

Form 5
Submission on publicly notified proposal for a plan

To Porirua City Council

Name of submitter: **Friends of Taupo Swamp & Catchment Inc**

This is a submission on the following on the following proposed plan:

PORIRUA CITY COUNCIL CITY-WIDE DISTRICT PLAN REVIEW

The specific provisions of the proposal that our submission relates to are Parts A,B C as below

Part A: Whitireia Park

1. We submit that all of Whitireia Park must be protected from inappropriate subdivision, use and development.

All areas of Whitireia Park are part of the coastal environment because they have elements and features that contribute to the natural character, landscape, visual qualities or amenity values and therefore any provisions for development are subject to section 6(a) of the Resource Management Act 1991 (the RMA).

2. We fully support all land in Whitireia Park continuing to be zoned Open Space.

Whitireia Park is a prominent headland on the southern side of the entrance to Te Awarua-o-Porirua Harbour. The Park includes all land owned by the Crown, some areas owned by Ngāti Toa, the golf course and the Radio New Zealand (RNZ) land which leases most of the land to DOC and areas within the boundary of the park owned by Porirua City Council. The Park is open to the public to wander at will. It is used by a wide range of people from Porirua and the wider Wellington Region for a variety of activities. It has highly significant cultural, recreation, biodiversity, landscape, educational and open space values.

3. We submit the bulk and location standards need to be amended so they are consistent with objective Open space Zone – 02 (OSZ-02).

The zoning of Open Space does not limit the number of buildings – any number is possible so long as each is less than 50m² and the combined coverage is no more than 5 percent. Under the permitted standard relating to site coverage and floor area, up to 520 buildings could be built on the Radio New Zealand land. This would be contrary to the objective OSZ-02 'a low level of development and built form with few structures to support passive and active community activities'.

4. We submit that all of Whitireia Park, except small footprints of modified landforms in the Golf Club and RNZ mast and building area should be included in the ONFL policy overlay.

Our reasons for seeking inclusion are as follows:

- The area is open space widely used by the local community for recreation
- The area is widely recognised and valued by the community and is highly visible from the road, tracks and many other areas of the park
- The area is highly representative of natural landforms and demonstrates the typical gentle rolling slopes and watercourses of this district.
- The area has numerous springs and seeps which are the headwaters of Te Onepoto Stream which flows down the valley to Porirua harbour.

- The seeps and wetlands associated with this area have naturally regenerated since grazing ceased in 2010. It is rare to find seepages and their associated wetlands vegetated with NZ native species in the Wellington region.
- This area is an important educational resource for the community, including schools, to study the natural function and importance of protecting the headwaters of streams.
- The area is culturally and spiritually significant to many people in the Titahi Bay and wider Porirua community.

5. We submit all of Onepoto stream should be included in SNA 134 and connects to SNA 138

- Onepoto stream is site of significance to Ngāti Toa Rangātira
- Onepoto stream begin as spring-fed seeps in the headwaters of the stream and flows all the way to Onepoto estuary. Although a small area of the stream is piped in the golf course, the stream is still hydrologically linked all the way from the headwaters to the sea.
- This stream has good native fish values

6. We support SNA 223 Whanake-Thornley Street

However, there is no description in schedule 7 for it. A description should be added to Schedule 7.

7. We support SNA 136

Additional areas marked in yellow on the map should be added because they have been planted with indigenous species and have naturalised.

8. An additional area should be added to SNA 134 Te Onepoto estuary (see map in yellow)

The vegetation surrounding Onepoto Estuary comprises *Juncus kraussii* subsp. *australiensis*, *Apodasmia similis*, *Plagianthus divaricatus*, *Phormium tenax* and *Carex geminata*. This is an excellent example of the indigenous vegetation surrounding estuaries.



Part B: Specific Site – Taupō Swamp and Catchment

1.1 Overview

The Wellington Region has one of the lowest amounts of freshwater wetland habitat available in New Zealand due to the extent of degradation and habitat fragmentation. (GWRC, 2015). In 2008 it was estimated that only 2.3% of the pre-human extent of wetland is left in the Wellington Region. The only region that has lost a greater percentage is Hawkes Bay with only 1.9% remaining (MfE, 2007).

