

# Porirua's Proposed District Plan 2020

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## Submission on Porirua's Proposed District Plan

To - Environment and City Planning Team

Date received 20/11/2020

Submission Reference Number #71

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

### Address for service:

Strugnell Diane / 70

805 Moonshine Road Judgeford Porirua 5381

Phone: 0272401463

Email: diane@strugnell.co.nz

## Submission points

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### Point 71.1

#### Support / Support in part / Oppose

Support in part

Section: REG - Renewable Electricity Generation

Sub-section: Objectives

#### Provision

#### REG-O2 Providing for renewable electricity generation activities

Renewable electricity generation activities are able to establish and operate within the City, while:

1. Minimising adverse effects on the anticipated amenity and character of the zone and the surrounding environment; and
2. Protecting the values and qualities of any Overlay.

#### Submission

I acknowledge that the NPS for Renewable Electricity Generation requires the Council to provide for renewable electricity generation within the city and that wind farms are one form of renewable electricity generation. I think that it is essential that the potential for adverse effects are acknowledged and provision made for avoiding these as mitigation is often not an option.

#### Relief sought

#### REG-O2 Providing for renewable electricity generation activities

Renewable electricity generation activities are able to establish and operate within the City, while:

1. ~~Minimising~~ Avoiding adverse effects on the anticipated amenity and character of the zone and the surrounding

- environment; and
2. Protecting the values and qualities of any Overlay.

## Point 71.2

### Support / Support in part / Oppose

Amend

**Section:** REG - Renewable Electricity Generation

**Sub-section:** Policies

**Provision**

#### REG-P8 Large-scale renewable electricity generation activities in the General Rural Zone, outside of Overlays

Only allow for large-scale renewable electricity generation activities in the General Rural Zone where:

1. They have a particular operational need or functional need to locate where the renewable energy resources are available;
2. There is or will be sufficient roading and infrastructure capacity to accommodate the activity;
3. They avoid any significant adverse effects and avoid, remedy or mitigate any other adverse effect on the identified values and qualities of any adjacent Overlay;
4. For an activity involving wind generation, it complies with NZS 6808:2010 Acoustics - Wind farm noise;
5. They minimise any adverse effects on:
  - a. Amenity values of the site and surrounding area, having regard to:
    - i. The scale, intensity, duration or frequency of the activity's effects;
    - ii. The size and shading of any structures associated with the activity;
    - iii. The design and site layout of the activity and its ability to internalise effects, including and blade or shadow flicker;
    - iv. Traffic generation, earthworks and construction, and lighting and the potential to cause sleep disturbance or annoyance;
  - b. Whether there is adequate separation from residential activities to ensure conflict between activities, including potential adverse reverse sensitivity effects, are minimised; and
  - c. Ecology, including effects on terrestrial ecology and avifauna; having regard to any offsetting measures or environmental compensation which may benefit the local environment and community affected; and
  - d. Any existing navigation and telecommunication facilities.

while having regard to any adaptive management measures proposed.

### Submission

Given the size and scale of commercial wind farm infrastructure, especially turbines, it is extremely difficult to mitigate the adverse effects.

The provisions allow for the acknowledgement of the effect on "residential activities". To allow for existing property owner rights, it also needs to allow for potential activities such as future subdivision or the building of a dwelling on a vacant title or of a second, permitted dwelling. The potential to carry out future activities should not be removed by the placement of turbines or infrastructure that can then "claim reverse sensitivity" rights.

### Relief sought

#### REG-P8 Large-scale renewable electricity generation activities in the General Rural Zone, outside of Overlays

Only allow for large-scale renewable electricity generation activities in the General Rural Zone where:

1. They have a particular operational need or functional need to locate where the renewable energy resources are available;
2. There is or will be sufficient roading and infrastructure capacity to accommodate the activity;
3. They avoid any significant adverse effects and avoid, remedy or mitigate any other adverse effect on the identified values and qualities of any adjacent Overlay;

- 4. For an activity involving wind generation, it complies with NZS 6808:2010 Acoustics - Wind farm noise;
- 5. They ~~minimise~~ avoid any adverse effects on:
  - a. Amenity values of the site and surrounding area, having regard to:
    - i. The scale, intensity, duration or frequency of the activity's effects;
    - ii. The size and shading of any structures associated with the activity;
    - iii. The design and site layout of the activity and its ability to internalise effects, including and blade or shadow flicker;
    - iv. Traffic generation, earthworks and construction, and lighting and the potential to cause sleep disturbance or annoyance;
  - b. Whether there is adequate separation from residential activities to ensure conflict between activities, including potential adverse reverse sensitivity effects, are minimised; and

acknowledging that there should be adequate separation, not just from an existing residence, but from other potential activities within the rural zone

- a. Ecology, including effects on terrestrial ecology and avifauna; having regard to any offsetting measures or environmental compensation which may benefit the local environment and community affected; and
- b. Any existing navigation and telecommunication facilities.

while having regard to any adaptive management measures proposed.

