



Forest & Bird

TE REO O TE TAIAO | *Giving Nature a Voice*

Submission on publicly notified Proposed Porirua District Plan

Clause 6 of the First Schedule, Resource Management Act 1991

20 November 2020

To: Porirua City Council
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Forest & Bird could not gain an advantage in trade competition through this submission.

Forest & Bird wishes to be heard in support of this submission. If others make a similar submission, we will consider presenting a joint case with them at the hearing.

INTRODUCTION

1. Forest & Bird is New Zealand's largest non-governmental conservation organisation. Forest & Bird's mission is to protect New Zealand's unique flora and fauna and its habitat. Key matters of concern therefore relate to the protection of ecological values, particularly the sustainable management of New Zealand's indigenous biodiversity, natural landscapes, and freshwater resources including wetlands, rivers, and lakes.
2. Forest & Bird has a long history of conservation action in the Porirua district. For example, Forest & Bird has property at, and have been actively involved with the restoration of, the estuary at Pauatahanui. Forest & Bird were involved with the development and remain a partner of Te Awarua-o-Porirua Harbour and Catchment Strategy and Action Plan which is an agreed way forward for improving the health of Porirua Harbour. Forest & Bird has actively engaged with the Council throughout the District Plan review process preceding notification of the proposed District Plan.
3. We congratulate Porirua District Council on its District Plan review. However, just like Plan Change 18, it is clear that, as written, the Plan's provisions fail to give adequate protection to biodiversity and fresh water values, particularly wetlands. The proposed plan also fails to provide adequate protection to indigenous biodiversity values in the coastal environment. As proposed, the Plan is not in accordance with the Council's functions under s31, does not provide for protections required under s6 and will not achieve the sustainable purpose of Part 2 of the RMA (the Act). Forest & Bird is particularly concerned that the plan will fall short of Council's obligation to enable development *within* the ecological capacity of the Porirua District.
4. Our submission is set out in (a) Key Issues and (b) in relation to specific provisions in the table below.

KEY ISSUES

5. We make submissions on the issues under the following headings:
 1. Overarching issues
 - NPS Urban Development (NPS UD)
 - NPS Freshwater Management (NPSFM)
 - Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES FW)
 - Consistency and integration
 2. Strategic Direction
 - NE - Natural Environment
 - REE - Resilience, Efficiency and Energy
 - RE - Rural Environment
 3. Energy, Infrastructure and Transport
 - INF – Infrastructure
 - REG - Renewable Electricity Generation
 4. Historical and Cultural Values
 - TREE - Notable Trees

5. Natural Environment Values
 - ECO - Ecosystems and Indigenous Biodiversity
 - NATC - Natural Character
 - NFL - Natural Features and Landscapes
6. General District-Wide Matters
 - CE - Coastal Environment
7. Specific zone chapters and provisions

Overarching issues

NPS Urban Development

6. We acknowledge that the policy direction in the NPSUD is to provide for urban development; however, this is not to be provided at any cost. The adverse effects of development must be considered in undertaking all council functions and responsibilities, and in achieving the purpose of the Act. Porirua has highly significant and sensitive environments where development is not appropriate. It also has areas where development may be appropriate but not without considering the sensitivity of the location, including potential offsite and downstream effects.
7. However, the plan appears to be very focused on providing for urban development to the point of exclusion of meeting Council's other responsibilities and functions under the RMA.
8. The approach to overlays and zoning creates an avoidable conflict between the NPSUD direction for urban environments and the protection of significant natural areas. This is avoidable because where SNAs are identified and scheduled they can be included in "natural open space zone" or by recognising them as an important character and value of the applicable zone. This would make it clear that the area of land which contains the SNA is not (and nor is it intended to be) predominantly urban in character. A similar approach should be taken to all overlays which provide for section 6(a), (b) and (c) matters, particularly within the future urban zone (FUZ).
9. Similar issues are also avoidable outside of scheduled SNAs by ensuring the zone purpose character and value objectives include recognition of the ecological context of the zone and the importance of maintaining indigenous biodiversity values.
10. **Relief sought:**
 1. The use of a 'natural open space zone' for SCHED7 SNAs rather than a general open space zoning, and where possible rather than future urban, rural, or residential zoning.
 2. Where rural or residential zones have SNA overlays, recognise this in the zone purpose character and value objectives.
 3. Where other zones have SNA overlays, recognise this in the zone purpose character and value objectives.

National Policy Statement for Freshwater Management (2020)

11. The proposed plan acknowledges that it does not give effect to the NPS FM (2020) and states that there will be a subsequent review to determine to what extent it needs to give effect to it and that this may require a variation or plan change to implement those parts relevant to a district plan.
12. It is extremely unclear as to when this review would occur and when changes would be made operative. It is not appropriate to delay implementation when much if not all of that can be achieved through the current plan review process. In particular council should not be making decisions on this plan change that are inconsistent with giving effect to the NPS FN 2020.
13. The NPS FM (2020) came into force on 3 September 2020. It requires that "every local authority must give effect to this National Policy Statement as soon as reasonably practicable".
14. There are a number of aspects which are relevant to the Council, including specific direction set out in Part 3 Implementation.
15. This includes direction respect to integrated Management (Clause 3.5) that requires:
 1. For local authorities to adopt an integrated approach, ki uta ki tai, as required by Te Mana o te Wai;
 2. local authorities that share jurisdiction over a catchment must co-operate in the integrated management of the effects of land use and development on freshwater.
 3. Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.
16. In implementing its requirements the Council must give effect to the objectives and policies in Part 2 of the NPSFM. This includes the following policies which are relevant to councils functions:

Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.

Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

Policy 7: The loss of river extent and values is avoided to the extent practicable.

Policy 9: The habitats of indigenous freshwater species are protected.

Policy 12: The national target (as set out in Appendix 3) for water quality improvement is achieved.

Policy 15: Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.
17. While the NPSFM (2020) has clarified that wetland identification is the primary responsibility of GWRC, the protection of wetlands is a shared responsibility.