1.2 Policy Aspects

The GWRC section 32 report for the pNRP and entitled “Wetlands for the Proposed Natural Resources Plan for the Wellington Region”¹ published in July 2015 highlighted that many of the wetlands that endure in the region are degraded. In addition, it confirmed that they continue to be degraded or lost by conversion to agricultural land, changes to their hydrology, construction of adjacent roads, the introduction of invasive weeds and pest animals, and pollution.

The GWRC officer’s section 42A report for the pNRP hearings recommended that Taupō Swamp Complex be elevated from ‘Significant Natural Wetland’ to an ‘Outstanding Natural Wetland’.² This was confirmed in the decisions on submissions and is now beyond challenge.

We submit that all provisions of the C-WPR must be couched so they are consistent with the obligation under Policy P39 of the pNRP to avoid effects on the Taupō Swamp Complex.

1.3 Key Issues

Parts of Taupō Swamp catchment have been identified as the ‘Northern Growth Area’. These surround Taupō Swamp and if developed without strict conditions to contain sediments and nutrients on-site and to prevent hydrological changes to Taupō Swamp, they will have a detrimental effect on the wetland. They will also provide new weed species which can have an adverse effect on the swamp.

1.4 Support/Oppose

We support the following provisions of the C-WPR

- **Identification of parts of the Taupō Swamp Complex as being SNAs (ie; SNAs 042, 043, 044, 045, 046, and 047) so the C-WPR is consistent with the pNRP.**
- **Acknowledgement that a large part of the Taupō Swamp Complex is an ONFL.**
- **Identification of parts of the Taupō Swamp catchment as being SNAs (eg; SNAs 027 and 030).**

We note that parts of SNA043 and SNA044 are located within Plimmerton Farm and accordingly cannot be identified as SNAs via the C-WPR process. However, parts are also located in the SH One designation corridor and must be included in the SNA policy overlay. Those parts are identified in Figure 1 below.

¹ <http://www.gwrc.govt.nz/assets/Plans--Publications/Regional-Plan-Review/Proposed-Plan/Section-32-report-Wetlands.PDF>

² <http://pnrp.gw.govt.nz/assets/Uploads/HS5-Officers-S42A-Report-Wetlands-and-Biodiversity.pdf>



Figure 1: Parts of SNA043 and SNA044 to be included in the C-WPR (outlined in yellow)

We oppose the following aspects of the C-WPR

- The C-WPR does not include sufficient provisions to ensure adverse effects on Taupō Swamp from land development within the catchment are avoided, and therefore to ensure that the C-WPR is not inconsistent with the pNRP³.
- The C-WPR does not include sufficient provisions to ensure all natural wetlands and areas with indigenous vegetation are retained.
- The C-WPR provisions do not prevent natural wetlands being used to filter sediments or nutrients. Buffer areas around wetlands must be established to provide the filters needed.
- The C-WPR provisions will not ensure that all hydrological functionality of wetlands and drainage topography contributing to Taupō Swamp is retained including base, average, total and peak flows.
- The C-WPR does not include policies requiring all landscaping or gardens within the Northern Growth Strategy area to use only eco-sourced locally appropriate indigenous plants.
- The C-WPR does not include policies to ensure that all new subdivisions within the Northern Growth Strategy area will be pest free. We would ideally like this to include cats.
- The C-WPR anticipates new development but currently Porirua's infrastructure is unable to accommodate it. From what we see there is no indication that future planning is taking account of this.

³ Refer section 75(4)(b) of the RMA and Policy P39 of the pNRP.

We seek adequate amendments to the provisions of the C-WPR so all these points are addressed.

We are also opposed to any amendment to the provisions of the C-WPR by way of submissions by others, or by council officer evidence and/or recommendations, that would result in the extent of the SNA policy overlay as it relates to land within the Taupo Swamp catchment being reduced.

We are also opposed to any amendment to the provisions of the C-WPR by way of submissions by others, or by council officer evidence and/or recommendations, that would result in natural wetlands not being defined on the policy overlay maps.

Part C: 10A The Track Plimmerton – proposed rezoning in the C-WPR

1. There was no specific consultation undertaken about this component of the city-wide plan review. The zoning report claims that the general community engagement undertaken through the Draft District Plan engagement in September 2019 was sufficient. This fails to acknowledge previous case law⁴ which has established that, for site specific re-zonings such as this, the council must investigate and decide which persons would be directly affected and what further information should be provided.

