



DOCDM-6494737

20 November 2020

Proposed District Plan
Environment and City Planning
Porirua City Council
PO Box 50-218
Porirua City

Attention: Environment and City Planning

Porirua City Council – Proposed District Plan

Please find enclosed the submission by the Director-General of Conservation in respect of the Proposed District Plan. The submission identifies the Director-General's concerns.

Please contact Tom Christie in the first instance if you wish to discuss any of the matters raised in this submission 027 341 9514 or at Tchristie@doc.govt.nz

Yours sincerely



Angus Hulme-Moir
Operations Manager
Wellington

Department of Conservation *Te Papa Atawhai*
Hamilton Shared Services
Private Bag 3072, Hamilton 3240, New Zealand
www.doc.govt.nz

RESOURCE MANAGEMENT ACT 1991

SUBMISSION ON PORIRUA CITY COUNCIL'S PROPOSED DISTRICT PLAN

TO: Porirua City Council

SUBMISSION ON: Proposed District Plan

NAME: Lou Sanson
Director-General of Conservation

ADDRESS: Address for service:
RMA Shared Services
Department of Conservation
Private Bag 3072
Hamilton 3240
Attn: Tom Christie

**STATEMENT OF SUBMISSION BY THE DIRECTOR-GENERAL OF THE
DEPARTMENT OF CONSERVATION**

Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991 (RMA), I, Angus Hulme-Moir, Operations Manager, Wellington, acting upon delegation from the Director-General of the Department of Conservation, make the following submission in respect of the Proposed District Plan to the Porirua City Council.

1. This is a submission on the full Proposed District Plan review.
2. The specific provisions of the Proposed Plan that my submission relates to are set out in Attachments 1 to this submission. The decisions sought in this submission are required to ensure that the Proposed District Plan;
 - a. Gives effect to the New Zealand Coastal Policy Statement.
 - b. Is consistent with the provisions and conditions of the NES-PF 2017
 - c. Is consistent with the provisions and conditions of the NES-FM 2020
 - d. Gives effect to the NPS-FM 2020 where relevant to district plans
 - e. Recognises and provides for the matters of national importance listed in section 6 of the Act and to has particular regard to the other matters in section 7 of the Act.
 - f. Promotes the sustainable management of natural and physical resources.
 - g. The changes sought are necessary, appropriate and sound resource management practice.
4. I **seek** the following decision from the Council:
 - 4.1 That the particular provisions of Proposed Plan that I support, as identified in Attachment 1, are retained.
 - 4.2 That the amendments, additions and deletions to Proposed Plan sought in Attachments 1 are made.

4.3 Further or alternative relief to like effect to that sought in 4.1 – 4.2 above.

5. I wish to be heard in support of my submission and if others make a similar submission, I will consider presenting a joint case with them at the hearing.

Angus Hulme-Moir
Operations Manager
Wellington

Pursuant to delegated authority
On behalf of
Lou Sanson
Director-General of Conservation

Date: 20 November

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011.

ATTACHMENT 1:

**PORIRUA CITY COUNCIL- PROPOSED DISTRICT PLAN
SUBMISSION BY THE DIRECTOR-GENERAL OF CONSERVATION**

The specific provisions that my submission relates to are set out in Attachment 1. My submissions are set out immediately following these headings, together with the reason and the decision I seek from the Council.

The decision that has been requested may suggest new or revised wording for identified sections of the proposed plan. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. The wording of decisions sought shows new text as underlined and original text to be deleted as ~~strikethrough~~.

Unless specified in each submission point my reasons for supporting are that the policies are consistent with the purposes and principles of the Resource Management Act 1991 (RMA).

PDP REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
NE-O1	Natural character, landscapes and features and ecosystems		Retain as notified.
NE-O3	Preventing further degradation of Te Awarua-O-Porirua Harbour		Retain as notified.
NE-O4	Health and wellbeing of Te Awarua-O-Porirua Harbour		Retain as notified.
TW-O1	Ngāti Toa Rangatira's values, rights and interests		Retain as notified.
REG-P5	Small-scale renewable electricity generation and investigation activities within Overlays	Policy does not require avoidance of adverse effects in Significant Natural Areas, Outstanding Natural Features and Landscapes which is contrary to the NZCPS to the extent these areas are in the coastal environment.	Amend to be consistent with NZCPS
REG-P7	Community-scale	Policy does not require avoidance of adverse effects	Amend to be consistent with NZCPS

