

Porirua's Proposed District Plan 2020

Submission on Porirua's Proposed District Plan

To - Environment and City Planning Team

Date received 19/11/2020

Submission Reference Number #52

Wishes to be heard? Yes

Is willing to present a joint case? Yes

Could gain an advantage in trade competition in making this submission? No

Directly affected by an effect of the subject matter of the submission? No

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Submission points

Point 52.1

Support / Support in part / Oppose

Oppose

Section: ECO - Ecosystems and Indigenous Biodiversity

Sub-section: Rules

Provision

ECO-R7 

Removal of indigenous vegetation within Significant Natural Areas

Submission

This needs to be revisited. The impact of this is huge for single landowners. I'd like to understand how this has been considered with tenants in mind.

For 3 and 5 Seagull Place I don't agree with my properties being zoned in as SNA.

As we are the landowners and also landlord (both are rental properties) this does not seem fair or balanced.

All I see is an an increase in cost and time forced upon the landowner to pay for ecological studies, and resource consent applications just to trim a tree. Complying with the set of rules will be significant, just to maintain my property. Its too heavy handed for a simple landowner.

As these properties are rentals, there's now an additional cost forced on the landowner, and also the tenant to engage professionals to assess the situation.

I have concerns that with the rules set in place, residents and tenants will be scared to trim or control this bush, thus the solar gain enjoyment will be diminished as we will not be able to afford the consent and ecological process proposed.

There's also an unknown prejudice being put in place for any future development of this land. I have owned these properties for

20+ years, and planted, nurtured and maintained these native species without issue. I see this as heavy handed approach.

Relief sought

Removal of the restrictions for existing landowners.

Removal of 3 & 5 Seagull Place from the zoning of SNA for Albatross Close Bush.

Why not the council employ the right resources so landowners can have an open dialog without forcing us down a costly path of employing experts and resource consent.

There should be consideration for existing landowners where a different set of relaxed rules apply. If future development was to take place put some parameters around this, e.g subdivide into more than two lots.

Point 52.2

Support / Support in part / Oppose

Oppose

Section: ECO - Ecosystems and Indigenous Biodiversity

Sub-section: Policies

Provision

ECO-P4 Other subdivision, use and development in Significant Natural Areas

Submission

For 3 and 5 Seagull Place I don't agree with my properties being zoned in as SNA.

As we are the landowners and also landlord (both are rental properties) this does not seem fair or balanced.

All I see is an increase in cost and time forced upon the landowner to pay for ecological studies, and resource consent applications just to trim a tree. Complying with the set of rules will be significant, just to maintain my property. Its too heavy handed for a simple landowner.

As these properties are rentals, there's now an additional cost forced on the landowner, and also the tenant to engage professionals to assess the situation.

I have concerns that with the rules set in place, residents and tenants will be scared to trim or control this bush, thus the solar gain enjoyment will be diminished as we will not be able to afford the consent and ecological process proposed.

There's also an unknown prejudice being put in place for any future development of this land. I have owned these properties for 20+ years, and planted, nurtured and maintained these native species without issue. I see this as heavy handed approach.

Relief sought

Removal of the restrictions for existing landowners.

Removal of 3 & 5 Seagull Place from the zoning of SNA for Albatross Close Bush.

Why not the council employ the right resources so landowners can have an open dialog without forcing us down a costly path of employing experts and resource consent.

There should be consideration for existing landowners where a different set of relaxed rules apply. If future development was to take place put some parameters around this, e.g subdivide into more than two lots.

Point 52.3**Support / Support in part / Oppose**

Oppose

Section: ECO - Ecosystems and Indigenous Biodiversity**Sub-section:** Policies**Provision****ECO-P2 Protection of Significant Natural Areas**

Protect the biodiversity values of Significant Natural Areas identified within SCHED7 - Significant Natural Areas, by requiring subdivision, use and development to:

1. Avoid adverse effects on identified indigenous biodiversity values where possible;
2. Minimise adverse effects on the identified indigenous biodiversity values where avoidance is not possible;
3. Remedy adverse effects on the identified indigenous biodiversity values where they cannot be avoided or minimised;
4. Only consider biodiversity offsetting for any residual adverse effects that cannot otherwise be avoided, minimised or remedied and where the principles of APP8 - Biodiversity Offsetting are met; and
5. Only consider biodiversity compensation after first considering biodiversity offsetting and where the principles of APP9 - Biodiversity Compensation are met.

