastructure and poor environmental outcomes.
- (b) Future climate change could see the flooding in this area increase in volume and frequency and the fire hazard in the surrounding hills escalate. Both of these would put future industrial users at risk and threaten evacuation routes.

Structure Plan - in FUZ P2 Part 4 Appendices and Schedules Appendix 11

If a Future Urban Zone for Judgeford Flats is retained in the District Plan, then we support the requirement for there to be a Structure Plan of the form described in FUZ P2 Part 4 Appendix 11 of the proposed District Plan. We consider this Structure Plan should be subject to a public consultation process in recognition of the significance of the proposal and the wide-ranging impacts on the community and environment. This will enable the matters set out in that appendix to be properly considered through the Structure Plan process. We note that there appears to be insufficient cost-benefit analysis accompanying this proposed District Plan that makes a compelling case for the need for the Judgeford Flats Future

Urban Zone, nor that it would deliver net benefits and that the costs and risks, particularly the environmental risks, can be adequately mitigated.

Furthermore, in the meantime, we support the proposed restrictions for the Judgeford Flats Future Urban Zone on subdivision and the proposed activity restrictions that make non-rural type activities non-compliant (such as industrial, large format retail, standalone commercial). It is important that such restrictions remain until such time as there is a Structure Plan developed and publicly consulted on.

Further Constraints and Conditions for Judgeford Flats

If a proposed Future Urban Zone is incorporated in the plan, then, in recognition of the character of the area and to mitigate the concerns identified throughout this submission, the constraints and conditions below are sought.

Permitted activities: In recognition of the character of the area and the concerns expressed throughout this submission, the site should not be used for industrial or higher-density activities. Permitted activities in the zone should be restricted to low density light industrial activities and low-density recreation facilities, alongside a continuation of existing permitted activities. Any activity that would involve increased risks due to the area’s specific geotechnical circumstances (fault rupture zone, propensity for flooding) such as hazardous facilities and activities involving the use of significant amounts of hazardous substances should be excluded

Existing businesses and activities as at the date of this submission should be “grand-fathered” ie deemed to be permitted.

Water quality: Large parts of the Judgeford Flats area are identified as a flood ponding area, and the stream corridors drain directly into Pāuatahanui Inlet, which is the largest relatively unmodified estuarine area in the southern North Island. The Pāuatahanui Wildlife Management Reserve is a coastal wetland containing a mosaic of tidal flats and indigenous marsh vegetation. Four areas within the Pāuatahanui Inlet are managed by the Department of Conservation. Water quality infrastructure and operating requirements and constraints are needed in recognition of the ecological importance and sensitivity of the area. Activities such as depots and contractors’ yards should not be permitted activities. Maximum limits should apply to hardstanding area, and first flush treatment should be required to manage contaminants entering the waterway. Treatment could be combined with the landscaping requirements identified below.

Zone boundaries: The area identified as a Future Urban Zone appears to take little account of the area’s topography, natural waterways, vegetation etc.

In particular No. 35 and 41 Murphys Road which are mainly hills and both of which have waterways/streams running through them. This part of Murphys Road is particularly affected by flooding when there is a major weather event.



View from 42 Murphys Road of 10 Murphys Rd.