18. Relying on wetlands to be identified (and protected) by the regional council under the NPSFM would be insufficient, as only wetlands larger than a certain size have to be identified. We note the provisions for protection on natural wetlands extend to all natural wetlands (other than geothermal), and therefore council has a responsibility to protect them regardless of their size.
19. The inclusion of wetlands within scheduled SNAs as set out in the proposed plan is supported as the overlays provide a clear visual cue for management responsibilities.
20. The NES for Freshwater Regulations 2020 are also relevant to the consideration of provisions in the Plan. While these regulations deal with regional council functions, a plan, including a district plan should not be inconsistent with them.
21. Of particular relevance are the regulations on wetlands because of councils overlapping responsibilities for wetland under the RPS for the maintenance of indigenous biodiversity.
22. The NES regulations set out specific requirements for activities with wetlands and also within setback areas from wetlands. Forest & Birds specific relief sought on the ECO chapter includes a 15m set back from wetlands and a non-complying activity status for activities within that setback. This is designed to ensure that the plan is not inconsistent with the NES and to provide for protection of wetlands.
23. The NES also includes a 100m setback for certain earthwork activities that may adversely affect wetlands which will also need to be considered in the EW chapter which we have not provided specific submissions on.
24. **Relief sought:**
 1. Amend the proposed plan so that it gives effect to the NPSFM (2020), as per the requirements of clauses 3.4 and 3.5. This includes (but is not limited to) giving effect to Policies 3, 4, 6, 7, 9, 12, and 15, and amending the objectives and policies to implement the concept of Te Mana o te Wai where relevant. Further amendments to methods or rules, or the creation of new methods or rules, should be undertaken where necessary to implement these the NPS and these policies in full.
 2. Make amendment to the proposed plan so it is not inconsistent with the NES Freshwater Regulations 2020
 3. Amend the plan to require a setback of at least 15m for activities near wetlands and set a non-complying rule status for activities within the setback or wetland.
 4. Make amendments to ensure that earthworks are consistent with the 100m setback from wetlands.

Consistency and integration

25. Limiting matters of discretion to specific policies can inappropriately restrict decision makers discretion. For example the ability to consider the objectives within the plan or in higher order documents.
26. Including matters for restriction of discretion within the standards is confusing when view the rules and is not applied constantly in any event as some rules to not have standards associated with them.
27. Matters for restriction of discretion should state the matters rather than referring to any specific policy(s)

28. Relief sought:

1. Remove references to policies in the matters for discretion
2. State the matter to which discretion is restricted in the rule to which it applies
3. should be set out in rules not within the standards

Strategic Direction**NE – Natural Environment**

29. Forest & Bird completely agrees that Porirua District’s natural environment warrants protection and management given it is under incredible pressure from land use and development, particularly given the unprecedented pressure for housing in Porirua. Council is currently well placed to ensure development occurs complementary to biodiversity outcomes and within ecological limits to ensure there is no net loss of biodiversity (though, in fact, council should aim for a net gain in biodiversity – i.e. restoration). However, as written, the Plan falls far short of, and lacks strategic direction to, protect and maintain biodiversity values. In addition, the Plan fails to integrate the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna across chapters. This is out of step with the RMA and the RPS.

30. The s32 assessment states:

The biodiversity assessment has identified 222 SNA overlays at a district wide scale. The majority of these overlays fall within rural and open space zones but also include some residential zoned areas which represent a greater density of private landowners.

31. We suspect there has been some confusion regarding SNAs, in particular how they sit physically in the landscape versus how they are to be protected in the Plan using higher order planning documents. Further objectives are needed in the Natural Environment section to ensure the Plan gives effect to Council’s s6 obligations. Without this clear direction at a strategic level, the coming decades will see greenfield development across the District, transforming the area from a desirable city with lots of green space into disconnected areas of urban sprawl, where the associated weeds and threats such as cats and rats put pressure on the SNAs and biodiversity remnants that persist.

32. It is possible that through the plan development process, a new NPS for indigenous biodiversity will become active. If this is the case, PCC should give effect to the NPS where possible. Specific relief cannot be sought as it is unclear what will be in that NPS.

33. Relief sought:

1. Make amendments to ensure that the strategic direction for protection of SNAs is implemented comprehensively in the Plan. This could include objectives, policies, methods, and rules.
2. Amend the plan to be consistent with a new NPS indigenous biodiversity, if one comes into force during the plan review process.

REE – Resilience, Efficiency and Energy

34. Forest & Bird agrees with the overall direction of this section. Climate change is the biggest environmental challenge we have ever faced and will affect everyone in the Wellington region.

Porirua City Council itself declared a climate change emergency on 26 June, 2019. It is now time to ensure the provisions of this Plan contribute towards the goal of becoming Carbon Zero while allowing for managed retreat of the coastal environment. Furthermore, we support the strategic direction of not contributing to an increase in the District's risk from natural hazards as a result of subdivision, use, and development. However, the plan lacks clear direction on what this means for the long-term protection of SNAs and the maintenance of indigenous biodiversity across the District.

35. Relief sought:

1. Provision of buffers around SNAs and the identification of areas for restoration, particularly around water bodies and the coastal margin, is necessary to recognise pressures from sea-level rise and increasing weather extremes including droughts. These buffers and priority restoration areas should be identified and provided for in the plan.

RE – Rural Environment

36. Porirua's rural environment is at serious risk of being swallowed up by housing. The RE section needs more explicit emphasis of Council's requirements under s6 to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna, given that the vast majority are currently found in Porirua's rural environment. Furthermore, it is unclear how retaining rural character is compatible with ensuring sufficient land is available for urban growth. Urban growth in the rural environment will exacerbate pressure on our already declining native species and habitats.

37. Relief sought:

1. Provision needs to be made in this section for biodiversity to be maintained across the rural environment.

Energy, Infrastructure and Transport

INF – Infrastructure

38. As written, the Infrastructure section is directive in providing for infrastructure across Porirua. We consider this incompatible with Council's s6(c) obligations because the objectives, as written in the proposed Plan, provide for infrastructure over the protection of SNAs. Forest & Bird is very concerned that, as written, the Infrastructure section could result in the loss of indigenous biodiversity due to the absence of adequate provisions for protection. Provision needs to be made for indigenous biodiversity protection throughout the Infrastructure section. Provision for infrastructure is secondary to s6(c) of the RMA.

39. The combination of Regionally Significant Infrastructure (RSI) with other infrastructure in the provisions is also confusing and inappropriate when considering the policy direction of the RPS specific to RSI.

40. Relief sought:

1. Make amendments so that the full suite of ECO provisions apply to the INF chapter
2. Ensure consenting decision makers using the INF rules can consider effects on indigenous biodiversity and that any restriction of discretion does not prevent the consideration of ECO objectives, Strategic objectives, the NZCPS, NPS FM, or other higher order documents such as a future NPS for indigenous biodiversity.

3. Separate the provisions for RSI from other infrastructure. Consider separate chapters.

Historical and Cultural Values

TREE – Notable Trees

41. We question the methodology used to identify Notable Trees as there does not appear to be enough emphasis on identifying native tree species. A number of species such as holly (TREE022) for example, while they may be notable in this case, are in fact weeds. Furthermore, we would like to see a comprehensive survey of the district undertaken to ensure further Notable Trees haven't been missed. There are clearly many, particularly native, trees that need to be identified and included in SCHED5.

42. Relief sought:

1. Include policy direction for further surveys of Notable trees and provide for the inclusion of additional trees in SCHED5 over the life of the Plan.

