

RMA FORM 5

porirua city

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:

Full Name	<i>Last Major</i>	<i>First Mary and Philip</i>	
Company/Organisation <i>if applicable</i>			
Contact Person <i>if different</i>			
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	<i>City</i> Porirua	<i>Postcode</i> 5026	
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Phone	<i>Mobile Mary</i> 0273 582 603	<i>Home</i> 233 9257	<i>Work Phil</i> 0274 954 717

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:
Significant Natural Areas – Motuhara Bush
Do you: Support? Oppose? Amend?
Oppose
What decision are you seeking from Council? What action would you like: Retain? Amend? Add? Delete?
That the Council removes the designation of Significant Natural Area from this area and specifically from our property.

Reasons:

Thank you for the opportunity to make submission on the proposed Significant Natural Area designation that will take in much of our property and the surrounding properties.

We are the outright owners of the estate described as Fee Simple, 1/1, Lot 6 deposited plan 2093 which has an area of 1,209 square metres.

We have owned this property since 1974.

We note the following definition of a fee simple title : A fee simple title is where the owner of the dwelling has full control and freedom of not only the dwelling but the land surrounding it. The owners can enjoy the freedom of a permanent and absolute ownership of the land.

The proposed designation effectively removes rights from the owners allowing the Council to impose restrictions, regulations and fees on land we own. They are effectively converting our privately owned land into a common ie the so-claimed common good prevails over the ownership rights of the owner.

If the Council wishes to do this they should make an offer to buy the land.

This proposal has devalued the property we own and, if this proposal goes ahead compensation will be sought.

Additionally, if this proposal were to go ahead we would have to pay for a consent to prune or cut trees within the zone, a further expense on top of exorbitant rates.

We have lived on this property for 46 years. Some of the trees now regarded as exceptional were planted by us. Most of the trees the Council now seeks to have control over have only become established over those years. The oldest ones when we first arrived, the big old kanuka, have fallen over and are gone.

Most people who live in this area do so because they value the bush, and choose to look after it. There has been no wholesale cutting down of trees and even pruning has been modest to protect dwellings and allow views. We value the bush and the bird life it brings, but we value our independent rights over our properties more.

Importantly, this proposal takes no cognisance of the changing views on the desirability of have bush / trees in close proximity to private dwellings. When this significant vegetation designation was first proposed several years ago (we have been dealing with the Council on this matter since 2010) wild bushfires were random fluke events. Now, regrettably, climate change has made them a regular occurrence. One factor that has been proven to be a contributor to wild fires is the fuel load.

After the recent Australian bush fires this comment was published –
As former fire chiefs recently pointed out, of all factors driving a fire's severity – temperature, wind speed, topography, fuel moisture and fuel load – fuel load is the only one humans can influence.

This proposal increases the likelihood of a fire gaining hold and running out of control. Any fire is likely to rush up the incline to the houses that sit around Motuhara Road above the bush. Rather than imposing additional protection on the bush the Council should be looking to protect lives and dwellings.

The site summary for Motuhara Bush notes kanuka and manuka as being especially requiring protection. These two species rank highest in the NZ Fire Service list of flammability.

Fire service recommends that trees should be 10 metres from any dwelling. This proposal requires that trees are subject to protection only a few metres from a dwelling. In some cases the boundary is right up to a dwelling. Council imposed restrictions are therefore contrary to fire service guidelines and put the Council at risk of incurring damages claims should a fire occur. You might like to add up the value of the properties around Motuhara Road that are impacted by this proposal to see what the cost of this compensation could amount to.

Summary:

This proposal denies the property rights inherent in a fee simple title and would be worthy of being contested in Court. Such a designation may be appropriate for areas of bush on large land holdings and away from dwellings, though we note that such areas are usually covenanted through the QE11 Trust and are a *voluntary* covenant between a land owner and the Trust. It is entirely inappropriate to land-grab, without compensation, significant proportions of owners' small suburban sections.

Recommendation:

We recommend that the Council removes the Significant Natural Area designation from this area. It has not been proven that any of the activities of the land owners have put this bush area at risk. The proposal brings no benefits and has great actual and potential cost to the property owners.

It also exposes the Council to costs should there be a fire.

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*