



20 November 2020

Submission on publicly notified Proposed Porirua District Plan

Clause 6 of the First Schedule, Resource Management Act 1991

RMA Form 5

To: Porirua City Council
 PO Box 50-218, Porirua 5240
 By email: dpreview@pcc.govt.nz

1. Submitter details:

Organisation	Queen Elizabeth the Second National Trust (QEII)	
Contact Person	Malcolm Lucas	
Email Address for Service	mlucas@qeii.org.nz	
Address	PO Box 3341	
	Wellington	6140
Phone	04 471 4191	

2. This is a **submission** on the **Proposed District Plan** for Porirua.
3. QEII could not gain an advantage in trade competition through this submission.
4. QEII wishes to be heard in support of this submission.
5. QEII will consider presenting a joint case with other submitters, at a hearing, who make a similar submission.

Introduction

QEII National Trust (QEII) welcomes the opportunity to review and provide feedback on the Porirua City Council's Proposed District Plan (PDP).

QEII is an independent statutory organisation that plays a critical role in protecting and enhancing open space in Aotearoa New Zealand. The Trust was established under the Queen Elizabeth the Second National Trust Act 1977 and our purpose is to encourage and promote the provision, protection, preservation, and enhancement of 'open space' for the benefit and enjoyment of present and future New Zealanders.

We work alongside landowners to place Open Space Covenants (OSC) on their land to protect areas with open space values, in perpetuity. The scope of 'open space' is wide; we protect areas of cultural, historical, landscape, and most often, land with high biodiversity and conservation values. We also own and manage properties with open space values across Aotearoa New Zealand.

Our key interests in the Porirua District relate to QEII covenants and properties, and the impacts that growth and development in the District may have on the values protected in these areas.

QEII is active in the Porirua District through the following:

- 26 registered QEII covenants protecting a total area of 70.8 ha.
- Ownership of 29.7 ha of Taupō Swamp Complex which we protect as open space. The entire Taupō Swamp Complex (43 ha) is a nationally representative example of a topogenous lowland freshwater mire (peat-forming wetland).
- Paekākāriki Escarpment – QEII has a Licence to Occupy this area with Kiwirail and a Management Agreement with Ngā Uruora for the protection and management of indigenous biodiversity values at the site.

Our submission is primarily focused on advocating for provisions in the District Plan that will protect and safeguard the values protected with QEII in the District. We have also made submissions on provisions in the plan related to protection of open space and the natural environment more widely within the Porirua District.

The Porirua District Plan is obliged to enable development within the ecological capacity of the District. It is our view that the Proposed District Plan does not go far enough to protect open space values and the natural environment.

If the changes we have requested are made, we expect that the high biodiversity values of the Porirua District will be protected and enhanced into the future.

Key issues

We make submissions on the following aspects of the Proposed District Plan.

Strategic Direction - NE – Natural Environment:

Given the increasing pressure for housing, growth and development in the Porirua District, there needs to be strengthened direction for protection, management, and enhancement/restoration of the natural environment.

It is inevitable that development will continue in the Porirua District, and without clear direction and policy there is a real risk that this could occur at the expense of the natural environment and the very values that make the District so special. We have suggested the inclusion of extra provisions in this section to address these issues more comprehensively.

ECO – Ecosystems and indigenous biodiversity:

Indigenous biodiversity nationwide is under intense pressure from competing land uses. The Porirua District contains many identified SNA, and the NPS-FM and proposed NPS-IB clearly indicate that steps need to be taken to safeguard areas that qualify as SNA, particularly wetlands.

It is inappropriate to limit protections to only SNA that have been identified. Given that the identification process only had involved very limited ground truthing, we submit that it is likely areas of significant indigenous vegetation and significant habitats of indigenous fauna that would meet the Regional Policy Statement criteria for SNA status have been missed. This submission is supported by

QEII's recent experience with unidentified areas that were considered to meet SNA criteria by several ecologists during the PC18 process.

Limiting protection to only SNA identified in the Schedule also fails to afford protection to any areas that may recover once the plan is operative (for example, in line with targets for restoration in the proposed National Policy Statement for Indigenous Biodiversity).

We also have concerns around the breadth of activities that are specifically dealt with in this Chapter, especially those given Permitted status, instead of a focus on effects. This results in uncertain and insufficient protection for the values the ECO Chapter is designed to protect. We have submitted that the provisions need to be significantly amended to ensure that the natural values of each site and receiving environments will be protected.