Submission

For 3 and 5 Seagull Place I don't agree with my properties being zoned in as SNA.

As we are the landowners and also landlord (both are rental properties) this does not seem fair or balanced.

All I see is an increase in cost and time forced upon the landowner to pay for ecological studies, and resource consent applications just to trim a tree. Complying with the set of rules will be significant, just to maintain my property. Its too heavy handed for a simple landowner.

As these properties are rentals, there's now an additional cost forced on the landowner, and also the tenant to engage professionals to assess the situation.

I have concerns that with the rules set in place, residents and tenants will be scared to trim or control this bush, thus the solar gain enjoyment will be diminished as we will not be able to afford the consent and ecological process proposed.

There's also an unknown prejudice being put in place for any future development of this land. I have owned these properties for 20+ years, and planted, nurtured and maintained these native species without issue. I see this as heavy handed approach.

There needs to be a balance between single dwelling landowner and developer.

Relief sought

Removal of the restrictions for existing landowners.

Removal of 3 & 5 Seagull Place from the zoning of SNA for Albatross Close Bush.

Why not the council employ the right resources so landowners can have an open dialog without forcing us down a costly path of employing experts and resource consent.

There should be consideration for existing landowners where a different set of relaxed rules apply. If future development was to take place put some parameters around this, e.g subdivide into more than two lots.

Point 52.4**Support / Support in part / Oppose**

Oppose

Section: ECO - Ecosystems and Indigenous Biodiversity
Sub-section: Rules
Provision

ECO-R5  **Construction of a residential unit on a vacant allotment within a Significant Natural Area**

Submission

For 3 and 5 Seagull Place I don't agree with my properties being zoned in as SNA.

As we are the landowners and also landlord (both are rental properties) this does not seem fair or balanced.

All I see is an an increase in cost and time forced upon the landowner to pay for ecological studies, and resource consent applications just to trim a tree. Complying with the set of rules will be significant, just to maintain my property. Its too heavy handed for a simple landowner.

As these properties are rentals, there's now an additional cost forced on the landowner, and also the tenant to engage professionals to assess the situation.

I have concerns that with the rules set in place, residents and tenants will be scared to trim or control this bush, thus the solar gain enjoyment will be diminished as we will not be able to afford the consent and ecological process proposed.

There's also an unknown prejudice being put in place for any future development of this land. I have owned these properties for 20+ years, and planted, nurtured and maintained these native species without issue. I see this as heavy handed approach.

Relief sought

Removal of the restrictions for existing landowners.

Removal of 3 & 5 Seagull Place from the zoning of SNA for Albatross Close Bush.

Why not the council employ the right resources so landowners can have an open dialog without forcing us down a costly path of employing experts and resouce consent.

There should be consideration for existing landowners where a different set of relaxed rules apply. If future development was to take place put some paremeters around this, e.g subdivide into more than two lots.

Allow the removal of xx SQM of indigenous vegetation per existing title that existed at 28 August 2020, as per the councils offer in ECO-R6.

Point 52.5

Support / Support in part / Oppose

Oppose

Section: ECO - Ecosystems and Indigenous Biodiversity
Sub-section: Rules
Provision

ECO-R1  **Removal of indigenous vegetation within a Significant Natural Area**

All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The trimming or removal of indigenous vegetation is to:</p> <p>i. Address an imminent threat to people or property represented by deadwood, diseased or</p>
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- dying vegetation and ECO-S1 is complied with;
- ii. Ensure the safe and efficient operation of any formed public road, rail corridor or access, where removal is limited to within the formed width of the road, rail corridor or access;
 - iii. Enable the maintenance of buildings where the removal of indigenous vegetation is limited to within 3m from the external wall or roof of a building;
 - iv. Maintain, upgrade or create new public walking or cycling tracks up to 2.5m in width undertaken by Porirua City Council or its approved contractor in accordance with the Porirua City Council Track Standards Manual (Version 1.2, 2014) and where no tree with a trunk greater than 15cm in diameter (measured 1.4m above ground) is removed;
 - v. Construct new perimeter fences for stock or pest animal exclusion from areas or maintenance of existing fences provided the area of trimming or removal of any vegetation does not exceed 2m in width;
 - vi. Enable necessary flood protection or natural hazard control where undertaken by a Statutory Agency or their nominated contractors or agents on their behalf as part of natural hazard mitigation works;
 - vii. Comply with section 43 of the Fire and Emergency Act 2017; or
 - viii. Enable tangata whenua to exercise customary harvesting.