PDP REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
	renewable electricity generation within Overlays	in Significant Natural Areas, Outstanding Natural Features and Landscapes which is contrary to the NZCPS to the extent these areas are in the coastal environment.	
REG-R2	Small scale renewable electricity generation activities	Rules must be consistent with the NES-FM 2020 and NZCPS. Development of any kind should not be encouraged within SNA's or ONFL's.	Rules relating to wetlands must be brought into line with the NZCPS, NPSFM 2020 and NES-FM 2020 and small scale renewable electricity generations should be discouraged from occurring within these sensitive environments with a non-complying activity status.
ECO-O1	Significant Natural Areas		Retain as notified.
ECO-O2	Plantation Forestry	Objective should be accompanied by a policy to give more clarity as to the objectives scope	Clarification should be made to confirm "adverse effects of plantation forestry activities" includes shading, water table, wilding pines and other consequential effects. Adverse effects should be of the forest as well as the forestry activity.
ECO-P1	Identification of Significant Natural Areas		Retain as notified.
ECO-P2	Protection of Significant Natural Areas		Retain as notified. Ensure that the plan provides protection for SNAs identified during the life of the plan
ECO-P3	Appropriate use and development in Significant Natural Areas	Agree that in certain circumstances vegetation removal may be necessary. However, the policy correctly identifies all instances. Therefore, would like policy to be limited to these reasonings.	Enable vegetation removal within Significant Natural Areas identified within SCHED7 - Significant Natural Areas where it is of a scale and nature that maintains the identified biodiversity values, including limited to;
ECO-P4	Other subdivision, use and development in Significant Natural Areas	Policies should not encourage subdivision and development with SNA's	Policy be deleted, or clarify that it is a restriction on development and clarify its relationship with ECO-P2.
ECO-P5	Protection of wetlands	Support the intention of this policy and the approach of inclusion of wetlands as SNA's. However, this is not a consistent with the approach taken by PCC within PC18: Plimmerton Farm.	Retain as notified.
ECO-P7	Protection and restoration initiatives		Retain as notified.
ECO-P8	New plantation forestry	Afforestation must not occur within a significant natural area or an outstanding natural feature or	Retain as notified.

PDP REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		landscape in accordance with the NES-PF.	
ECO-P11	Earthworks within Significant Natural Areas	Policy should be amended to be consistent with the requirements of the NES-FM.	Amend policy to read: "Any earthworks within, <u>or within a 10m setback from</u> a wetland are avoided."
ECO-R1	Removal of indigenous vegetation within a Significant Natural Area	Maintenance of walkways is considered appropriate as a permitted activity. Vegetation clearance for new and upgrading walkways without ecological assessment of the values is not considered appropriate. Construction of 2.5m walkways would require a significantly wider construction corridor.	Amend policy to read: "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;" That this change is reflected within INF-S15 and INF-S20.
ECO-R2	Removal of non-indigenous (exotic) vegetation within a Significant Natural Area	Exotics within SNA's may provide habitat for threatened species and their value should not be assumed as low. Removal of exotic species may be more broadly appropriate with specific mention of weed varieties and with understanding of what unique values identified led to the SNA's classification.	Rule needs to be more specific to recognise that in SNA's classified for values relating to fauna that exotic species may be providing significant habitat. Suggest removal of low value exotic vegetation is enabled by ECO-R3.
ECO-R3	Restoration and maintenance of a Significant Natural Area		Retain as notified.
ECO-R4	Earthworks within a Significant Natural Area	Policy should be amended to be consistent with the requirements of the NES-FM.	Amend rule to read "The earthworks do not occur within, <u>or within a 10 m setback from</u> any wetland." "The earthworks do not occur within any area previously <u>identified as significant habitats of indigenous fauna.</u> "
ECO-R5	Construction of a residential unit on a vacant allotment within a Significant Natural Area	In enabling the use of these existing sites PCC should continue to acknowledge their responsibilities under s6(c).	Construction of a residential unit within a Significant Natural Area should be accompanied by an Ecological Assessment to allow for suitable measures to be taken under the effects hierarchy.
ECO-R7	Removal of indigenous vegetation within Significant Natural Areas	Activity status should be discretionary to discourage unnecessary vegetation removal and to ensure matters not captured within ECO policies may be considered.	Amend activity status to Discretionary.
NATC-O1	Protecting, preserving and		Retain as notified, but also provide policy direction for