We submit that the plan does not currently offer appropriate protection for sites with ecological values (especially wetlands) from activities outside of those sites that will impact them (e.g. where an SNA is a receiving environment).

Several changes QEII has proposed would bring the plan closer into alignment with recent district plans that QEII supports or approves of, such as the Invercargill City District Plan 2019. QEII encourages Porirua City Council to look to that plan for examples of best practice protection for ecological values.

Lastly on the ECO Chapter, QEII notes that significant effort has been put into developing policies to protect ecological areas as part of the PC18 process. While we do not necessarily endorse all the objectives, policies, and rules specific to that area, we submit that where those provisions are stricter regarding protection of ecological values, the District Plan should align with them.

QEII seeks:

- a. Amendment to the definition of Significant Natural Area
- b. Amendment to ECO Policies, and consequential amendments to other provisions, to remove the reference to "identified" areas and values of SNA
- c. Removal of references to identified values only
- d. Clarification that additional, not-yet-identified, areas may qualify for SNA status per RPS Policy 23
- e. Widening of scope for protection of wetlands
- f. Removal of duplicated policies
- g. Alignment with PC18
- h. Additional provisions to provide for integrated management of wetlands and ensure councils functions are carried out to give effect to the NPS-FM, the NES for Freshwater, and regional plan provisions.

NFL – Natural Features and Landscapes:

QEII is particularly interested in the provisions related to Outstanding Natural Features and Landscapes that may affect ONFL002 – Taupō Swamp Complex. QEII owns 29.7 ha of the Taupō Swamp Complex, which we protect as open space.

The natural values of the Taupō Swamp Complex and parts of its catchment have been acknowledged in several planning documents in addition to those listed in Schedule 9, which should be added to the information in the Schedule, for example:

- The Taupō Swamp Complex has been identified as a wetland with outstanding indigenous biodiversity values (Schedule A3) in the Proposed Natural Resources Plan for the Wellington Region (PNRP)
- Taupō Stream (and all its tributaries) is listed as a River with Significant Indigenous Ecosystems in the PNRP and Regional Policy Statement (RPS) for the Wellington Region

To achieve consistency with the GWRC PNRP (e.g. policy 39) and RPS (e.g. policies 24, 26 and 43), the NFL provisions should be amended to ensure all adverse effects on the ONFL are avoided. This is appropriate given the high values of ONFL sites and the likelihood that any adverse effects will be irreversible.

QEII seeks avoidance for all adverse effects on Outstanding Natural Features and Landscapes because the significance of these areas warrants a higher level of protection. This would be consistent with the GWRC PNRP.

Future Urban Zone:

We support the rationale behind inclusion of a Future Urban Zone as this will ensure a well-planned and structured approach to future urban development. Provided that changes are made in the FUZ Chapter to align with protections sought elsewhere in our submission, we believe the FUZ Chapter will lead to improved outcomes for urban development in Porirua.

Accordingly, the only changes we seek in relation to the FUZ are those to ensure consistency with other changes we have sought, particularly in relation to SNA and ONFL.

Infrastructure:

We have made limited comments on specific infrastructure provisions that relate to wetlands and SNA, essentially seeking to ensure that the Infrastructure Chapter appropriately acknowledges protection required for these areas.

Definitions

We have made specific comments on some definitions in alignment with other aspects of our submission, particularly focused on ensuring open space values in the district are appropriately protected.

Comments on specific plan provisions:

Below we make further comments on the plan provisions. The list is not exhaustive, and further changes will need to be made to deal with the concerns we have outlined above.