**Point 71.3**

**Support / Support in part / Oppose**

Support

**Section:** GRUZ - General Rural Zone

**Sub-section:** Objectives

**Provision**

GRUZ-O2 Character and amenity values of the General Rural Zone

The predominant character and amenity values of the General Rural Zone are maintained, which include:

- 1. A working environment where rural activities generate noise, smells, light overspill and traffic, including heavy vehicles, often on a cyclic and seasonal basis;
- 2. Rugged hill country with a predominance of pasture for grazing and vegetation of varying types, including crops, forestry and native bush;
- 3. A low-density built form with open space between buildings that are predominantly used for rural activities, buildings include barns and sheds, and generally one residential unit per site and one minor residential unit per site; and
- 4. The presence of rural infrastructure, including rural roads and the on-site disposal of wastewater, and a general lack of urban infrastructure, such as street lighting, solid fences and footpaths.

**Submission**

Porirua has very limited space for primary production activities. The presence of these activities is an important backdrop to the city landscape and also is "an enabler" of the rural lifestyle blocks. Without the presence of rural services and knowledge for the larger rural blocks, it would be much more difficult for the rural lifestyle blocks to retain their services and character.

**Relief sought**

GRUZ-O2 Character and amenity values of the General Rural Zone

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- 2. Rugged hill country with a predominance of pasture for grazing and vegetation of varying types, including crops,

forestry and native bush;

3. A low-density built form with open space between buildings that are predominantly used for rural activities, buildings include barns and sheds, and generally one residential unit per site and one minor residential unit per site; and
4. The presence of rural infrastructure, including rural roads and the on-site disposal of wastewater, and a general lack of urban infrastructure, such as street lighting, solid fences and footpaths.

**Point 71.4**

**Support / Support in part / Oppose**

Amend

**Section:** GRUZ - General Rural Zone

**Sub-section:** Standards

**Provision**

GRUZ-S3 Scale of building and structures

1. All buildings and structures on a site must not exceed a maximum gross floor area of:
- a. 350m<sup>2</sup> for a principal residential unit;
  - b. 60m<sup>2</sup> for a minor residential unit;
  - c. 1000m<sup>2</sup> for all other non-residential buildings and structures combined; and
  - d. 1,800m<sup>2</sup> for all buildings in a papakāinga and any other buildings on the site combined.

This standard does not apply to:

- Accessory buildings with a building footprint less than 10m<sup>2</sup>;
- Pergola structures that are not covered by a roof; or
- In-ground outdoor swimming pools.

Matters of discretion are restricted to:

1. Design and siting of the building or structure;
2. Any shading of, or loss of privacy for, residential units on adjacent sites;
3. Screening, planting, and landscaping of the building or structure; and
4. Whether topographical or other site constraints make compliance with the standard impractical.

**Submission**

The discretion in relation to screening, planting and landscaping has previously led to unrealistic and inappropriate demands placed on landowners. Buildings within the rural area are part of the character and as long as design and siting are not inconsistent with the opening statement that "their location, height, scale do not dominate the landscape or compromise the open space qualities". At times the interpretation of this discretion by some Council officers has led to planting that is inconsistent with other requirements such as that for fire safety by restricting vegetation close to a building. It has also been applied inconsistently across different properties within the rural zone. Most people building within the rural zone will choose to add planting and landscaping that is consistent with the characteristics of the site and this should be enabled but not directed.

This applies to GRUZ-S2, GRUZ-S3 and GRUZ-S4

**Relief sought**

GRUZ-S3 Scale of building and structures

1. All buildings and structures on a site must not exceed a maximum gross floor area of:
- a. 350m<sup>2</sup> for a principal residential unit;

Matters of discretion are restricted to:

1. Design and siting of the building or structure;
2. Any shading of, or loss of privacy for, residential units on

- b. 60m<sup>2</sup> for a minor residential unit;
- c. 1000m<sup>2</sup> for all other non-residential buildings and structures combined; and
- d. 1,800m<sup>2</sup> for all buildings in a papakainga and any other buildings on the site combined.