Natural Environment Values

ECO – Ecosystems and Indigenous Biodiversity

43. Porirua is in the fortunate position of having many of SNAs across the District. However, a large number are disconnected from others and do not provide habitat connection or functions which they once would have for a full spectrum of indigenous biodiversity values. Additional areas of importance may be identified as supporting these areas, or with their own significant values. This is because things change, and it is an unfortunately reality that species which are not currently identified as threatened or at-risk of extinction are likely to become so in the future. Provision is needed to reassess areas and include them in future if necessary because not all significant values (including future values) are, or can be, identified in one survey.
44. We acknowledge a range of sources were used to identify SNAs across the District. However, only a subset of areas were confirmed using site visits. We would like to point out that these site visits were used to confirm what ecologists already suspected i.e. that an area identified as an SNA was exactly that. What this doesn't account for is the areas of significant indigenous vegetation and significant habitats of indigenous fauna that will have been missed in that first survey - i.e. were never picked up in the Wildlands desktop analysis. It is therefore inappropriate to limit protections to only those areas identified in SCHED7. Provision is required to continue to add sites to the schedule and to protect significant values outside these areas through consenting processes.
45. Any indigenous vegetation remaining in the district has the potential to be of significant value. Even small remnants can house remnant gecko populations, for example. They live in a range of habitats and are present in low numbers across the District. In addition, all wetlands are significant under the pNRP regardless of whether they qualify as an SNA or not. We strongly oppose any development, clearance, or earthworks in SNAs, wetlands, and other ecological areas, or in areas that would impact on those sites, whether they have been formally identified or not.
46. The proposed ECO provisions do not give enough certainty of protection and maintenance of indigenous vegetation, habitats, biodiversity, significant natural areas, and sites of ecological value. For example, it is inappropriate to allow earthworks within an SNA as a permitted

activity, except perhaps where those earthworks are extremely minor or relate to the protection of that SNA (e.g. the construction of a predator proof fence). Earthworks should be avoided in these areas like they are in wetlands. The provisions need to be significantly amended to ensure that the natural values of each site and the receiving environment will actually be protected. Limiting consideration to only those values that are identified in SCHED7 is inappropriate as those are not a comprehensive list of the values that may exist within those SEAs.

47. The s32 response to the question of protection and maintenance of indigenous biodiversity beyond identified SNAs says that controls on general indigenous vegetation are included in the ONFL, SAL, and HNC area overlays. The s32 response concludes that:

These provisions limit the general removal of indigenous vegetation outside of SNAs. The combined extent of these overlays together with the comprehensive SNA coverage is such that there would be little indigenous vegetation not protected.

48. The s32 response also refers to non-regulatory support being included in the provisions to promote maintenance, restoration, or enhancement of indigenous vegetation in general.
49. These measures are not sufficient. The ONFL, SAL, and HNC provisions do not provide for protection or maintenance of indigenous biodiversity other than where it relates to the characteristics of those areas. That approach does not implement council's function to maintain indigenous biodiversity nor does it provide the protection required under s6(c) of the RMA.
50. The general vegetation removal provisions within those overlays do not provide for the consideration of effects on indigenous biodiversity. Nor do they capture areas of indigenous vegetation that are outside of the overlays, for example within the FUZ and Rural zones. The limits on removal of vegetation at a permitted level for those overlays may not be appropriate when considered on an ecological rather than landscape scale.
51. The separation of biodiversity considerations in the INF chapter from the ECO chapter is particularly concerning. This does not allow decision makers to consider the full spectrum of ECO policies which implement the objectives, or even the ability to consider whether the decision they are making achieves the ECO and strategic objectives.
52. Forest & Bird has significant concerns with the offset and compensation approaches proposed as there are no real limits to ensure the protection of SNAs. Both offsetting and compensation are a step beyond avoid, remedy and mitigate. Offsetting does not necessarily protect as the adverse effects on the matter to be offset have not been avoided, remedied or mitigated. Compensation does not protect the values to be lost or even replace with like for like. This is not appropriate for the significant values to be protected in Porirua's SNAs.
53. Some adverse effects are not appropriate to be offset and definitely not for compensation. Forest & Bird is seeking clear policy direction for adverse effects that are to be avoided to ensure the protection of SNAs.
54. Forest & Bird has identified a number of other additional concerns including that:
1. There are no provisions to promote maintenance, restoration, and enhancement of areas beyond SCHED7 SNAs.

2. The provisions fail to protect the habitat values of exotic vegetation in SCHED7 SNAs (e.g. for roosting species like kaka or bats).
3. The provisions lack direction to manage long term effects through methods such as pest control.
4. Integration is lacking across the plan due to inadequate matters for restriction of discretion which do not provide for consideration in effects on indigenous biodiversity.

55. Relief sought:

1. Amend the definition of Significant Natural Area;
2. Amend ECO Policies to clearly direct that further areas with biodiversity values need to be identified and protected as required by Policies 23 and 24 of the RPS;
3. Amend ECO Policies, and make consequential amendments to other provisions, to remove the direction that limits considerations to “identified” areas and values of SNAs;
4. Insert an additional note at the top of ECO SCHED7 to explain that other areas not listed in the schedule but meeting the criteria in RPS Policy 23 are also considered SNAs;
5. Include clear policy direction on adverse effects to be avoided rather than relying on a limit approach to offsetting alone.
6. Remove provision for biodiversity compensation.
7. Insert additional provisions to provide for integrated management of wetlands and ensure councils functions are carried out to give effect to the NPSFM 2020;
8. Insert additional provisions to provide for Councils function for the maintenance of indigenous biodiversity, including regulatory methods to restrict vegetation clearance and policy direction for assessments of effects on indigenous biodiversity;
9. Change the underlying zoning of scheduled SNAs within “open space” to “Natural open space” zones
10. Ensure any subdivision includes protection of SNAs and provision for rezoning to “natural open space” under future plan reviews.
11. Ensure scope in decision making for regard to be had on a new NPS on indigenous biodiversity should one come into force during the plan review process.
12. Include “effects on indigenous biodiversity” as a standards matter of discretion in all restricted discretionary rules and as a matter for control in all controlled activity rules.
13. Include provisions for pest control measures
14. Include provisions to promote maintenance, restoration, and enhancement of areas within and beyond SCHED7 SNAs.

NATC – Natural Character

56. The scope of this chapter is very unclear, particularly in regard to the coastal environment. It is unnecessary and confusing to separate this section out from the coastal environment section.

57. Relief sought:

1. Clarify what and where the coastal margin is;
2. Merge these coastal margin provisions into the EC Chapter;
3. Add provisions to recognise riparian margins within the earthworks and biodiversity chapters and other chapters as appropriate;
4. Add setbacks to waterbodies within rules to provide for riparian management considerations.