All zones

2. Activity status: **Restricted discretionary**

Where:

- a. Compliance is not achieved with ECO-R1-1.a.

Matters of discretion are restricted to:

1. The matters in ECO-P2; and
2. The matters in ECO-P4.

Section 88 information requirements for applications:

1. Applications for activities within an identified Significant Natural Area must provide, in addition to the standard information requirements, an Ecological Assessment provided by a suitably qualified and experienced ecologist:
 - a. Identifying the biodiversity values and and potential impacts from the proposal; and
 - b. Demonstrating that the ECO-P2 hierarchy has been applied.

Submission

For 3 and 5 Seagull Place I don't agree with my properties being zoned in as SNA.

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As these properties are rentals, there's now an additional cost forced on the landowner, and also the tenant to engage professionals to assess the situation. Have the council considered rules in relation to landlord and tenant responsibilities for maintaining these indigenous species.

I have concerns that with the rules set in place, residents and tenants will be scared to trim or control this bush, thus the solar gain enjoyment will be diminished as we will not be able to afford the consent and ecological process proposed.

There's also an unknown prejudice being put in place for any future development of this land. I have owned these properties for 20+ years, and planted, nurtured and maintained these native species without issue. I see this as heavy handed approach.

Relief sought

Removal of the restrictions for existing landowners.

Removal of 3 & 5 Seagull Place from the zoning of SNA for Albatross Close Bush.

Why not the council employ the right resources so landowners can have an open dialog without forcing us down a costly path of employing experts and resource consent.

There should be consideration for existing landowners where a different set of relaxed rules apply. If future development was to take place put some parameters around this, e.g subdivide into more than two lots.

Point 52.6

Support / Support in part / Oppose

Oppose

Section: SCHED7 - Significant Natural Areas

Sub-section: SCHED7 - Significant Natural Areas

Provision

SNA082	Albatross Close Bush
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Site Summary	Four small forested areas (two of which are larger), which comprise regenerating and old growth k�nuka-tawa forest, including some m�tai (Prumnopitys taxifolia; of local interest), kahikatea (Dacrycarpus dacrydioides; of local interest) and h�nau. Includes k�nuka (presumably Kunzea robusta; Threatened-Nationally Vulnerable). May provide occasional habitat for bush falcon (Falco novaeseelandiae ferox; At Risk-Recovering). Contains a tributary of Duck Creek and if fish passage and habitat is maintained then this site may support inanga (Galaxias maculatus), koaro (Galaxias brevipinnis), longfin eel (Anguilla dieffenbachii), and redefin bully (Gobiomorphus huttoni). Contains a small wetland in the north of the eastern area. Greatly reduced in size since 2001 due to residential development. Includes indigenous vegetation on Acutely Threatened land environments.
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Relevant values under Policy 23 of RPS	Representativeness (RPS23A) Rarity (RPS23B) Ecological context (RPS23D)
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There's an unknown prejudice being put in place for any future development of this land. I have owned these properties for 20+ years, and planted, nurtured and maintained these native species without issue. I see this as heavy handed approach.

Relief sought

Removal of the restrictions for existing landowners.

Removal of 3 & 5 Seagull Place from the zoning of SNA for Albatross Close Bush.

Why not the council employ the right resources so landowners can have an open dialog without forcing us down a costly path of employing experts and resouce consent.

There should be consideration for existing landowners where a different set of relaxed rules apply. If future development was to take place put some paremeters around this, e.g subdivide into more than two lots.