- adjacent sites;
- 3. Screening, planting, and landscaping of the building or structure; and
  - 4. Whether topographical or other site constraints make compliance with the standard impractical.

This standard does not apply to:

- Accessory buildings with a building footprint less than 10m<sup>2</sup>;
- Pergola structures that are not covered by a roof; or
- In-ground outdoor swimming pools.

## Point 71.5

### Support / Support in part / Oppose

Support in part

**Section:** SUB - Subdivision

**Sub-section:** Policies

**Provision**

#### SUB-P12 Reductions or waivers of Esplanade Reserves and Provision of Esplanade Strips

Only allow for the provision of an esplanade strip, or a reduction or waiver in the width or provision of any esplanade reserve or esplanade strip, where it can be demonstrated, where relevant, that:

1. Safe public access and recreational use is already possible and can be maintained for the future;
2. An esplanade strip would better provide for public and customary access, recreation, hazard management, stormwater management and ecological values;
3. The ecological values and landscape features of the land adjoining the coast or other waterbody will not be adversely affected;
4. Any scheduled historic heritage places and sites and areas of significance to Māori will not be adversely affected;
5. The reduced width of the esplanade reserve or strip is sufficient to manage the risk of adverse effects resulting from natural hazards, taking into account the likely long term effects of climate change;
6. A full-width esplanade reserve or esplanade strip is not required to maintain the natural character and amenity of the coastal environment; and
7. A reduced width in certain locations is offset by an increase in width in other locations or areas which would result in a positive public benefit, in terms of public and customary access, recreation, hazard management, stormwater management and ecological values.

## Submission

In the creation of some new sections through subdivision, an esplanade reserve can be created along a waterway that does not link with any other areas of esplanade reserve or strip. From previous personal experience of this with Porirua City Council, this resulted in pockets of land, 20 metres either side of the waterway but not including the bed of waterway. Management of these by the Council is impractical, creating a headache for Council as well as the adjacent landowner. An esplanade strip in these instances seems to be a more practical application unless there areas that are contiguous, can be readily identified, are accessible to the public without crossing private land and will be maintained by the Council including streambank and erosion control, riparian management and weed control.

I am attaching a plan from the example given. It was road stopping that was being done and Porirua City Council did not have a District Plan provision that enabled the creation of an Esplanade reserve to be waived in favour of an Esplanade strip. As a result the area was surveyed and the attached plan produced. We then had to purchase Sections 1, 3 (79m<sup>2</sup>), 4 (23m<sup>2</sup>) and 5 from Council and then wait for the revoking of the Esplanade Reserve to complete the process and then go ahead with the creation of the Esplanade Strip. This was a costly and long drawn out process which could have been avoided if the DP at the

time had allowed for

### Relief sought

#### SUB-P12 Reductions or waivers of Esplanade Reserves and Provision of Esplanade Strips

Only Allow for the provision of an esplanade strip, or a reduction or waiver in the width or provision of any esplanade reserve or esplanade strip, where it can be demonstrated, where relevant, that:

1. Safe public access and recreational use is already possible and can be maintained for the future;
2. An esplanade strip would better provide for public and customary access, recreation, hazard management, stormwater management and ecological values;
3. The ecological values and landscape features of the land adjoining the coast or other waterbody will not be adversely affected;
4. Any scheduled historic heritage places and sites and areas of significance to Maori will not be adversely affected;
5. The reduced width of the esplanade reserve or strip is sufficient to manage the risk of adverse effects resulting from natural hazards, taking into account the likely long term effects of climate change;
6. A full-width esplanade reserve or esplanade strip is not required to maintain the natural character and amenity of the coastal environment; and
7. A reduced width in certain locations is offset by an increase in width in other locations or areas which would result in a positive public benefit, in terms of public and customary access, recreation, hazard management, stormwater management and ecological values.

### Attachments

Esplanade reserve example.jpg

### Point 71.6

#### Support / Support in part / Oppose

Support

**Section:** ECO - Ecosystems and Indigenous Biodiversity

**Sub-section:** Objectives

#### Provision

##### ECO-01 Significant Natural Areas

The identified values of Significant Natural Areas are protected from inappropriate subdivision, use and development and, where appropriate, restored.