NFL – Natural Features and Landscapes

58. Porirua is lucky to have such a range of ONFLs in its District. We support any provisions in the Plan that would ensure their values are maintained and enhanced and would not enable modification of their outstanding values. We in turn, support the identification and protection of Special Amenity Landscapes in Porirua and support current land use such as grazing, but oppose changes to provisions that might result in negative environmental outcomes such as farming intensification or intensive horticulture.
59. **Relief sought:**
1. ensure provisions in the NFL chapter adequately protect the ONFLs and SALs in Porirua and are well integrated in the ECO chapter to ensure no-net-loss of biodiversity.
 2. Clarify in plan definitions and schedules that the scheduled ONFLs and SALs are ‘overlays’

General District-Wide Matters

CE – Coastal Environment

60. We are particularly concerned about the loss of vegetation in the coastal environment. The coast is a harsh place and vegetation has evolved specifically to persist in such locations. Any removal of vegetation in the coastal environment has potential to cause erosion, contribute to scouring during storm events, and can destabilise dune systems. Furthermore, it can be critically important habitat to lizards and invertebrates and is generally very difficult to re-establish.
61. Another key concern is the effects of climate change and sea level rise effects on habitat and the need for provisions to allow for landward migration. Hard protection structures and development along the coast restricts and reduces available habitat.
62. The relationship between the NATC and the ONLF and the CE chapter is not clear. There are gaps remaining in terms of giving effect to the NZCPS, in particular policies 13(1)(b), (15(b) and 14 of the NZCPS.
63. **Relief sought:**
1. Avoid indigenous vegetation clearance in the coastal environment consistent with the NZCPS and limit other indigenous vegetating clearance to maintain indigenous biodiversity.
 2. retain the focus on soft coastal protection works
 3. reduce and avoid new development in the coastal environment which would prevent landward migration

4. Retain connectivity from the coast to the hills and mountains through connected biodiversity corridors.
5. Include policy direction to give effect to policies 13(1)(b) and (15(b) of the NZCPS
6. Include policy direction to give effect to NZCPS Policy 14 Restoration of natural character

Comments on specific plan provisions:

64. Below we make the following further specific comments on the plan provisions. The below list is not exhaustive; further changes will need to be made to deal with the key issue concerns above.
65. Forest & Bird also seeks all consequential changes or alternative relief to address our submissions.

Note: This table is not exhaustive – changes to the specific provisions are also required to respond to the submissions on key issues discussed above.

The specific provision of the proposed Plan that my submission relates to is:	support/oppose the provision	My submission reasons are	I seek the following decision:
Definitions			
general comment	oppose	Many of the definitions are tagged with the acronym 'NPS'. It is assumed this is a reference to the National Planning Standards which include definitions that must be used in the plan. However, the Abbreviation section of this plan, following the definitions, states that 'NPS' means a National Policy Statement.	Use difference acronyms to distinguish between the National Planning Standards and a National Policy Statement. For example " <u>NPStds</u> "
Biodiversity compensation	Support in part	Forest & Bird has concerns with the inclusion of biodiversity compensation in this Plan, given that it provides a consenting pathway for adverse effects to be caused on biodiversity values, without those effects actually being addressed. We therefore seek the deletion of the compensation provisions, or alternatively, their improvement. It is not clear from the definition that compensation or redress is to be an environmental response, i.e., under the proposed definition redress could include a building or other compensation that has no ecological benefits. Reference should be to APP9 which explains biodiversity compensation, not to the policy which directs how it is to be applied. Any explanation in the definition should be clear that the compensation provides an enhancement of indigenous biodiversity but is not restricted to being like for like to the specific values that will be	Either delete this definition, or amend the definition of "Biodiversity compensation" as follows: "means a commitment to redress residual adverse impacts on biodiversity using the framework set out in APP9 and must only be contemplated after the mitigation hierarchy steps in ECO-P1 have been demonstrated to have been sequentially exhausted and only after biodiversity offsetting has been implemented."

		lost as a result of the development.	
Biodiversity offset	Support in part	<p>The definition does not align with the APP8 framework.</p> <p>A positive outcome as stated in the definition is a different test to that required in the APP8 which is no net loss and preferably a net gain.</p> <p>A key distinction from compensation is that offsetting requires like for like redress and this could be stated in the definition, however reference to the Appendix is the clearest what to define the term.</p>	<p>Amend the definition of “Biodiversity offset” as follows:</p> <p>“means a measurable <u>like for like positive environmental outcome resulting from actions designed to redress the of residual adverse effects on biodiversity using the framework set out in APP8 arising from activities after appropriate avoidance, minimisation, and remediation measures have been applied. The goal of a biodiversity offset is to achieve no net loss, and preferably a net gain, of indigenous biodiversity values.</u>”</p>
Coastal environment	Support in part	The definition is inconsistent with the NZCPS	<p>Amend the definition of “coastal environment” as follows:</p> <p>“<u>Inland coastal environment</u> means the area identified on the planning maps as being located within the inland extent of the coastal environment.”</p>
Coastal High Natural Character Area	Support in part	The definition fails to clarify that this area is managed as an overlay in the plan.	<p>Amend the definition of “Coastal High Natural Character Area” as follows:</p> <p>“means an area of coastal high natural character identified in SCHED11 - Coastal High Natural Character Areas <u>and shown as an overlay on the Planning maps managed through provisions in the district wide CE Chapter.</u>”</p>
Coastal margin	Oppose in part	<p>This term is used in provisions in the NATC and INF chapters, which are aimed at providing protection to the natural character of coastal margins.</p> <p>However, it is not clear that this definition will encompass the area (i.e. the coastal environment) required to be protected under the NZCPS.</p>	<p>Clarify the relationship between the coastal margin and coastal environment and make amendments to give effect to the NZCPS.</p> <p>Increase the coastal margin to 50m or greater and make amendments to restrict use and development that would be inconsistent with providing for</p>

		<p>A wider coastal margin would provide opportunity for restricting use and development activities that would prevent opportunities for landward migration of species and habitats as a result of climate change and sea level rise impacts.</p> <p>It is not clear how this definition relates to the mapped area of 'coastal environment on the planning maps.</p>	<p>landward migration of indigenous biodiversity values.</p> <p>Ensure that provisions provide for the protection of natural character throughout the coastal environment.</p>
Conservation activity	Oppose	<p>The definition is not certain.</p> <p>It is inappropriate to permit activities on the basis of this definition. It is incredibly broad, and the list of activities is not exclusive.</p> <p>There is no policy direction to support or guide the permitted activity rules included in the various zone rules.</p> <p>Permitting this activity without appropriate parameters could result in adverse effects which are inconsistent with the RPS and NZCPS.</p> <p>Track building for example, 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>	<p>Delete</p> <p>Make amendments that ensure appropriate parameters are placed around specific activities for conservation purposes.</p>
Construction activity	Oppose	<p>It is confusing that construction activities associated with infrastructure are excluded.</p> <p>Infrastructure activities are addressed many</p>	<p>Delete</p> <p>Replace references to this term with the specific</p>