PDP REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
	enhancing natural character		any areas of outstanding natural character that are identified during the life of the plan
NFL-O1 NFL-O2 NFL-O3	Natural Features and Landscapes - Objectives	Remove references to characteristics and values. Seek to protect the ONFL's in a complete and holistic manner. ONFL's identified during the life of the plan should have protections extended to them.	Remove references to characteristics and values. Add additional objective and policy direction that will apply to any ONFL's identified during the life of the plan within the district and extending protections to these areas.
NFL-P1	Identification of Outstanding Natural Features and Landscapes	Policy should adopt criteria from Policy 15 of the NZCPS where appropriate for consistency	Policy should adopt criteria from Policy 15 of the NZCPS where appropriate for consistency
NFL-P3	Subdivision, use and development within Outstanding Natural Features and Landscapes and Special Amenity Landscapes (outside the Coastal Environment)	Remove references to characteristics and values within point 2. Seek to protect the ONFL's in a complete and holistic manner.	Remove references to characteristics and values within point 2. Seek to protect the ONFL's in a complete and holistic manner.
NFL-P7	Outstanding Natural Features and Landscapes (in the coastal environment)	Remove references to characteristics and values. Seek to protect the ONFL's in a complete and holistic manner.	Remove references to characteristics and values. Seek to protect the ONFL's in a complete and holistic manner.
NFL-P9	Mining and quarrying activities within Outstanding Natural Features and Landscapes or Special Amenity Landscapes	Mining and quarrying activities are not considered to be appropriate activities within Special Amenity Landscapes.	Removal of point 2 from this policy and include Special Amenity Landscapes into point 1.
NFL-P12	Māori Purpose Zone (Hongoeka) and Takapūwāhia Precinct	Support intention of the policy. Remove references to characteristics and values. Seek to protect the ONFL's in a complete and holistic manner.	Remove references to characteristics and values. Seek to protect the ONFL's in a complete and holistic manner.
NFL-R2	Indigenous vegetation removal within an Outstanding Natural Feature and Landscape or Special Amenity Landscape	Removal of indigenous vegetation should not be a permitted activity within an Outstanding Natural Feature and Landscape or Special Amenity Landscapes unless it poses risk to human health. Ecological values need to be surveyed and considered prior to potential removal.	Remove permitted activity status and set restricted discretionary status when compliance with NFL-S2 is met and accompanied by an ecological survey. Discretionary activity status should be applied to activities unable to comply with NFL-S2. Activities unaccompanied by an ecological survey should be prohibited.

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NFL-R3	Buildings and structures in an Outstanding Natural Feature and Landscape or Special Amenity Landscape	Buildings and structures should not be encouraged within an Outstanding Natural Feature and Landscape or Special Amenity Landscape.	Suggest activity status be controlled with compliance demonstrated with NFL-S3. Restricted Discretionary without. Opportunity to assess impacts of building design is appropriate.
NFL-R4	New buildings and structures within Outstanding Natural Features and Landscapes or Special Amenity Landscape within the Coastal Environment	New buildings or structures located within a Special Amenity Landscape within the coastal environment should not be permitted without consideration.	Structures demonstrating compliance with NFL-S3 should be controlled to allow opportunity to assess design.
NFL-R8	New plantation forestry within a Special Amenity Landscape	The NPS-PF states that Afforestation must not occur within a significant natural area or an outstanding natural feature or landscape a rule reflecting this direction while acknowledging the step down approach taken towards managing Special Amenity Landscapes is appropriate.	New plantation forestry within a Special Amenity Landscape activity status to be a discretionary activity to allow for suitable consideration of the activity and the ability for consents where appropriate be refused.
NFL-R9	Quarry or mining activities within a Special Amenity Landscape		Retain as notified.
NFL-R10	New plantation forestry within an Outstanding Natural Feature and Landscape		Retain as notified.
NFL-R11	Quarry or mining activities within an Outstanding Natural Feature and Landscape		Retain as notified.
CE-O1 CE-O3 CE-O4	Coastal Environment Objectives		Retain as notified.
CE-O2	Risk from natural hazards	The objective does not give effect to the NZCPS P25	Amend to require that subdivision, use and development in the coastal hazard overlays avoid increasing the risk of: - social, environmental and economic harm from coastal hazards; and