Point 52.7

Support / Support in part / Oppose

Oppose

Section: INF - Infrastructure

Sub-section: Policies

Provision

INF-P5 Adverse effects on Regionally Significant Infrastructure

Submission

Gas Transmission Pipeline Corridor: The Gas Transmission Pipeline Corridor proposed for 20m in width (10m from the centreline), compared to the First Gas Designation / easement of 12m width. I request an amendment to the distance of the Gas Transmission Pipeline Corridor Designation to be reduced from the proposed 20m in width to be consistent with the First Gas Designation of 12m in width. The way I see it, I have effectively lost a 4m slice of my land due to this proposed Designation. Surely these effects were considered and in place when the original easement was established?

At the time the First Gas Designation (12m in width) was put in place PCC and First Gas should have taken into consideration the adverse effects, including reverse sensitivity effects, of subdivision, use and development. First Gas, and PCC had the opportunity to get the Designation, and any Gas Transmission Corridor right at that time. At the time of establishing this designation (and subsequent easement) there would have been a quid pro quo for landowners affected by this. With the proposed changes with this Gas Transmission Pipeline Corridor PCC are now trying to be impose a wider corridor (and in addition a further 10m setback) without any quid pro quo to effected parties.

Relief sought

I request an amendment to the distance of the Gas Transmission Pipeline Corridor Designation to be reduced from the proposed 20m in width to be consistent with the First Gas Designation of 12m in width.

Point 52.8

Support / Support in part / Oppose

Oppose

Section: INF - Infrastructure

Sub-section: Policies

Provision

INF-P25 The Gas Transmission Pipeline Corridor

Submission

Gas Transmission Pipeline Corridor: The Gas Transmission Pipeline Corridor proposed for 20m in width (10m from the centreline), compared to the First Gas Designation / easement of 12m width. I request an amendment to the distance of the Gas Transmission Pipeline Corridor Designation to be reduced from the proposed 20m in width to be consistent with the First Gas Designation of 12m in width. The way I see it, I have effectively lost a 4m slice of my land due to this proposed Designation. Surely these effects were considered and in place when the original easement was established?

At the time the First Gas Designation (12m in width) was put in place PCC and First Gas should have taken into consideration the adverse effects, including reverse sensitivity effects, of subdivision, use and development. First Gas, and PCC had the opportunity to get the Designation, and any Gas Transmission Corridor right at that time. At the time of establishing this designation (and subsequent easement) there would have been a quid pro quo for landowners affected by this. With the proposed changes with this Gas Transmission Pipeline Corridor PCC are now trying to be impose a wider corridor (and in addition a further 10m setback) without any quid pro quo to effected parties.

The following points lack specifics, the wording is not well defined. I would question if and how these are feasible.

In this context, how do we measure the risk or understand it, and how do we mitigate this when making a resource consent submission?

- **Point 2:** More detail is needed. What is considered a restriction? What do you mean by restrict or prevent legal or physical access? What does that require? Would 1m of physical access be considered restricting access? Do they require 4m? This needs specifics.
- **Point 3:** Please clarify what or who's property damage, is this to First Gas or Landowner.
- **Point 3:** Please clarify, health or public safety. Are you talking about the residents, first gas employees – who's being protected. Property damage, do you mean First Gas asset or homeowners property damage.
- **Point 5.** Please be more specific, what the operator thinks or decides may go.

INF-P25: For 125 Endeavour Drive INF-P25, and related GRZ-R23 means the Gas Transmission Pipeline Corridor now encroaches onto our property, where currently we are unaffected by the First Gas Easement, and proposed Designation. For us this means more than 364sqm of land we own (4x91m) is now impacted by the proposed inclusion of the Gas Transmission Pipeline Corridor. The way I understand the proposal, this means will be unable to locate a building platform within this Corridor. With plans to develop the site this has significant repercussions for us. This slice of land will now be defined as non-complying activity under SUB-R16-2 for any building platform within the Corridor.

This will severely impact our plan to develop this site. It also impacts our intention to subdivide and build multiple properties within this new Corridor. We are now at a financial disadvantage losing approx. 364-400 SQM of available land to develop buildings or structures on. Based on the recent land sales in Whitby (October 2020) this equates to between \$300,000-\$400,000. As an example;

- 74 Spyglass Lane sold in October 2020 for \$340,000 for 1100 SQM. (Harcourts Listing Number: PE8810)
- 15 Weatherdeck Close sold for \$370,000 for 429 SQM. (Harcourts Listing Number: PE8724)

Relief sought

Review the width of the Corridor. Reduce to 12m in width to be in line with the First Gas Designation.