### Submission

I support the specific identification of SNAs as the policies related to the protection of indigenous vegetation under the existing DP are open to loose interpretation.

### Relief sought

##### ECO-01 Significant Natural Areas

The identified values of Significant Natural Areas are protected from inappropriate subdivision, use and development and, where appropriate, restored.

### Point 71.7

#### Support / Support in part / Oppose

Support in part

**Section:** APP8 - Biodiversity Offsetting

**Principle 7      Long-term outcomes**

The biodiversity offset must be managed to secure outcomes of the activity that last at least as long as the impacts, and preferably in perpetuity, including through use of adaptive management where necessary.

**Submission**

There need to be systems of recording environmental work voluntarily undertaken by landowners so that "credits" can be accumulated and then used for off-setting at a later date, if required. This would incentivise landowners to more actively work on environmental restoration. Some of the angst that has been generated by the identification of the SNAs is that by creating these themselves, landowners now feel that they have "signed away" their rights to determine some of what happens on their own land. This in turn makes landowners more reluctant to consider further environmental planting etc, feeling that each bit they add may later on also be "taken" or removed from their control. If there was a way of giving credit for work already undertaken and enabling this to be then offset against a future action, for example, a secondary building site, I believe there would be a net gain.

**Relief sought**

**Principle 7      Long-term outcomes**

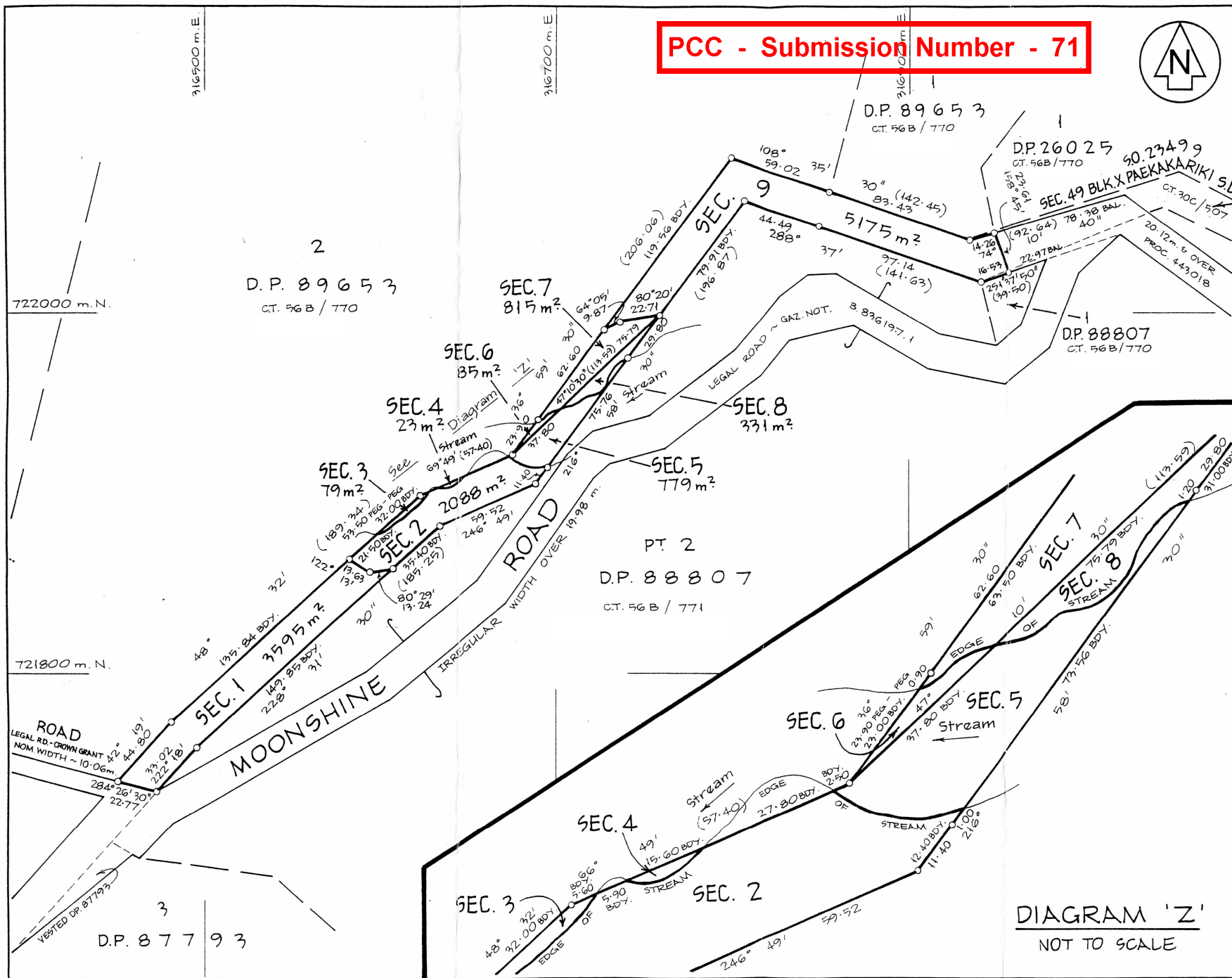
The biodiversity offset must be managed to secure outcomes of the activity that last at least as long as the impacts, and preferably in perpetuity, including through use of adaptive management where necessary.