Specific provision	Support/ Amend/Oppose	Reason for submission	Relief sought
Definitions			
Conservation activity	Oppose	<p>This definition is broad and not exclusive, so it is inappropriate to permit activities based on this definition alone.</p> <p>There is no policy direction to support or guide the permitted activity rules included in the various zone rules based on this definition of conservation activity.</p> <p>Permitting this activity without appropriate parameters could result in adverse effects which are inconsistent with the RPS and NZCPS.</p> <p>For example, track building has the potential to cause significant adverse effects on biodiversity values.</p> <p>This definition should be deleted, and appropriate parameters should be placed around the specific activities sought to be provided for in each relevant chapter.</p>	Delete definition and replace with detail around activities to be permitted in each relevant chapter.
Hydraulic neutrality	Oppose	We suggest that the definition for hydraulic neutrality should align with the meaning adopted in PC18, and should consider impacts within a site.	<p>Replace definition with the following:</p> <p>Hydraulic neutrality</p> <p><u>means managing stormwater runoff from all new lots or development areas (through either on-site disposal or storage), to ensure that post-development peak runoff flow does not exceed pre-development peak flow rate in all flood events up to and including the 1 in 100-year</u></p>

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			<u>event, quantitatively assessed against the 1 in 10 year and 1 in 100 year design event as a minimum.</u>
Significant natural area	Amend	<p>The scope of this definition needs to be widened to cover all indigenous ecosystems and habitats with significant indigenous biodiversity values, not just those already identified and mapped in SCHED7 of the PDP.</p> <p>Amending this definition as suggested will also ensure alignment with Policy 23 of the Wellington Regional Policy Statement.</p>	<p>means <u>any</u> area of significant indigenous vegetation or significant habitat of indigenous fauna <u>that meets the criteria for ‘Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plan’ (policy 23).</u> This includes those <u>significant natural areas</u> identified in SCHED7 - Significant Natural Areas.</p>
Definition missing: ‘Vegetation removal’	Oppose	A definition is required to ensure the vegetation removal covers all relevant activities.	<p>Include new definition: <u>Vegetation removal</u> <u>means the removal or destruction of vegetation (exotic or indigenous) by mechanical or chemical means, including felling vegetation, spraying of vegetation by hand or aerial means, hand removal, and the burning, smothering or clearance of vegetation by any other means.</u></p>
Wetland	Support	It is appropriate to adopt the RMA definition.	Retain as notified.
Maintenance and repair	Amend	<p>We support the definition of these terms. However, we are concerned that it is not clear why this definition is only provided in relation to “infrastructure” when the term ‘maintenance’ is used in several other places (and linked in the e-</p>	<p>Amend the definition of Maintenance and Repair as follows: “Maintenance and repair means any repair, work, or activity necessary to continue the operation and / or functioning of existing</p>

Specific provision	Support/ Amend/Oppose	Reason for submission	Relief sought
		<p>plan). This creates uncertainty particularly in the INF and ECO Chapters.</p> <p>QEII submits that the definition should clarify whether it is intended to include activities like maintenance of fences, houses, or other residential buildings and structures, and to clarify whether it applies in relation to conservation activities, and to cycle ways and shared paths.</p> <p>We submit that the definition needs to be clear that maintenance, as a permitted activity, is only provided with respect to lawfully established existing infrastructure, buildings, and structures.</p>	<p>infrastructure, buildings, and structures. It does not include upgrading.</p> <p>Amend permitted rules for maintenance activities that may affects indigenous biodiversity, so that they only apply to lawfully established existing infrastructure, buildings and structures and are within appropriate limits to protect and maintain indigenous biodiversity.</p> <p>Provide for maintenance of other existing infrastructure, buildings, and structures (that may not be lawfully established) subject to consenting requirements in situations where there are potential adverse effects on indigenous biodiversity.</p>
Strategic Direction – NE - Natural Environment			
<p>NE-O1 - Natural character, landscapes and features and ecosystems</p>	<p>Amend</p>	<p>We seek the inclusion of an objective that explicitly recognises the importance of maintenance and, where appropriate, enhancement and restoration, of the natural environment in the Porirua District.</p>	<p>The natural character, landscapes and features and ecosystems that contribute to Porirua’s character and identity and Ngāti Toa Rangatira’s cultural and spiritual values are recognised and protected.</p> <p>Add, in addition:</p> <p><u>1. Indigenous biodiversity and areas that provide habitat for indigenous biodiversity values are maintained to a healthy functioning state and, where appropriate, restored and enhanced.</u></p> <p><u>2. The natural character and biodiversity of wetlands, and rivers and their margins, are protected and, where appropriate, enhanced.</u></p>