The following points lack specifics, the wording is not well defined. I would question if and how these are feasible.

In this context, how do we measure the risk or understand it, and how do we mitigate this when making a resource consent submission?

- **Point 2:** More detail is needed. What is considered a restriction? What do you mean by restrict or prevent legal or physical access? What does that require? Would 1m of physical access be considered restricting access? Do they require 4m? This needs specifics.

- **Point 3:** Please clarify what or who's property damage, is this to First Gas or Landowner.
- **Point 3:** Please clarify, health or public safety. Are you talking about the residents, first gas employees – who's being protected. Property damage, do you mean First Gas asset or homeowners property damage.
- **Point 5.** Please be more specific, what the operator thinks or decides may go.

Point 52.9

Support / Support in part / Oppose

Support in part

Section: INF - Infrastructure

Sub-section: Objectives

Provision

INF-O3 Availability of infrastructure to meet existing and planned needs

Submission

This submission pertains to two effected properties,

123 Endeavour Drive,

125 Endeavour Drive,

Hamish and Sarita Tunley

There are a number if inconsistencies throughout the proposed district plan in relation to the First Gas Designation, and the proposal for the Gas Transmission Pipeline Corridor that will be highlighted in each section.

As landowners we disagree with the proposed 20m wide Corridor as this will have an imposition on me, the landowner and we feel it alter the current situation to the point where we are being disadvantaged. I also request the rules, policies and objectives be clearer to understand. As a landowner there is lack of clarity in the following sections;

INF-P25

INF-P5

GRZ-R23

GRZ-R15

Relief sought

Further review of the wording, be more specific.

Reduce the proposed Gas Transmission Pipeline Corridor to be in line with the 12m Gas Easment / Designation.

Point 52.10

Support / Support in part / Oppose

Support in part

Section: GRZ - General Residential Zone

Sub-section: Rules

Provision

Submission

GRZ-R15: This is a little unclear, and im not entirely sure of the interplay or how it interrelates with this rule and **GRZ-R23**. This needs further review and clarification.

Regarding the second notification point on **GRZ-R15**:

“When deciding whether any person is affected in relation to this rule for the purposes of section 95E of the RMA, Porirua City Council will give specific consideration to any adverse effects on First Gas Ltd.”

Question: What protection if any is there for landowner. Is the intent to require a resource consent, for any activities where the site is used for residential purposes or sensitive use.

Relief sought

GRZ-R15: This is a little unclear, and im not entirely sure of the interplay or how it interrelates with this rule and **GRZ-R23**. This needs further review and clarification.

Regarding the second notification point on **GRZ-R15**:

“When deciding whether any person is affected in relation to this rule for the purposes of section 95E of the RMA, Porirua City Council will give specific consideration to any adverse effects on First Gas Ltd.”

Question: What protection if any is there for landowner. Is the intent to require a resource consent, for any activities where the site is used for residential purposes or sensitive use.

Point 52.11**Support / Support in part / Oppose**

Oppose

Section: GRZ - General Residential Zone

Sub-section: Rules

Provision

GRZ-R23 Habitable buildings and structures near the Gas Transmission Pipeline Corridor

1. Activity status: **Restricted discretionary**

Where:

- a. Any habitable building or structure is located within 10m of the Gas Transmission Pipeline Corridor; and
- b. Any habitable building or structure is located within 30m of any above-ground station forming part of the Gas

Matters of discretion are restricted to:

1. The matters in INF-P25.

Notification:

- An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.
- When deciding whether any person is affected in relation to this rule for the purposes of section 95E of the RMA, Porirua City Council will give specific consideration to any adverse effects on First Gas Ltd.

Submission

GRZ-R23 – Restricted Discretionary: The inclusion of this rule imposes unknown issues for future development, it also forces landowners carrying out any earthworks within this zone to apply for resource consent, which is an unknown process and a costly exercise. Effectively an additional 10m setback, on top of the 20m wide Gas Transmission Pipeline Corridor seems to be excessive.

GRZ-R23: On initial reading, the wording is unclear when I read this in context to the Definition of the Gas Transmission Corridor. My interpretation is **GRZ-R23-1.a** is that this is measured from the centreline. There's simply not enough clarity on this matter.