		<p>chapters not just the INF chapter and using a variety of terms, many of which are identified under “infrastructure” in Interpretation for Definitions Nesting Tables. It is not clear whether “construction activities” is intended to be excluded from applying to all of these terms as well.</p> <p>Many of the provisions in the district wide chapters refer to new buildings or structures. While the ‘note’ for rule states that a number of provisions apply to an activity, building, structure or site, it is not clear whether an activity captured within the definition of “construction activity” would be subject to a rule which applies to a building or structure” or visa versa. We are concerned that effects on indigenous biodiversity including on SNA’s would not be considered or appropriately addressed.</p> <p>Different terminology in the rules is also confusing, for example GIZ-R1 is for Buildings and structures, including additions and alteration, where as GIZ-R2 is for Construction Activities. According to the definition both rules apply to the same things.</p>	<p>activities intended to be captured.</p>
Development area	Support in part	<p>Support a structure planning process and rezoning to establish a Development Area prior to development. However, we have some concerns with the inclusion of directive provisions for development within such areas where environmental limits are not recognised.</p>	<p>Retain as notified but make changes to provisions to ensure that provision for development within an Development Area is within environmental limits which ensures the protection and maintenance of indigenous biodiversity.</p>
Hydraulic neutrality	Support in part	<p>The definition fails to consider impacts within the site. For example, on a wetland or SNA where hydraulic neutrality is also important to be</p>	<p>Amend the definition so that hydraulic neutrality can also be applied within a site.</p>

		<p>retained. Hydraulic neutrality should include some consideration of the values for which hydraulic neutrality is important</p>	
<p>Maintenance and repair</p>	<p>Support in part</p>	<p>Defining these terms may be helpful however it should not be limited to infrastructure and simplified to a definition of “maintenance” which includes “repair”.</p> <p>It is not clear why this definition is only provided in relation to “infrastructure”. This is uncertain in terms of the chapter structure for INF and ECO where maintenance activities are provided for in both chapters.</p> <p>As worded the definition would not capture activities for maintenance of fences, houses or other residential buildings and structures. It is uncertain as to whether it applied alongside private roads and accesses as those activities are not included in the INF Chapter. It is also uncertain as to whether it would apply to in relation to conservation activities, cycle ways and shared paths.</p> <p>It also needs to be clear where provision is made as a permitted activity for maintenance that affects indigenous biodiversity, it is only provided with respect to lawfully established existing infrastructure, buildings and structures.</p> <p>Maintenance of other existing infrastructure, buildings and structures should be subject to consenting requirements in situations where there are potential adverse effects on indigenous</p>	<p>Amend the definition of Maintenance and Repair as follows: “Maintenance and repair means any <u>repair</u>, work or activity necessary to continue the operation and / or functioning of existing infrastructure, <u>buildings and structures</u>. 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>

		biodiversity.	
Minor earthworks	oppose	<p>This definition does not appear to be used in the plan.</p> <p>It is not clear how earthworks for these purposes could be considered to be minor without some indication of scale and location to limit the potential for adverse effects.</p>	<p>Delete or amend to address concerns, for example by placing volume and location parameters around what constitutes ‘minor’.</p>
Natural hazard mitigation activity	Support in part	<p>This term is not used in full in the plan.</p> <ul style="list-style-type: none"> NH policies refer to natural hazard mitigation works. ECO-R1 provides a permitted activity for Natural hazard mitigation works. <p>It is not clear whether the plan provisions enabling Natural hazard mitigation activities relate to existing and lawful activities or would provide for hard protection to support an unlawful structure or a new structure but without scope to decline on the basis of ecological effects.</p> <p>The term “Natural hazard mitigation” is used in a number of matters of discretion. However, it is not clear if the definition is intended to guide the scope of the restriction of discretion. It is also concerning that neither the matters for discretion or the definition would provide scope for consideration of ecological effects, particularly where this relates to new natural hazard mitigation activities.</p>	<p>Amend the definition or the provisions in the plan to provide consistence with the defined terms.</p> <p>Amend the plan provisions to:</p> <ul style="list-style-type: none"> ensure a consenting requirement for all new natural hazard mitigation activities. Include discretion within consenting processes to consider effects on indigenous biodiversity, and To enable decision makers to decline consent on the basis of adverse effects.
Outstanding natural features and landscapes	Support in part	<p>The definition fails to clarify that these areas are managed as overlays in the plan.</p>	<p>Amend the definition as follows: “means an area of outstanding natural features and landscapes identified in SCHED9 - Outstanding Natural Features and Landscapes and shown as an</p>

			<p><u>overlay on the Planning maps</u> means an area identified as an outstanding natural feature or landscape in SCHED9 - Outstanding Natural Features and Landscapes and as an <u>Overlay shown as an overlay on the Planning maps managed through provisions in the district wide NFL Chapter.</u>"</p>
Overlay	Support in part	<p>It is not entirely clear what the overlays in the plan are or where the provisions relating to overlays can be found.</p> <p>As Overlays are intended to be matters which are spatially defined it is appropriate for the definition to refer to them as shown on the Planning Maps.</p> <p>In terms of how provisions apply, references to the overlay provisions should be clear in terms of the Chapters which address the relevant overlay.</p> <p>The NPStds require that If overlays are used, their provisions must be located in the relevant District-wide matters chapters and sections.</p>	<p>Amend the definition as follows: "means the spatially identified sites, items, features, settings or areas with distinctive values, risks or other factors within the City which require management in a different manner from underlying zone provisions. <u>The overlays for Porirua are, as set out in Schedules:</u> <u>SCHED2 Historic Heritage Items (Group A)</u> <u>SCHED3 Historic Heritage Items (Group B)</u> <u>SCHED4 Historic Heritage Sites</u> <u>SCHED5 Notable Trees</u> <u>SCHED6 Sites and Areas of Significance to Māori</u> <u>SCHED7 Significant Natural Areas</u> <u>SCHED8 Urban Environment Allotments</u> <u>SCHED9 Outstanding Natural Features and Landscapes</u> <u>SCHED10 Special Amenity Landscapes</u> <u>SCHED to 11 Coastal High Natural Character Areas and the Natural Hazard Overlay and Coastal Hazard Overlay. All overlays are shown on the Planning maps and managed through provisions in the district wide chapters."</u></p>
New definition - Pest	Oppose	<p>There needs to be a definition of pest. This provides for sustainable management and environmental wellbeing as well as providing</p>	<p>Pest means any species that is:</p> <ol style="list-style-type: none"> a. A pest or unwanted organism as defined in the Biosecurity Act 1993; or

		benefits to biodiversity.	b. Identified as a pest species in a regional pest management plan.
Planned network upgrade	oppose	<p>Just because a programme of work is planned under other legislation does not mean its effects should be treated differently under the RMA. The reference to such plans and strategy is uncertain.</p> <p>The RPS provides direction for plans in respect of regionally significant infrastructure. This includes the “Strategic Transport Network, as defined in the Wellington Regional Land Transport Strategy 2007-2016”.</p> <p>Where network upgrades fit within the RSI definition there is a mandate to consider such development as set out in the RPS.</p> <p>Planned in the context of the RMA could appropriately include development which has been consented but where the consent has not yet been given effect to.</p> <p>The use of this term and the approach to such activities in the provisions is inconsistent with the councils responsibilities to protect under s6(c) and functions to maintain indigenous biological diversity under s31 .</p>	Delete the definition or amend to apply to transport network development which has been consented but where the consent has not yet been given effect to.
Regionally significant infrastructure	Oppose in part	For certainty the district plan should define a definitive list of RSI.	<p>means regionally significant infrastructure including:</p> <ul style="list-style-type: none"> a. pipelines for the distribution or transmission of petroleum; b. the Gas Transmission Network c. the National Grid; d. facilities for the generation and/or transmission of