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NE-02 - Open space	Support	QEII supports the recognition of areas with natural, ecological, and landscape values in this objective.	Retain as notified.
NE-03 - Preventing further degradation of Te Awarua-O-Porirua Harbour	Oppose	Objective 4 is positive, and it incorporates the objective outlined here. Therefore, objective NE-03 is redundant and should be removed.	Delete objective NE-03
NE-04 - Health and wellbeing of Te Awarua-O-Porirua Harbour	Support	QEII supports this objective and believe it covers all the matters covered by NE-03 with a better, more positive direction.	Retain as notified.
ECO - Ecosystems and Indigenous Biodiversity			
ECO-01 – Significant Natural Areas	Amend	We have suggested a change to the definition for Significant Natural Areas which recognises that all indigenous biodiversity values should be protected, not just the ones that have already been identified and mapped.	The identified values of Significant Natural Areas are protected from inappropriate subdivision, use and development and, where appropriate, restored.
ECO-02 – Plantation Forestry	Oppose	While we appreciate that plantation forestry can have substantial detrimental effects on ecosystems and indigenous biodiversity, having a specific objective to deal with it distracts from other activities with similarly detrimental effects.	Delete objective ECO-02.

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<p>ECO-P1 – Identification of Significant Natural Areas</p>	<p>Support</p>	<p>It is appropriate to carry out this identification and to implicitly acknowledge that the identification process is not complete.</p> <p>The existence of this policy requiring ongoing work to identify SNA supports our other submissions regarding the inappropriateness of provisions that restrict protections to identified values of identified SNA.</p>	<p>Retain as notified.</p>
<p>ECO-P2 – Protection of Significant Natural Areas</p>	<p>Amend</p>	<p>QEII does not support biodiversity compensation. By not achieving like-for-like outcomes as in offsetting, the values adversely affected by an activity are not protected. This means biodiversity compensation will not achieve protection of SNAs, which is inconsistent with the RPS and s 6(c) of the RMA.</p> <p>We strongly submit that it is inappropriate to restrict the ECO provisions to identified SNA. This will not achieve protection of the likely many sites meeting SNA criteria under the RPS that will not be listed when the plan is made operative.</p> <p>We also submit that restricting protection to identified values is similarly flawed. To comply with all relevant higher order planning documents, reference should simply be made to adverse effects on SNA.</p> <p>This would be consistent with several other District Plans that QEII supports, for example the Invercargill City District Plan 2019.</p>	<p>Amend ECO-P2 as follows:</p> <p>Protect the biodiversity values of Significant Natural Areas, <u>including those</u> identified within SCHED7 - Significant Natural Areas, by requiring subdivision, use and development to:</p> <ol style="list-style-type: none"> 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

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			<p>where the principles of APP9 – Biodiversity Compensation are met.</p>
<p>ECO-P3 – Appropriate use and development in Significant Natural Areas</p>	<p>Amend</p>	<p>We echo concerns raised above regarding restriction of ECO chapter to <i>identified</i> values in <i>identified</i> SNA.</p> <p>We submit that this policy should be based on effects rather than specific activities. The activities listed here may cause substantial damage to SNA in a manner inconsistent with the RPS and s 6(c) RMA.</p> <p>This policy should be reworded to restrict permitted status to appropriate levels of effects while suggesting activities that may have such an effect level.</p> <p>We have proposed an amendment consistent with the equivalent policy in PC18.</p> <p>We also note that the notified definition of ‘maintenance’, linked in the e-plan is not appropriate for the use of the word in this policy, either as notified or as we have suggested it be changed.</p>	<p>Amend as follows:</p> <p>Consider allowing for vegetation removal within SNAs for the following activities where the vegetation removal is of a scale and nature that maintains the biodiversity values:</p> <ol style="list-style-type: none"> 1. Maintenance around existing buildings; 2. Safe operation of existing roads, tracks and accessways; 3. Restoration and conversation activities; 4. Opportunities to enable tangata whenua to exercise customary harvesting practices.
<p>ECO-P4 – Other subdivision, use and development in SNAs</p>	<p>Oppose</p>	<p>This policy unnecessarily duplicates ECO-P2, and in doing so is only weakening the protection provided by P2. For example, this policy starts at ‘minimisation’ for earthworks or fragmentation,</p>	<p>Delete ECO-P4, retaining anything relevant in ECO-P2 as an advice note about determining whether the effects management hierarchy has been correctly applied to determine appropriateness of an activity.</p>