GRZ-R23: Refer to the Gas Transmission Corridor Definition:

"means the area of land within 10m from the centreline of the Gas Transmission Pipeline"

We feel this is encroaching on our land, and restricting our potential to develop this site. The way I understand the proposed Corridor is that we will not be able to build or have a building platform within the 20m Corridor. That means we have effectively lost 4m of land (approx 4x 91m = 360SQM)

GRZ-R23-1.a - The definition, in relation to the First Gas Designation, Gas Transmission Network and Gas Transmission Pipeline Corridor is not very clear. It is hard to follow.

GRZ-R23-1a/b – Please clarify what a Habitable building or structure is in the definitions. This creates some uncertainty as a landowner what may fall under this classification.

GRZ-R23 1.a With regards to GRZ-R32 1.a the proposed changes mean that any building or structure located within 10m of the Gas Transmission Pipeline Corridor will now require resource consent, with matters evaluated under INF-P25. We see this as an additional financial burden and restriction imposed upon us that we are not happy with. There's also several inconsistencies in the references listed above.

Given the matters of discretion it is unclear we would get approval for resource consent. Uncertainty of seeking resource consent is unclear, and the extent of reports we will need to provide is also unclear.

Remain consistent with the objectives, remain consistent with First Gas Designation which has clearly outlined their evaluation of the risks and adverse effects in the Section 32 Designation report. I propose the inclusion of the Gas Transmission Pipeline Corridor remains consistent with the First Gas Designation of 12m (reduced from the proposed 20m) in width.

Removal of the Restricted Discretionary (GRZ-R23) conditions restricting our development of buildings or structures within 10m of the Corridor.

Relief sought

As per the submission, please review the comments.

We feel this is encroaching on our land, and restricting our potential to develop this site. The way I understand the proposed

Corridor is that we will not be able to build or have a building platform within the 20m Corridor. That means we have effectively lost 4m of land (approx 4x 91m = 360SQM)

Reduce the Corridor to 12m in width.

The submission focused on the Gas Transmission Pipeline Corridor is submitted based on two effected properties,
123 Endeavour Drive,
125 Endeavour Drive,

We oppose the following sections, and any related sections referenced throughout.

INF-P25

INF-P5

INF-O2

GRZ-R23

GRZ-R15

INF-P25 and INF-P5

INF-P25 The Gas Transmission Pipeline Corridor

Consider the following matters when assessing any buildings, structures and activities proposed within the Gas Transmission Pipeline Corridor:

1. The extent to which the proposed development design and layout avoids or mitigates any conflict with the Gas Transmission Network, including construction-related activities;
2. The extent to which any building or structure may compromise, restrict or prevent legal or physical access to the Gas Transmission Network;
3. Risks relating to health or public safety, including the risk of property damage;
4. The extent to which the development will avoid the potential reverse sensitivity effects on the Gas Transmission Network; and
5. Technical advice provided by the owner and operator of the Gas Transmission Network.

Gas Transmission Pipeline Corridor: The Gas Transmission Pipeline Corridor proposed for 20m in width (10m from the centreline), compared to the First Gas Designation / easement of 12m width. I request an amendment to the distance of the Gas Transmission Pipeline Corridor Designation to be reduced from the proposed 20m in width to be consistent with the First Gas Designation of 12m in width. The way I see it, I have effectively lost a 4m slice of my land due to this proposed Designation. Surely these effects were considered and in place when the original easement was established?

At the time the First Gas Designation (12m in width) was put in place PCC and First Gas should have taken into consideration the adverse effects, including reverse sensitivity effects, of subdivision, use and development. First Gas, and PCC had the opportunity to get the Designation, and any Gas Transmission Corridor right at that time. At the time of establishing this designation (and subsequent easement) there would have been a quid pro quo for landowners affected by this. With the proposed changes with this Gas Transmission Pipeline Corridor PCC are now trying to be impose a wider corridor (and in addition a further 10m setback) without any quid pro quo to effected parties.

INF-P25: These points lack specifics, the wording is not well defined. I would question if and how these are feasible.

In this context, how do we measure the risk or understand it, and how do we mitigate this when making a resource consent submission?