PDP REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
			- adverse effects from coastal hazards.
N/A	Managed Retreat	Objectives, policies and rules should reflect NZCPS Objective 5 and Policy 25 in encouraging managed retreat from areas where coastal hazard risks are present.	Include new objective, policy and rule to encourage managed retreat of develop in areas where coastal hazards are present.
CE-P1	Identification of the coastal environment		Retain as notified.
CE-P2	Identification of Coastal High Natural Character Areas		Retain as notified.
N/A	No provision for outstanding natural character	The plan has a policy gap for areas of outstanding natural character. Acknowledging the NZCPS and RPS do not direct identification of those area, NZCPS policy 13 (a) is unable to be implemented without some policy provision for it.	Provide policy direction to avoid adverse effects on areas of outstanding natural character in the coastal environment.
CE-P5	Restoring and rehabilitating activities within the coastal environment		Retain as notified.
CE-P8	Plantation forestry within the coastal environment		Retain as notified.
CE-P9	Identification of natural hazards in the coastal environment		Retain as notified, subject to any amendments needed to ensure the 'risk based approach' is consistent with the NZCPS.
CE-P10	Less-Hazard-Sensitive Activities within the Coastal Hazard Overlays		Retain as notified.
CE-P15	Planned mitigation works		Retain as notified.
CE-P16	Soft engineering measures		Retain as notified.
CE-P17	Hard engineering measures		Retain as notified.
CE-R2	Vegetation removal within a Coastal High Natural Character Area		Retain as notified.
CE-R3	Restoration and maintenance activities within Coastal High		Retain as notified.

PDP REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
	Natural Character Areas		
CE-R5	Soft engineering coastal hazard mitigation works undertaken by a Statutory Agency or their nominated contractor or agent in all the Hazard Areas of the Coastal Hazard Overlays	Soft engineering is encouraged for coastal hazard mitigation. However, this permitted activity rule has no conditions or parameters and will involve work in sensitive environments.	Add checks and balances either by way of permitted activity conditions or controlled activity status to address the potential for adverse effects on dune systems, coastal processes, risk transfer, biodiversity values etc.
CE-R7	All Potentially-Hazard-Sensitive Activities within the Low Hazard Area of the Coastal Hazard Overlay	Council should maintain the ability to decline activities within the coastal hazard overlays when appropriate.	Amend activity status from controlled to restricted discretionary with relevant matters to provide council ability to decline when appropriate.
CE-R15	Quarry or mining activities within the coastal environment		Retain as notified.
CE-R16	New plantation forestry within the coastal environment		Retain as notified.
CE-R17	All Hazard-Sensitive Activities within the High Hazard Area of the Tsunami Hazard - 1:100 year inundation extent of the Coastal Hazard Overlay		Retain as notified.
CE-R18	All new buildings for Hazard-Sensitive Activities within the High Hazard Area of the Coastal Hazard - Current Erosion area and Coastal Hazard - Current Inundation area of the Coastal Hazard Overlays		Retain as notified.
CE-R19	Any activity not otherwise listed as permitted,		Retain as notified.

PDP REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
	controlled, restricted discretionary, discretionary or non-complying		
EW-O1	Earthworks		Retain as notified.
APP8	Biodiversity Offsetting	Support clear and consistent biodiversity offsetting principles.	PCC should follow the available guidance where possible on biodiversity offsetting principles for national consistency. https://www.doc.govt.nz/globalassets/documents/our-work/biodiversity-offsets/the-guidance.pdf
APP9	Biodiversity Compensation	Support clear and consistent biodiversity compensation principles.	PCC should follow the available guidance where possible on biodiversity compensation principles for national consistency.
NES-FM 2020		The Proposed District Plan was notified prior to the NES-FM being gazetted and does not take into account this direction around freshwater management.	The Council will undertake a subsequent review to determine to what extent it needs to give effect to the NPSFM in the Proposed District Plan.
NPS-FM 2020		The Proposed District Plan was notified prior to the NPS-FM being gazetted and does not take into account this direction around freshwater management.	The Council will undertake a subsequent review to determine to what extent it needs to give effect to the NESFM in the Proposed District Plan.
Identification of wetland SNA's		There are approximately 27 wetlands identified as SNAs, out of 222. It is our opinion there will be significantly more identified if the NPS-FM 2020 and regulations were applied.	All wetlands be properly identified in accordance with the NPS-FM 2020

**Correspondence between
Council and submitter which
forms part of this submission**

Louise White

From: Tom Christie <tchristie@doc.govt.nz>
Sent: Thursday, 19 November 2020 12:01 PM
To: dpreview
Cc: Angus Hulme-Moir; Rachael Mora
Subject: [EXTERNAL] RE: Director-General of Conservation - Submission.

1. 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:

2. 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.