Specific provision	Support/ Amend/Oppose	Reason for submission	Relief sought
		<p>when the effects management hierarchy requires avoidance as a first step.</p> <p>We submit that this policy should be deleted.</p> <p>Any guidance around assessing whether the protections of ECO-P2 have been implemented should be included in P2, possibly as an advice note or explanation.</p>	
<p>ECO-P5 – Protection of wetlands</p>	<p>Amend</p>	<p>QEII supports avoidance of loss or degradation of the indigenous biodiversity values of wetlands as consistent with the NPS-FM. However, we submit that it is inappropriate to limit this to identified values, and only to wetlands identified as SNAs within SCHED7 - Significant Natural Areas (?).</p> <p>We acknowledge that there are functions related to wetlands which are the responsibility of the Regional Council. We suggest that a note be added to acknowledge the integrated management between GWRC and PCC that will be necessary to ensure compliance with NPS-FM.</p>	<p><u>Require subdivision, use and development to avoid adverse effects on the indigenous biodiversity values of natural wetlands, and loss of extent of natural wetlands, including those identified as SNAs within SCHED7 - Significant Natural Areas.</u></p> <p><i>Note: The identification and management of natural wetlands is a function of Greater Wellington Regional Council. Refer to the National Environmental Standard for Freshwater 2020 and the Natural Resources Plan for the Wellington Region</i></p>
<p>ECO-P6 – Development of existing vacant lots</p>	<p>Oppose</p>	<p>We oppose this policy.</p> <p>ECO-P2 gives sufficient policy direction for assessing activities with effects on SNA, there is no need for an additional policy to deal specifically with applications for detrimental effects on SNA for housing.</p> <p>The RMA is clear that SNA are to be protected, and ECO-P2 provides for that protection. All of</p>	<p>Delete ECO-P6</p>

Specific provision	Support/ Amend/Oppose	Reason for submission	Relief sought
		the considerations in ECO-P6 are covered by the effects management hierarchy in ECO-P2, making P6 redundant.	
<p>ECO-P7 – Protection and restoration initiatives</p> <p>Add new policies-</p> <ul style="list-style-type: none"> -Biodiversity initiatives -Restoration initiatives- planting -Other legislation 	Amend	<p>This policy is important, but as written it doesn't set any clear direction for how protection and restoration may be achieved.</p> <p>The Council is well placed through its relationships with landowners, community groups and others to support and coordinate efforts to protect, manage and enhance/restore indigenous ecosystems and habitats in the District.</p> <p>We suggest that three new policies be added to provide specific direction for protection and where appropriate, restoration of indigenous biodiversity in the District.</p>	<p>Delete current ECO-P7</p> <p>Add new Policy: Biodiversity initiatives</p> <p><u>Actively encourage and support initiatives by landowners, community groups and others to protect, manage and where appropriate, enhance/restore:</u></p> <ol style="list-style-type: none"> 1. <u>Indigenous species, ecosystems, and habitats.</u> 2. <u>All aquatic ecosystems and habitats</u> 3. <u>Coastal features, ecosystems and habitats</u> <p>Add new Policy: Restoration initiatives - planting</p> <p><u>When undertaking planting as part of restoration and enhancement activities, encourage the use of locally sourced indigenous vegetation.</u></p> <p>Add new Policy: Other Legislation</p> <p><u>To use, and promote the use of, other legislation, including the Reserves Act 1977, the Conservation Act 1987, the Biosecurity Act 1993 and the Queen Elizabeth the Second National Trust Act 1977, where this will result in the long-term protection of areas of indigenous biodiversity.</u></p>