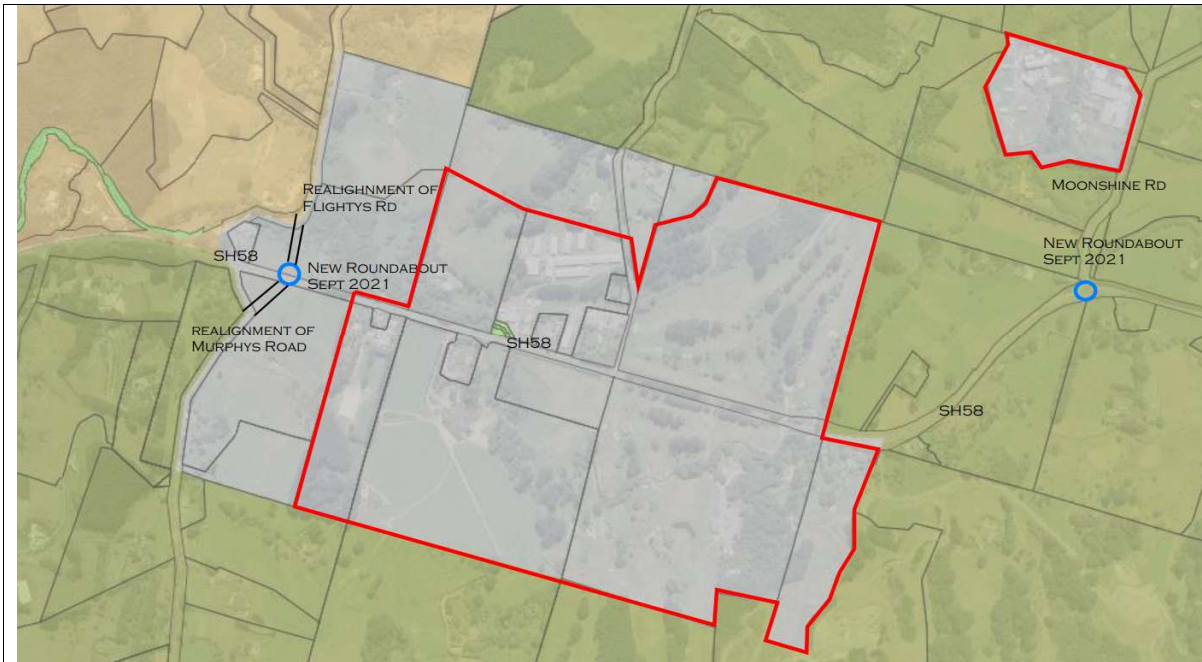
Flooding lower Murphys between 10 and 42

Added to these are No. 2 and 50 Flightys Road and No. 237 Paremata Haywards Rd, which also have a stream running through them and are prone to major flooding.

Mulhern Road also has hilly topography not suitable for commercial development.

There also appears to be no consideration for the fact that both Flightys and Murphys Roads will be realigned to connect with the much anticipated, and needed, roundabout (due September 2021), part of the NZTA Safety Programme for SH58. Nor has the roundabout at Moonshine Road been considered which is also part of the SH58 safety improvements.

We consider, taking these issues alone that a Future Urban Zone should be redrawn as follows within the red outline.



Traffic management: Traffic on State Highway 58 is already a significant concern. The proposed Future Urban Area will cause increases on the traffic network and we therefore request the application of a high trip generator rule applying to this site, including for heavy vehicles. The requested SH58 setback requirements noted below are also relevant here.

Set-backs: Given the site's identified character and context as described earlier, any new light industrial or recreational development should be set back from State Highway 58 by at least 20m, and from an internal Rural Zone boundary by at least 20m, and from natural waterways by at least 10m. The proposed road setback is consistent with the majority of commercial and residential buildings that already exist along State Highway 58. These setbacks will enable the proposed landscaping and storm water treatment proposed. They will also provide flexibility for roading and safety improvements that may be needed over time as SH58 traffic volumes increase.

Design requirements: Given the site's identified character and context as described earlier, any building over 450 square metres should trigger a resource consent for design reasons. The design assessment should consider the proposal against criteria including: reflectivity, form, scale, materials, detailing, landscaping, setbacks, access, etc to ensure the building is sympathetic to the rural surroundings and reduces visual bulk and obtrusive appearance.

Landscaping: Any development should be required to have, and to maintain, landscaping and planting that includes species endemic to the area. This should include a minimum landscaping depth of 10m along all road boundaries and the rural zone boundary interface. Landscaping should include a combination of trees and shrubs, with trees capable of growing to 5m tall at maturity and a minimum of 1.5m at the time of planting. Storage and service areas should be screened when visible from a road or adjacent Rural Zone boundary. Landscaping should also be required to improve the amenity of vehicle parking areas at a ratio of one tree per five parks provided.

Height limits and recession planes: Given that the area is located within an essentially rural environment and isolated from other urban areas we believe lower rise buildings will be more appropriate for this rural location. Therefore, a height limit for buildings and other structures is required of no more than 10m. Recession planes are not requested for zone boundary interfaces on the assumption that the setbacks proposed apply. While our preference is for zone boundary setbacks, if these do not apply, then recession planes should instead apply.