			<p>electricity where it is supplied to the network; e. the local authority water supply network and water treatment plants; f. the local authority wastewater and stormwater networks, systems and wastewater treatment plants; g. the Strategic Transport Network, as identified in the operative Wellington Regional Land Transport Plan; and h. Radio New Zealand and NZME Radio Limited’s radio transmission facilities at Titahi Bay, designation unique identifier: RNZ-01; and i. facilities and structures necessary for the operation of telecommunications and radio communications networks operated by network utility operators.</p>
Restoration	Support in part	<p>Rehabilitation has different connotations to the word restoration and is not the term used in the RMA. Using a term which would subsequently need to be defined creates uncertainty.</p> <p>The common meaning of “restoration” is the act of restoring or state of being restored, as to a former or original condition.</p> <p>Because the common meaning of the term “restoration” could be applied to physical resources the definition should be limited to the context it is used in the plan, consistent with the direction in the NPStds.</p> <p>Use of this term in the plan needs to be clear as to whether it relates to measures to address adverse</p>	<p>Amend the definition as follows: “<u>Restoration, in relation to indigenous biodiversity, means to restore the rehabilitation of sites, habitats or ecosystems to support indigenous flora and fauna, ecosystem functions and natural processes to a former healthier state that would naturally occur in the ecosystem and locality.</u>”</p>

		effects of an activity or is an activity in itself undertaken solely for the purpose of restoration. This is necessary so that it is not confused with the provisions for remediation which is a measure under s5 of addressing adverse effects.	
Riparian margin	Oppose in part	<p>This definition does not actually define what a riparian margin is. It is also unclear why the term has not been applied to wetlands.</p> <p>The appropriate margin may differ depending on the sensitivity of the receiving environment, the activity type and the scale of the activity.</p> <p>It would be better to have the distance limits for setbacks in relevant policy and rules.</p>	<p>Amend the definition to describe what a riparian margin is. For example: “the area of land adjacent to a waterbody where the land is influenced by and retains a direct relationship with the waterbody. For the purposes of this plan, it does not include the bed. Activities in these areas are managed through the use of setbacks from the bed of a waterbody as specified in relation to specific activities.”</p> <p>Include a note that activities in the bed of a waterbody are managed under functions of the regional councils.</p> <p>Include distance limits for setbacks in relevant policies and rules.</p>
Setback	oppose	<p>The definition is uncertain as “other feature” and whether this could include an SNA or a wetland for example? Current usage of the term “setback” in the Plan appears limited to buildings, boundaries, roads etc, rather than any natural features or waterbodies.</p> <p>However the term “setback” is commonly used more broadly, for example the NES for Freshwater Regulations include setbacks from wetlands.</p> <p>In order to avoid conflicts with how the term may</p>	<p>Amend the definition to clarify the meaning of site and features, as follows (or similar):</p> <p>“means the distance between a structure or activity and the boundary of the its site, <u>the bed of a waterbody, an overlay</u> or other feature specified in the Plan.”</p> <p>Or</p> <p>“<u>In relation to a building</u>, means the distance between <u>the building a structure or activity</u> and the boundary of, the its site, or other <u>infrastructure</u></p>

		be used in other plans or in respect of amendments sought elsewhere in this submission, the definition should be narrowed to the specific use relating to buildings, boundaries and setbacks from infrastructure or broadened to capture wider usage.	feature-specified in the Plan.”
Significant natural area	Oppose	<p>The definition is inconsistent with the RPS which does not limit an area of significant indigenous vegetation or significant habitat of indigenous fauna to those that are spatially identified and mapped.</p> <p>The definition fails to clarify that areas identified as part of this plan review are managed as overlays in the plan.</p>	<p>Amend the definition as follows:</p> <p>“means an area of significant indigenous vegetation or significant habitat of indigenous fauna <u>that meets any of the criteria in Policy 23 of the Wellington Regional Policy Statement. It includes significant natural areas</u> identified in SCHED7 - Significant Natural Areas <u>and shown as an overlay on the Planning map managed through provisions in the district wide ECO Chapter.</u>”</p>
Soft engineering measures	Support in part	<p>We would support the use of soft engineering when used as the preferred approach over hard protection measures to natural hazard management. We suggest adding clarity to the definition regarding sacrificial fill. For example, it would be inappropriate to use fill such as a clay and gravel mix in a natural dune system. The sacrificial fill needs to be an appropriate fill for the site in question, using like to like substrates.</p>	<p>Amend the definition as follows:</p> <p>“means a form of hazard mitigation that uses natural elements to provide protection to private properties, public space and infrastructure. It includes <u>the use of like to like substrates as sacrificial fill, vegetation planting, beach nourishment and dune restoration.</u>”</p>
Temporary activity	Support in part	<p>Consider that clarification is required to ensure that the definition does not capture maintenance or upgrading activities where these activities could have adverse effects on indigenous biodiversity.</p> <p>A site office for a construction project would be ancillary to the construction activity and should</p>	<p>Amend the definition as follows:</p> <p>“means activities and their ancillary buildings and structures that are intended to have a limited duration and incidence, and are not part of <u>or for the development of a permanent activity that occurs on the site.</u></p> <p>They include:</p>

		<p>not be separately considered as a temporary activity. This fails to take account of the full effects of activity.</p> <p>As written it is not certain what other activities may be captured by the definition. An exclusive rather than inclusive list would give certainty.</p>	<p>a. fairs; festivals and special events; b. commercial filming or video production activities; c. public firework displays; d. site offices for construction projects; e. temporary farmers or crafts markets.</p> <p>Make consequential amendments as necessary to ensure that activities associated with permanent or longer term activities, are not captured within this definition and the provisions it is applied to. For example short term activities associated with a construction activity are captured by a consenting requirement for the construction activity.</p> <p>Make amendments to ensure that there is no confusion between provisions for maintenance activities and temporary activities.</p> <p>That plan provisions set a clear and appropriate short term duration for temporary activity to manage effects and to integrate with provisions of the effects based chapters.</p>
<p>Temporary infrastructure</p>	<p>Support in part</p>	<p>Support that the use of this term within plan provisions is only outside of overlays. However activities outside of overlays can have adverse effects which extend to the values within overlays and can have address effects on indigenous biodiversity values which exist beyond the overlays.</p> <p>It is not clear what the defined periods of time are that would make these activities temporary. An undefined period is inappropriate.</p>	<p>Include a stated period of time in the definition or alternatively state the maximum duration within rules for these activities.</p>