Specific provision	Support/ Amend/Oppose	Reason for submission	Relief sought
ECO-P8 – New plantation forestry	Amend	We support the intention of this policy but as per our previous suggested amendments submit that it should not be restricted to listed SNAs.	Avoid the establishment of new plantation forestry within Significant Natural Areas listed in SCHED7 – Significant Natural Areas .
ECO-P9 – Existing plantation forestry	Oppose	<p>We submit that the two intentions of this policy (providing for existing forestry and maintaining/restoring biodiversity values) do not align.</p> <p>Existing plantation forestry in Significant Natural Areas should be allowed to continue where there are no adverse effects on the area’s biodiversity values.</p>	<p>Amend ECO-P9 as follows:</p> <p>Allow for existing plantation forestry <u>and associated activities</u> within Significant Natural Areas <u>where there are no adverse effects on the area’s biodiversity values</u>.</p>
ECO-P11 - Earthworks within Significant Natural Areas	Amend	<p>As per our previous amendments, we submit that it is inappropriate to include only identified values of SNAs in this policy.</p> <p>We strongly support avoidance of any earthworks within any wetland as set out in ECO-P11.3.</p> <p>However, we submit that to ensure the District Plan is consistent with the NES-Freshwater, this should be extended to earthworks that may detrimentally affect a wetland.</p> <p>Given that adverse effects must be addressed in accordance with ECO-P2, we submit that it is not necessary to specify that offsetting must be in accordance with APP8. ECO-P2 refers to standards for both Biodiversity Offsetting and</p>	<p>Amend ECO-P11 as follows:</p> <p>Only allow earthworks within <u>or affecting</u> a Significant Natural Area where it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. Any adverse effects on identified indigenous biodiversity values of a Significant Natural Area listed in SCHED7 – Significant Natural Areas are addressed in accordance with ECO-P2 and the matters in ECO-P4 and ECO-P12; 2. Any biodiversity offsetting proposed is in accordance with APP8 – Biodiversity Offsetting; and 3. Any earthworks <u>that are within or will affect</u> a wetland are avoided.

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		<p>Compensation, and therefore point 2 is redundant.</p> <p>We are concerned that the references to three specific policies in ECO-P11.1 may unduly restrict consideration of adverse effects of earthworks on SNA, when there will be other policies that need to be considered as well.</p> <p>We note that this Policy may need consequential amendments based on our requested changes to ECO-P4 and ECO-P12.</p>	
<p>ECO-P12 – Significant Natural Areas within the coastal environment</p>	<p>Amend</p>	<p>As above, we submit that the Policy should be amended to include all SNAs and all values, not just identified.</p>	<p>Amend as follows:</p> <p>Only allow activities within an identified Significant Natural Area in the coastal environment where it can be demonstrated that they:</p> <ol style="list-style-type: none"> 1. Avoid adverse effects on the matters in Policy 11(a) of the New Zealand Coastal Policy Statement 2010; and 2. Protect <u>all the identified</u> values in SCHED7– Significant Natural Areas in accordance with ECO-P2 and ECO-P4.
<p>ECO-R1 - Removal of indigenous vegetation within a Significant Natural Area</p>	<p>Amend</p>	<p>We support the rationale behind this rule.</p> <p>However, we have concerns that the impacts of these activities may range from small to significant and submit that it would be appropriate for the rule to be reworded to focus on effects rather than activities.</p>	

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		We support the use of additional Standards to clarify the difference between small scale works that could be given Permitted status and larger more damaging works that should still be subject to a consent process.	
ECO-R2 – Removal of non-indigenous (exotic) vegetation within a Significant Natural Area	Amend	Exotic vegetation within in SNA can contribute to the values of the SNA. Removal of non-indigenous vegetation should only be a permitted activity where there is no adverse effect on indigenous biodiversity values in that SNA.	Amend as follows: 1. Activity status: Permitted <u>Where:</u> a. <u>The works have no adverse effects on the indigenous biodiversity values in the Significant Natural Area.</u>
ECO-R3 – Restoration and maintenance of a Significant Natural Area	Amend	Like the other ECO Rules, we submit that activities under this rule should be subject to standards that would apply different levels of control to different levels of effects. The matters of discretion should not be limited to specific ECO policies, instead we submit this should simply canvas all effects on the SNA.	Amend as follows: Matters of discretion are restricted to: i. <u>Effects on the values of the Significant Natural Area</u> The matters in ECO-P2; and ...
ECO-R4 – Earthworks within a Significant Natural Area	Amend	As this rule is related to earthworks resulting in vegetation clearance, we submit that this should be made clear and that this Rule should include a reference to the Earthworks chapter, and that the Earthworks chapter should have at least a note indicating that the ECO chapter must be considered when earthworks may impact on SNA.	Amendments to refer to vegetation clearance as follows: 1. Activity status: Permitted <u>Where:</u> a. The earthworks:

Specific provision	Support/ Amend/Oppose	Reason for submission	Relief sought
		As above at ECO-P11, we submit that, to ensure the District Plan is consistent with the NES-Freshwater, ECO-R4-1-b. should be expanded to include earthworks that may detrimentally affect a wetland.	<ul style="list-style-type: none"> ii. Do not have a detrimental impact on the SNA involve the removal of any indigenous vegetation; or iii. Are for the maintenance of existing public walking or cycling access tracks, as carried out by Porirua City Council, Greater Wellington Regional Council or their nominated contractor or agent; and <p>b. The earthworks do not occur within <u>or have a detrimental effect on</u> any wetland.</p>
ECO-R5 – Construction of a residential unit on a vacant allotment within a Significant Natural Area		<p>As above, we submit that this rule should be amended to refer specifically to vegetation clearance within SNA, and tie into the associated Policies.</p> <p>We appreciate the rationale behind some provision for vegetation clearance for residential development, however we submit that applications for vegetation clearance that do not comply with the Controlled status should be Non-Complying, to avoid excessive scope for damage to indigenous biodiversity under this Rule.</p> <p>We also strongly oppose applications under this rule being precluded from being publicly or limited notified.</p>	<p>Reframe rule to specifically refer to vegetation clearance and provide specific limits on acceptable levels of effects.</p> <p>Amend Activity Status to Non-Complying where compliance is not achieved with ECO-R4.</p>
ECO-R7 – Removal of indigenous vegetation within Significant Natural Areas		We submit that this rule should be removed as it duplicates ECO-R9 and creates confusion as to which Rule applies.	Delete ECO-R7

Specific provision	Support/ Amend/Oppose	Reason for submission	Relief sought
ECO-R8 – New plantation forestry within a Significant Natural Area	Support	We support protection of SNA from plantation forestry (provided the definition of SNA we have sought above is adopted).	Retain as written
ECO-R9 – Any activity within a Significant Natural Area not otherwise listed as permitted, controlled, restricted discretionary, or discretionary	Support	We support this rule as it would achieve protection of SNA.	Retain as written
NFL - Natural Features and Landscapes			
NFL-O1 – Outstanding Natural Features and Landscapes	Amend	<p>Consistent with our submission on the ECO Chapter, references in the NFL Chapter to ‘identified’ values should be removed as they inappropriately limit the scope of the protections offered by this Chapter.</p> <p>This is consistent with the GWRC Natural Resources Plan where protections afforded to ONFL are not limited to identified values.</p>	The identified characteristics and values of Outstanding Natural Features and Landscapes are protected from inappropriate subdivision, use and development.
NFL-P3 - Subdivision, use and development within Outstanding Natural Features and Landscapes and Special Amenity Landscapes (outside the Coastal Environment)	Amend	<p>The characteristics and values of Outstanding Natural Features and Landscape warrant a higher level of protection - all adverse effects should be avoided in these areas.</p> <p>This is consistent with the GWRC Natural Resources Plan, where adverse effects on ONFL must be avoided.</p>	<p>Consider splitting the Policy to separate ONFL and SAL so ONFL can receive higher protection.</p> <p>Otherwise, amend as follows:</p> <p>Except as provided for in NFL-P5, only allow subdivision, use and development within identified Outstanding Natural Features and Landscapes or Special Amenity Landscapes where it:</p>

Specific provision	Support/ Amend/Oppose	Reason for submission	Relief sought
		<p>Differentiation may be required between ONFL and SAL so that appropriate protection is afforded to ONFL.</p> <p>As above, protection should not be restricted to identified characteristics and values.</p>	<ol style="list-style-type: none"> 1. Avoids significant adverse effects on the identified characteristics and values of described in SCHED9 Outstanding Natural Features and Landscapes; 2. <u>Avoids significant adverse effects and avoids, remedies, or mitigates any other adverse effects on the characteristics and values of and</u> SCHED10 Special Amenity Landscapes; and, 3. ...
<p>NFL-P4 - Appropriate use and development in Outstanding Natural Features and Landscapes and Special Amenity Landscapes</p>	<p>Amend</p>	<p>As above, protection should not be limited to identified characteristics and values.</p>	<p>Amend NFL-P4 as follows:</p> <p>Allow use and development where:</p> <ol style="list-style-type: none"> 1. It is of a scale and nature that maintains or restores the identified characteristics and values of described in SCHED9 Outstanding Natural Features and Landscapes and SCHED10 - Special Amenity Landscapes, including landscape restoration and conservation activities; or 2. It is associated with farming activities for an established working farm and maintains the identified characteristics and values of in SCHED9 Outstanding Natural Features and Landscapes and SCHED10 Special Amenity Landscapes.
<p>NFL-P6 - Earthworks</p>	<p>Amend</p>	<p>As raised above regarding NFL-P3, the characteristics and values of Outstanding Natural Features and Landscape warrant a higher level of</p>	<p>Only allow earthworks within an identified Outstanding Natural Features and Landscapes or Special Amenity Landscapes where it:</p>