# PCC - Submission Number - 71



Approvals  
 Note: Sections 1-8 are legal n. Crown Grant.  
 Section 9 is legal road by Crown Grant & PT Proc. 443018



| SCHEDULE OF AREAS  |  |   |         |
|--------------------|--|---|---------|
| Road to be Stopped |  |   |         |
| SHOWN              | ADJOINING  | TITLE REF.  | AREA    |
| SECTION 1          | LOT 2 DP. 89653<br>PT LOT 2 DP. 88807  | CT. 56B/770<br>CT. 56B/771  | 3595 m² |
| SECTION 2          | LOT 2 DP. 89653<br>PT LOT 2 DP. 88807  | CT. 56B/770<br>CT. 56B/771  | 2088 m² |
| SECTION 3          | LOT 2 DP. 89653  | CT. 56B/770   | 79 m²   |
| SECTION 4          | LOT 2 DP. 89653  | CT. 56B/770   | 27 m²   |
| SECTION 5          | LOT 2 DP. 89653<br>PT LOT 2 DP. 88807  | CT. 56B/770<br>CT. 56B/771  | 779 m²  |
| SECTION 6          | LOT 2 DP. 89653  | CT. 56B/770   | 35 m²   |
| SECTION 7          | LOT 2 DP. 89653  | CT. 56B/770   | 815 m²  |
| SECTION 8          | PT LOT 2 DP. 88807   | CT. 56B/771   | 331 m²  |
| SECTION 9          | LOT 1 DP. 89653<br>LOT 2 DP. 89653<br>PT LOT 2 DP. 88807<br>SEC. 49 BLK. X PRAEKAKARIKI S.D.<br>PT LOT 2 DP. 88807 | CT. 56B/770<br>CT. 56B/770<br>CT. 56B/771<br>CT. 30C/507<br>CT. 56B/771 | 5175 m² |

Class of survey = 11  
 Total Area 1.2970 ha.  
 Comprised in \_\_\_\_\_

I Alexander George McLeod  
 being a person entitled to practise as a registered surveyor certify that:  
 (a) The surveys to which this dataset relates are accurate, and were undertaken by me or under my direction in accordance with the Survey Act 1986 and the Survey Regulations 1988.  
 (b) This dataset is accurate and has been created in accordance with that Act and those Regulations.  
 Signed \_\_\_\_\_ Date \_\_\_\_\_

Field Book \_\_\_\_\_ p. \_\_\_\_\_ Traverse Book \_\_\_\_\_ p. \_\_\_\_\_  
 Reference Plans 50's. 11379, 29499, 38923  
 DP's 26025, 27592, 67412, 79931, 88807, 89653  
 Examined \_\_\_\_\_ Correct \_\_\_\_\_

Approved as to Survey \_\_\_\_\_  
 \_\_\_\_\_ Chief Surveyor  
 Deposited this \_\_\_\_\_ day of \_\_\_\_\_  
 \_\_\_\_\_ Registrar General of Land  
 File 98-694  
 Received \_\_\_\_\_  
 Instructions \_\_\_\_\_

LAND DISTRICT WELLINGTON  
 Survey Blk. & Dist. X PRAEKAKARIKI  
 NZMS 261 Sheet \_\_\_\_\_ Record Map No. \_\_\_\_\_

LEGALISATION PLAN  
 SECTIONS 1 - 9

TERRITORIAL AUTHORITY PORIRUA CITY  
 Surveyed by WYNNE PATERSON McLEOD  
 Scale 1:1500 Date SEPTEMBER 2001