Light Spill and signage: Light spill and glare provisions should be the same as for the General Rural Zone in recognition of the existing and surrounding activities, the existing rural amenity and the site's high visibility from the state highway. Offsite signs should be discretionary activities as these would be incongruous in the area and can create clutter.

Conclusion

Given the failure of Judgeford Flats to meet the objectives and criteria as set out in the NPUD 2020 we would request the zoning of this area as FUZ be removed and changed to General Rural. Leaving the Judgeford Flats area as FUZ in the District Plan creates expectation both negative for current and prospective residents and positive for potential developers which is damaging as a whole to this area.

We respectfully ask PCC to investigate further other areas for future business/commercial growth with better transport link, more infrastructure ready, less costly to implement and less impact on the environment. We also ask PCC to investigate and support brownfields developments and make full use of established and well-serviced industrial areas of Porirua.

At the very least we ask PCC to reconsider the area designated FUZ at Judgeford Flats and reduce the industrial area to flat land and the existing businesses To remove the Murphys Road and lower Mulhern and Flightys Roads areas as these are steep areas with narrow road access and vulnerable topographies We also request greater constraints are imposed currently to protect Judgeford Flats from exploitation.

The specific provision of the proposal that my submission relates to:

GRUZ-P5 Quarrying activities and mining

Do you: Amend

What decision are you seeking from Council?

What action would you like: Amend

Reasons:

Provide for new quarrying activities or mining activity in the General Rural Zone where it can be demonstrated that:

1. *The siting and scale of buildings and visual screening maintains the character and amenity values of the Zone;*
2. *There are measures to minimise any adverse noise, vibration, access and lighting effects;*
3. *There are measures to minimise any adverse effects on character and amenity values of the Zone from the movement of vehicles;*
4. *Areas of indigenous vegetation are retained where practicable;*
5. *It avoids or mitigates any adverse effects on waterbodies and their margins; and*
6. *It internalises adverse environmental effects as far as practicable using industry best practice and management plans, including monitoring and self-reporting.*

We object to GRUZ-P5 provision as it is inadequate in its intention to protect residents closer to proposed new quarry activities and it is inconsistent with the current operative plan in which there are the following clear statements to protect against noise:

Objective C11.1 is to minimise the adverse effect of noise on the environment [which includes people per the definition in s 2 of the RMA].

This has the corresponding policies of

- C11.1.1: to protect the natural and physical environment from unreasonable noise in order to maintain and enhance the amenity values of the environment,
 - C11.1.2: to promote health by ensuring environmental noise does not exceed a reasonable level.
 - C11.2.2: states that residents in the Suburban and Rural Zones receive a high level of protection from intrusive noise and from the gradual degradation of the environment from increased background noise levels.
- The proposed plan should contain these clear statements. In particular C11.2.2 about providing greater protection to rural zones is not included. This policy in particular should be carried through.
 - The policy should contain specifications around the blast values to be expected within 500 metres of a new quarry activity and that a new quarry activity should not be consented where there are consented, occupied dwellings within 500 metres of a new or

any quarry activity.

- Further the benefits from permitting new quarry activities, particularly when linked to regionally significant transport routes are negated. The current proposal to allow a new quarry activity at Willowbank Quarry, linking to SH58 negates INF-P1. There is no way to provide a safe and efficient transport route that provides regional redundancy in the time of crisis where a commercial activity has the capacity to put one truck/trailer unit per minute between 6am and 10pm onto SH58 (and presumably from there onto Transmission Gully when operational), which has not yet been designed for/upgraded to cater for any enhancements, let alone additional truck movements.

Conclusion

With regard to Quarry policy we ask PCC to:

- Remove the provision for new quarry activities. Amend current provision to ensure a strictly adhered to policy regarding, noise and vibration nuisance and distance from properties as discussed.
- To amend GRUZ-P5 Quarrying activities and mining with policies specific to nuisance values such as vibration and noise. Amendments should include permitted dwelling consents to quarry activities in new sites and recommendations for existing sites.

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):

Date: _____

*A signature is not required if you make
your submission by electronic means*