Upgrading	Support in part	The definition needs to exclude any potential increase in the scale or footprint of the activity that could have increased adverse effects.	Amend the definition as follows: “As it applies to infrastructure, means the improvement or increase in carrying capacity, operational efficiency, security or safety of existing infrastructure, <u>provided that the effects of the activity are the same or similar in character, intensity and scale as the existing structure and activity, and does not increase footprint of the infrastructure.</u> <u>‘Upgrade’</u> , but excludes maintenance and repair.”
Definition missing: ‘Vegetation Removal’	oppose	A definition is required to ensure the vegetation rules cover all relevant activities.	Include definition as follows: <u>‘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>
Wetland	support	It is appropriate to adopt the RMA definition.	Retain as notified.
National Policy Statements and New Zealand Coastal Policy Statement			
National Policy Statement For Freshwater Management 2020	oppose	The proposed plan is not clear on whether it gives effect to the NPSFM 2017. In respect of the NPSFM 2020 the explanation that a subsequent review will be undertaken and that a future variation or plan change may be required suggests that the proposed plan has not been drafted to give effect the NPSFM 2020. This is somewhat	Amend the proposed plan to give effect to the NPSFM 2020 Amend this section of the plan to explain that the NPSFM2020 is given effect to in this plan.

		<p>understandable with respect to the NPSFM 2020 given the timing of notifying this plan change. The NPSFM 2020 must be given effect to as soon as possible. This plan process is creates that opportunity. Much of the substance of the NPSFM 2020 is carried forward from the NPSFM 2017, particularly Ki Uta Ki Tai – from the mountains to the sea, recognising the relationship between land use and water quality and integrated management. A future variation or plan changing would not provide the first opportunity to give effect to the NPSFM2020 and should not be used to defer giving effect as part of this proposed plan process.</p>	
Strategic Objectives			
general comment	Support in part	<p>The references to ‘City’ in CEI, EP, FC and HCH create some uncertainty as to whether provisions apply to the whole district or just to a city area. For example, the introduction in CEI refers to the key role of the City Centre while HNH refers to both Porirua and the City. It is therefore uncertain whether the reference to “City” in the objectives is indented to mean the “central city” or all of Porirua.</p> <p>As written the objectives are not consistent with sustainable management. They fail to integrate environmental outcomes into the objectives for the City.</p>	<p>Define the term “city” with respect to Porirua and show this area on the planning maps.</p> <p>Alternatively replace the term City with Porirua or to central city zone as appropriate.</p> <p>Ensure that the strategic objectives which apply to Porirua include environmental outcomes.</p>
CEI-O1 Hierarchy of commercial and industrial centres	Support in part	<p>It is not clear what the hierarchy is or how priority is afforded to it.</p> <p>As written the objectives are inconsistent with sustainable management. They fail to integrate environmental outcomes into the objectives for</p>	<p>Clarify what the hierarchy of commercial and industrial centres is. Consider adding direction for the hierarchy and setting out what that hierarchy is within the commercial and industrial zone chapters.</p> <p>Clarify the objective that all centres are accessible,</p>

		<p>the Porirua as a whole. The use of term city is uncertain as in some cases it appears only to apply to the central city area and in other cases the full Porirua district. The plan needs to provide direction for well-functioning urban environments to integrate is broader functions and responsibilities under the RMA while giving effect to the NPSUD. The Strategic objectives are where this integration needs to start in the plan.</p>	<p>vibrant and viable. That the outcomes listed are not in a priority order. Clarify whether provisions relate to Porirua as a whole or just the central city area.</p> <p>Amend the objective to clarify that it applies to the whole district and to include environmental outcomes as follows: “Hierarchy of cCommercial and industrial centres for well-functioning urban environments The City Porirua has a hierarchy of accessible, vibrant and viable centres that:</p> <ol style="list-style-type: none"> 1. Are the preferred location for shopping, leisure, cultural, entertainment and social experiences; <u>and</u> 2. Provide for the community’s employment and economic needs; <u>and</u> 3. Contribute to the community’s housing needs; <u>and</u> 4. Contribute to the City’s social wellbeing and prosperity; <u>and</u> 5. Retain, protect and enhance indigenous biodiversity values of the district.”
CEI-O6 Mixed Use Zone	Support in part	<p>The objective does not provide for integration of Councils function for the maintenance of indigenous biodiversity or responsibilities for protection of significant indigenous biodiversity in this zone. Clear direction at the strategic level that these aspects of the zone are important is needed.</p>	<p>add a second sentence to objective CEI-O6 as follows: “<u>Subdivision and development within this zone provides for the protection of SNAs and maintenance of indigenous biodiversity.</u>”</p> <p>Make consequential amendments to all zones to include this objective or similar.</p>
EP-O1 Eastern Porirua Regeneration	Support in part	<p>As written the objectives are not consistent with sustainable management. They fail to integrate environmental outcomes into the objectives for</p>	<p>Amend the objective to include environmental outcomes to be achieved through regeneration of Eastern Porirua.</p>

		the City. Also the plan does not identify “eastern Porirua”	Identify “Eastern Porirua” in an appendix or on the planning maps and include reference to this in EP-O1
FC-O1 Infrastructure	oppose	As written the objectives are not consistent with sustainable management. They fail to integrate environmental outcomes into the objectives for the City/Porirua district.	Amend the objective to include environmental outcomes as follows: “Effective, efficient, resilient and safe infrastructure throughout the City that: 1. Provides essential, reliable and secure services, including in emergencies; 2. Facilitates local, regional and national connectivity; 3. Contributes to the economy and supports a high standard of living; 4. Has sufficient capacity to accommodate existing and planned growth; 5. Integrates with development; and 6. Enables people and communities to provide for their health and wellbeing; and <u>5. retains, protects and enhances indigenous biodiversity.”</u>
FC-O2 National Grid	Support in part	Clarify whether city means the central city if not clarify that the objective is directed at integration with subdivision and development activities. The provision for the National Grid should not override the directive policies of the NZCPS or be provided without consideration of adverse effects on indigenous biodiversity and the extent to which such effects can be avoided.	Amend as follows: “The significance of the National Grid is recognised, and <u>integrated with subdivision and development proposals to ensure sustainable, secure and efficient electricity transmission is provided through and within the city in appropriate locations.</u> ”
HO-O1	Support in part	Clarify that housing opportunities (variety, density and future supply) needs to be provided within the environmental limits of the relevant areas.	Clarify that housing opportunities will be within environmental limits of the areas identified.