- **Point 2:** More detail is needed. What is considered a restriction? What do you mean by restrict or prevent legal or physical access? What does that require? Would 1m of physical access be considered restricting access? Do they require 4m? This needs specifics.
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- **Point 5.** Please be more specific, what the operator thinks or decides may go.

GRZ-R23 Habitable buildings and structures near the Gas Transmission Pipeline Corridor

1. Activity status: **Restricted discretionary**

Where:

- a. Any habitable building or structure is located within 10m of the Gas Transmission Pipeline Corridor; and
- b. Any habitable building or structure is located within 30m of any above-ground station forming part of the Gas Transmission Network.

Matters of discretion are restricted to:

- 1. The matters in INF-P25.

Notification:

- An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.
- When deciding whether any person is affected in relation to this rule for the purposes of section 95E of the RMA, Porirua City Council will give specific consideration to any adverse effects on First Gas Ltd.

GRZ-R23 – Restricted Discretionary: The inclusion of this rule imposes unknown issues for future development, it also forces landowners carrying out any earthworks within this zone to apply for resource consent, which is an unknown process and a costly exercise. Effectively an additional 10m setback, on top of the 20m wide Gas Transmission Pipeline Corridor seems to be excessive.

GRZ-R23: On initial reading, the wording is unclear when I read this in context to the Definition of the Gas Transmission Corridor. My interpretation is **GRZ-R23-1.a** is that this is measured from the centreline. There’s simply not enough clarity on this matter.

GRZ-R23: Refer to the Gas Transmission Corridor Definition:

**GAS TRANSMISSION PIPELINE
CORRIDOR**

DEFINITION

means the area of land within 10m from the centreline of the Gas Transmission Pipeline.

Close

GRZ-R23-1.a - The definition, in relation to the First Gas Designation, Gas Transmission Network and Gas Transmission Pipeline Corridor is not very clear. It is hard to follow.

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- 1. The matters in INF-P25.

Notification:

- An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.
- When deciding whether any person is affected in relation to this rule for the purposes of section 95E of the RMA, Porirua City Council will give specific consideration to any adverse effects on First Gas Ltd.

GAS TRANSMISSION PIPELINE CORRIDOR

DEFINITION ×

means the area of land within 10m from the centreline of the Gas Transmission Pipeline.

Close

I don't agree with the proposed Gas Transmission Corridor being 20m in width.

GRZ-R23-1a/b – Please clarify what a Habitable building or structure is in the definitions. This creates some uncertainty as a landowner what may fall under this classification.

GRZ-R15: This is a little unclear, and im not entirely sure of the interplay or how it interrelates with this rule and **GRZ-R23**. This needs further review and clarification.

Regarding the second notification point on **GRZ-R15:**

“When deciding whether any person is affected in relation to this rule for the purposes of section 95E of the RMA, Porirua City Council will give specific consideration to any adverse effects on First Gas Ltd.”

Question: What protection if any is there for landowner. Is the intent to require a resource consent, for any activities where the site is used for residential purposes or sensitive use.

GRZ-R15 Activities within the Gas Transmission Pipeline Corridor

1. Activity status: **Permitted**

Where:

- a. The activity is not a sensitive activity.

2. Activity status: **Restricted discretionary**

Where:

- a. Compliance is not achieved with GRZ-R15-1.a.

Matters of discretion are restricted to:

1. The matters in INF-P25.

Notification:

- An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.
- When deciding whether any person is affected in relation to this rule for the purposes of section 95E of the RMA, Porirua City Council will give specific consideration to any adverse effects on First Gas Ltd.

Part 3: Area Specific Matters / Residential Zones / GRZ - General Residential Zone

GRZ-R23-1.a

GRZ-R23 Habitable buildings and structures near the Gas Transmission Pipeline Corridor

1. Activity status: **Restricted discretionary**

Where:

- a. Any habitable building or structure is located within 10m of the Gas Transmission Pipeline Corridor; and
 b. Any habitable building or structure is located within 30m of any above-ground station forming part of the Gas Transmission Network.

Matters of discretion are restricted to:

1. The matters in INF-P25.

Notification:

- An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.
- When deciding whether any person is affected in relation to this rule for the purposes of section 95E of the RMA, Porirua City Council will give specific consideration to any adverse effects on First Gas Ltd.

There's a couple of points that we do not agree with.