Specific provision	Support/ Amend/Oppose	Reason for submission	Relief sought
		<p>protection - all adverse effects should be avoided in these areas.</p> <p>Restrictions to identified characteristics and values should also be removed to ensure appropriate protection for these areas.</p>	<ol style="list-style-type: none"> 1. Avoids significant adverse effects on the identified characteristics and values of described in SCHED9 Outstanding Natural Features and Landscapes and SCHED10 Special Amenity Landscapes; 2. <u>Avoids significant adverse effects and avoids, remedies, or mitigates any other adverse effects on the identified characteristics and values of Special Amenity Landscapes;</u> 3. ...
<p>NFL-P9 – Mining and quarrying activities within Outstanding Natural Features and Landscapes or Special Amenity Landscapes</p>	<p>Support</p>	<p>We support this policy direction as it provides appropriate protection for ONFL from mining and quarrying activities.</p>	<p>Retain as written</p>
<p>NFL-P11 – Plantation Forestry within Outstanding Natural Features and Landscapes</p>	<p>Amend</p>	<p>The significance of ONFLs warrants avoidance of all adverse effects.</p> <p>Restrictions to identified characteristics and values should also be removed to ensure appropriate protection for these areas.</p>	<p>Avoid the establishment of new plantation forestry within identified Outstanding Natural Features and Landscapes while providing for existing plantation forestry and associated activities where these avoid, remedy or mitigate any adverse effects on the identified characteristics and values of described in SCHED9 Outstanding Natural Features and Landscapes.</p>
<p>NFL-R1 – Earthworks or land disturbance within an Outstanding Natural Feature and Landscape or Special Amenity Landscape</p>	<p>Support</p>	<p>We support this Rule because, coupled with the ECO chapter and provided consequential amendments are made in accordance with our submissions on the NFL Policies, this Rule will ensure adverse effects of activities on ONFL are avoided.</p>	<p>Retain as written, albeit with consequential amendments based on changes sought to NFL Policies.</p>

Specific provision	Support/ Amend/Oppose	Reason for submission	Relief sought
Future Urban Zone			
FUZ Chapter	Amend	<p>QEII supports the considered approach to urban planning indicated by the inclusion of an FUZ.</p> <p>The only amendments we seek to this Chapter are those to align the Objectives, Policies, and Rules with amendments sought elsewhere in this submission. For example, to ensure adverse effects on ONFL are avoided, rather than just significant effects.</p>	Amend the FUZ Chapter Objectives, Policies, and Rules to align with amendments sought elsewhere in this submission.
Energy Infrastructure and Transport – Infrastructure			
INF-R5 – The maintenance and repair and removal of existing infrastructure including any existing ancillary vehicle access tracks, within any Overlay	Amend	<p>We agree that it is appropriate that permitted status does not apply in wetlands as in Rule 5.1.b.</p> <p>We submit that Rule 5.7 should indicate that works in a wetland may be non-complying, as would be required for consistency with the NES for freshwater.</p>	Amend INF-R5.7 to refer to the ECO Chapter and indicate that some works in wetlands may be Non-Complying.
INF-R9 – Walkways, cycleways and shared paths that are located on public land other than a road	Amend	<p>On Rules 9.1.c. and d.iii, we submit that formation of tracks and walkways in SNA should be Discretionary as this activity can cause significant adverse effects.</p> <p>We submit that activities in wetlands under Rule 9.7 should generally be non-complying, given the adverse effects that can be caused, to ensure consistency with the NESFM.</p>	<p>Amend activity status for formation of tracks and walkways in SNA to Discretionary.</p> <p>Amend INF-R9.7 to better align with NES for freshwater.</p>

Signature of person authorised to sign on behalf of submitter:



Malcolm Lucas

Date: 20 November 2020