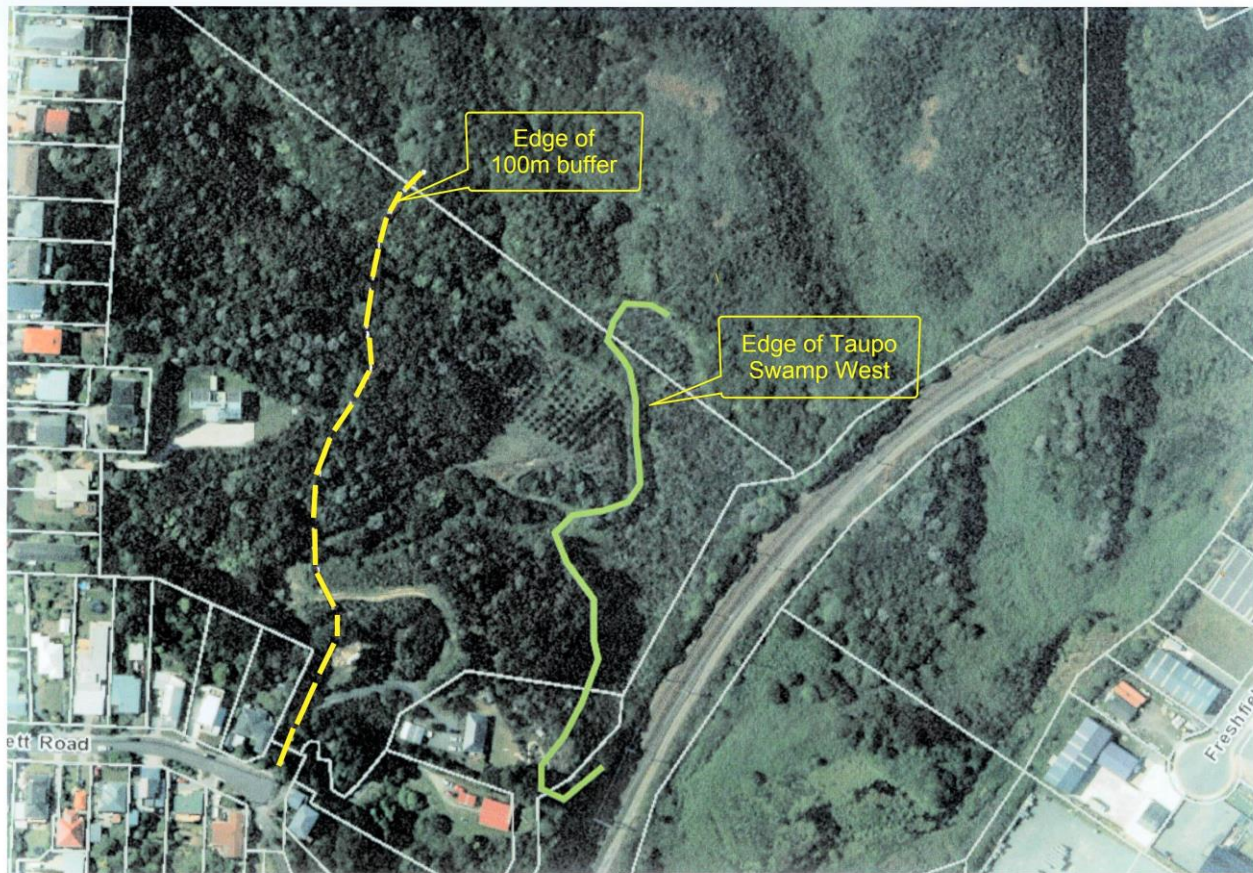
We consider the council should have concluded that all existing residents of Corlett Road are directly affected by this rezoning and that they should have engaged with them directly. Some of our members live on that street (and have been homeowners there for over 30 years) and they are completely unaware of this proposed rezoning document which is imbedded amongst all the information on the PCC website. There has been no community engagement. FOTSC is therefore not at all surprised that there has been no feedback to date.