- **INF-P25:** Extending what was an easement of 12m for the Gas Transmission Pipeline Corridor to the proposed 20m (area of land within 10m from the centreline), thus encroaching further onto our properties (123 and 125 Endeavour Drive), and
- **GRZ-R23 1.a** :- This clause now forces us to go through resource consent for any building within 10m of the proposed 20m Gas Transmission Corridor. 10m from the Corridor now being classified as Restricted Discretionary.

<https://eplan.porirua.govt.nz/districtplan/default.html#Rules/825351/231/1/0/0>

INF-P25: For 125 Endeavour Drive INF-P25, and related GRZ-R23 means the Gas Transmission Pipeline Corridor now encroaches onto our property, where currently we are unaffected by the First Gas Easement, and proposed Designation. For us this means more than 364sqm of land we own (4x91m) is now impacted by the proposed inclusion of the Gas Transmission Pipeline Corridor. The way I understand the proposal, this means will be unable to locate a building platform within this Corridor. With plans to develop the site this has significant repercussions for us. This slice of land

will now be defined as non-complying activity under SUB-R16-2 for any building platform within the Corridor.

This will severely impact our plan to develop this site. It also impacts our intention to subdivide and build multiple properties within this new Corridor. We are now at a financial disadvantage losing approx. 364-400 SQM of available land to develop buildings or structures on. Based on the recent land sales in Whitby (October 2020) this equates to between \$300,000-\$400,000. As an example;

- 74 Spyglass Lane sold in October 2020 for \$340,000 for 1100 SQM. (Harcourts Listing Number: PE8810)
- 15 Weatherdeck Close sold for \$370,000 for 429 SQM. (Harcourts Listing Number: PE8724)

GRZ-R23 1.a With regards to GRZ-R32 1.a the proposed changes mean that any building or structure located within 10m of the Gas Transmission Pipeline Corridor will now require resource consent, with matters evaluated under INF-P25. We see this as an additional financial burden and restriction imposed upon us that we are not happy with. There's also several inconsistencies in the references listed above.

Given the matters of discretion it is unclear we would get approval for resource consent. Uncertainty of seeking resource consent is unclear, and the extent of reports we will need to provide is also unclear.

Remain consistent with the objectives, remain consistent with First Gas Designation which has clearly outlined their evaluation of the risks and adverse effects in the Section 32 Designation report. I propose the inclusion of the Gas Transmission Pipeline Corridor remains consistent with the First Gas Designation of 12m (reduced from the proposed 20m) in width.

Removal of the Restricted Discretionary (GRZ-R23) conditions restricting our development of buildings or structures within 10m of the Corridor.

For 3 and 5 Seagull Place we oppose the following sections, and any related sections referenced throughout.

ECO-P4
ECO-R1
ECO-R3
ECO-S1

For 3 and 5 Seagull Place I don't agree with my properties being zoned in as SNA.

As we are the landowners and also landlord (both are rental properties) this does not seem fair or balanced.

All I see is an increase in cost and time forced upon the landowner to pay for ecological studies, and resource consent applications just to trim a tree. Complying with the set of rules will be significant, just to maintain my property. Its too heavy handed for a simple landowner.

As these properties are rentals, there's now an additional cost forced on the landowner, and also the tenant to engage professionals to assess the situation. Have the council considered rules in relation to landlord and tenant responsibilities for maintaining these indigenous species.

I have concerns that with the rules set in place, residents and tenants will be scared to trim or control this bush, thus the solar gain enjoyment will be diminished as we will not be able to afford the consent and ecological process proposed. There's also a responsibility on a landlord/tenant relationship that we maintain the bush/trees on our property.

There's also an unknown prejudice being put in place for any future development of this land. I have owned these properties for 20+ years, and planted, nurtured and maintained these native species without issue. I see this as heavy-handed approach.

There needs to be a balance between single dwelling landowner and developer.

Removal of the restrictions for existing landowners.

Removal of 3 & 5 Seagull Place from the zoning of SNA for Albatross Close Bush.

Why not the council employ the right resources so landowners can have an open dialog without forcing us down a costly path of employing experts and resource consent.

There should be consideration for existing landowners where a different set of relaxed rules apply. If future development was to take place put some parameters around this, e.g subdivide into more than two lots.