2. The rezoning of the land so part of the site is within “General Residential” is inconsistent with the indicative maps included in the Northern Growth Structure Plan and the Growth Strategy 2048 both of which showed the land being zoned ‘rural-residential’.
3. The Council assessment (the rezoning report) included with the notified plan change assumes that certain key aspects of the plan change are a fait accompli; for example,
 - a. this text relating to access tracks through SNAs: *“However, the ECO chapter provides for vegetation clearance for the maintenance of existing driveways”*; and,
 - b. this text about the activity status of a subdivision of land containing a SNA: *“Subdivision of any lot containing an SNA is a restricted discretionary activity.”*
4. Residential subdivision of land which can only be serviced by a wastewater network that has insufficient capacity is not appropriate in this day and age, and is a recipe for further pollution of our waterways when there is a power failure and/or the wastewater detention tanks reach their capacity. Any failure of the existing waste water system has the potential to result in sewage pollution of Taupo Swamp and its connected waterways. The Porirua infrastructure system is already out of capacity and overflows in the vicinity of the southern end of Mana Esplanade on a regular basis.
5. Residential subdivision of land which is not able to be provided with standard roading is not appropriate. If this land was within a greenfield development the Council would be requiring Corlett Road to be formed at ‘Level 4’ which requires a legal width of 21 metres with 15.5 metres of that comprising parking (2.5m), traffic lanes (2x3m), cycle lanes (2x1.5), footpaths (2x1.5m), and an infrastructure berm (1m). Corlett Road has a legal width of only 15m, a carriageway of 7m and a footpath that at best is less than one metre wide. Any subdivision (where it is not infill of existing residential land) should only be provided for where the Council’s current standard for roading can be achieved. This is clearly not possible on this site and further residential development using Corlett Road should not be provided for.
6. Part of the site comprises a SNA – ‘Taupō Swamp West (south) – SNA047’. This wetland is also part of Taupo Swamp Complex which is recognised in the proposed Natural Resources Plan (pNRP) as ‘a waterbody with outstanding biodiversity values’. There are two points in this regard:

⁴ Refer ‘Creswick Valley Residents Assoc. Inc. v Wellington City Council [2012] NZHC 644’.

- a. Policy P39 of the pNRP requires all adverse effects on the Taupo Swamp Complex to be avoided. The Council in the assessment of the zone change proposal is silent about how adverse effects associated with sediment discharge, hard surfacing and changes to the hydrology of catchment, and pest plants and animals will be avoided if the land is rezoned for residential development.
- b. National Environmental Standards for Freshwater (NES-FW) came into effect on 3 September 2003. Regulation 54(c) of the NES-FW says that: *“the taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland”* is a non-complying activity. Non-complying activity status signals that the activity is not appropriate in that location and that consent is unlikely to be forthcoming. There is no reticulated stormwater network able to service a new development on the land and therefore all stormwater will have to be disposed off to ground, which is an activity potentially prevented under Reg.54 of the NES-FW. Moreover, the 100m buffer around the perimeter of the wetland takes in about half of No. 10A the Track and encompasses all of the house sites for Lots 1 – 7 shown the plan provided by the owner. It is inappropriate from a resource management perspective for the council to consider rezoning land for residential development when each subsequent owner will need consent for a noncomplying activity under a national policy statement and it is probable that that consent won't be granted. Land should only be rezoned when there is certainty that the subsequent use and its effects are appropriate from a resource management perspective.

The implications of the NES-FW are that there can be no certainty in this case and therefore the land cannot be rezoned.



We wish to be heard in support of our submission.

If others make a similar submission, we will consider presenting a joint case with them at a hearing.

Person authorised to sign
on behalf of submitter

Judy McKoy

FOTSC executive

20 November 2020

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Contact person: as above

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

Sorry I missed those points- rectified below. NOTE: I have selected the 'have not' option for point 2 (a) and (b) below. I am a resident of Corlett Road (pertaining to the Zone change item) but this submission is the FOTSC summary of input from our membership, not me personally. I am happy for you to ring me if you need further clarification on those points. 021 2639844

Thank you

Judy McKoy

From: dpreview [mailto:dpreview@porirua.govt.nz]
Sent: Friday, 20 November 2020 11:23 AM
To: Judy McKoy <judymckoy@xtra.co.nz>; dpreview <dpreview@porirua.govt.nz>
Cc: 'Bill McAulay' <tauposwamp@gmail.com>
Subject: RE: [EXTERNAL] District plan Review- Submission from FOTSC

Kia Ora Judy,

Thank you for your submission on the Proposed Porirua District Plan. This is an acknowledgement to let you know we have received your submission.

It would be appreciated if you could please address the one outstanding matter below for your submission.

Once this has been addressed then we will send you a formal acceptance email.

Thank you

Louise

Outstanding matter to address

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.