HO-02		Clarify that housing opportunities (variety, density and future supply) needs to be provided within the environmental limits of the relevant areas.	Clarify that housing opportunities will be within environmental limits of the areas identified.
HO-03 Existing activities	Oppose	Clarify that housing opportunities (variety, density and future supply) needs to be provided within the environmental limits of the relevant areas.	Clarify that housing opportunities will be within environmental limits of the areas identified.
NE - Natural Environment Strategic objectives		<p>The Plan is lacking clear strategic direction to protect and maintain biodiversity values, in accordance with s6, 31, and the RPS.</p> <p>The only strategic objectives that provide some guidance on biodiversity are in the NE strategic objectives. However, in our submission this should be much more explicit, While NE-01 goes some way towards addressing this, O2 is inadequate as it only considers biodiversity in terms of its value as areas of open space to which residents have access.</p> <p>The strategic objectives for development, use and subdivision activities fail to consider the natural environment within which they are to be considered.</p> <p>The introduction to this section also lacks recognition of councils functions for integrated management.</p>	<p>Include a new specific strategic objective to give effect to Council’s functions under s6 and s31, as follows (or similar):</p> <p><u>‘Indigenous biodiversity in the District is maintained and enhanced, and areas of significant biodiversity value, including wetlands, are protected.’</u></p> <p>Amend the introduction to recognise council’s function for integrated amendment, particularly with respect to the maintenance of indigenous biological diversity and protection of wetlands.</p>
NE-01	Support in part	The objective is supported however addition	Retain NE-01

		<p>outcomes are also required to provide for the maintenance of indigenous biodiversity, enhancement where appropriate and the protection of natural character and wetlands</p> <p>Indigenous ecosystems have been reduced in diversity and extent over time and while further subdivision, land use change, and development has the potential to pose risks in some areas, it can also provide opportunity for enhancement.</p>	<p>Add new <u>Indigenous biodiversity and habitats with indigenous biodiversity values are maintained to a healthy functioning state and, where appropriate, restored and enhanced.</u></p> <p>Add new <u>The natural character and biodiversity of wetlands, and rivers and their margins, are protected from inappropriate subdivision, use and development.</u></p>
NE-O2	Support in part	<p>The objective would be clearer with specific use of the words Significant Natural Areas and reference to maintenance of indigenous biodiversity.</p> <p>Also SNAs and wetlands be considered with a “natural open space” zoning as the open space provisions are really about recreation and precinct design, not protection of ecological values. This creates a conflict between protection and the effects of use such access to pests.</p>	<p>Amend as follows: Porirua’s community has access to a diverse and connected network of open spaces within which:</p> <ol style="list-style-type: none"> 1. There is a wide range of recreational opportunities and experiences; and 2. Areas with <u>Significant natural areas</u>, ecological and landscape values <u>and wetlands</u> are protected; <u>and</u> 3. <u>Indigenous biodiversity is maintained.</u> <p>Forest & Bird also seeks that the zoning underlying the SNA overlays and wetlands is changed to “natural” open space” in preference to the “open space” zoning to reflect the important natural values of these areas.</p>
NE-O3	Support	This is appropriate	retain
NE-O4	support	This objective is appropriate.	Retain as written.
REE - Resilience, Efficiency and Energy			
REE-O4 Adapting to climate change	Oppose in part	The objective is uncertain. Clarify who and what are prepared.	Amend the objective to include an outcome which recognises provision of opportunities for landward

		Include ecological adaption	migration of coastal processes to support ecosystem process, and habitats of indigenous fauna.
REE-O5 Resource efficiency	Oppose in part	The objective for the “environment’s needs” is uncertain as the term environment encompasses (amongst other things) social, economic and cultural conditions which affect natural and physical resources. See RMA s2 Interpretation.	Consider amendments to clarify what is meant by environment in this objectives
RE - Rural Environment	Oppose	<p>It is not clear in the chapter description that indigenous biodiversity values are an important part of the rural environment.</p> <p>As written there is no recognition of Council’s function to maintain indigenous biodiversity. The vast majority of the SNAs identified so far in the District are located in the Rural Environment. This needs to be explicitly emphasised as a significant component of what people value outside of urban centres and the requirement to protect SNAs as per s6.</p>	Amend to include better explicit wording around the protection of significant indigenous flora and fauna in the rural environment.
RE-O1 Rural environment	Oppose.	<p>As written there is no recognition of Council’s function to maintain indigenous biodiversity and responsibilities to protect significant indigenous biodiversity under s6(c)</p> <p>What is an “open backdrop”, is this consistent with retaining indigenous veg?</p>	Amend to include specific provision for the protect indigenous biodiversity.
RE-O2 Rural lifestyle living	Oppose.	Clarify that Porirua’s natural environmental values include indigenous biodiversity. As the rural environment is increasingly subdivided into lifestyle properties or even denser in the case of PC18, there needs to be acknowledgement of the impact greater density of houses has on the natural environment and specific provision to	Amend to include specific provision for the protect indigenous biodiversity.

		ensure rural lifestyle living doesn't come at the expense of indigenous biodiversity. Furthermore, we question why lifestyle living doesn't have to retain rural character when production does in O1.	
UFD - Urban Form and Development	Oppose	The consideration of urban form and development currently lacks integration with ecological considerations. The maintenance of indigenous biodiversity needs to be incorporated within these concepts.	Amend to incorporate maintenance of indigenous biodiversity.
INF – Infrastructure			
INF - Infrastructure	oppose	<p>The scope of this chapter is uncertain. Despite referring to three waters network, transport and communications as being infrastructure in the first sentence, there are separate chapters for those matters which are not listed as relevant to this chapter in the "note".</p> <p>The statement that the chapter also manages infrastructure within Overlays is uncertain as the relationship with overlay chapters is not explained, nor are the specific overlays identified. ECO chapter rules also include provisions relating to some infrastructure including for the safe operation of roads and rail.</p> <p>Even for the separate chapter for Renewable Electricity Generation which is explained as being covered by a different chapter, the relationship to this chapter is uncertain as the "note" suggests it is relevant to this chapter.</p> <p>The scope of the chapter appears to include</p>	<p>Clarify the :</p> <ul style="list-style-type: none"> • scope of the chapter • relationship with other chapters • the provision for overlays within the context of this chapter. <p>Amend the chapter to be specific to Regionally Significant Infrastructure. Consider combining SRI and renewable energy chapters.</p> <p>Amend the provisions to allow for full consideration of the ECO chapter where:</p> <ul style="list-style-type: none"> • an activity is considered within an Overlay or within 15m of an SNA or natural wetland • the development of new infrastructure is proposed within a SCHED7 SNA or natural wetland make the rule activity status NC • the development of new infrastructure is proposed outside of a SCHED7 SNA but would require the clearance of indigenous vegetation make the rule activity status Discretionary

		<p>infrastructure beyond Regionally Significant Infrastructure (RSI) and the National Grid to infrastructure that does not have any specific mandate from higher order documents.</p> <p>These issues all create uncertainty and potential inconsistency for applying the ECO provisions.</p> <p>The approach taken means that objectives of other chapters, in particular for overlays, are not able to be considered in consent processes. Nor is it clear that the policies and rules in this chapter implement those objectives. Reference to specific policies in other chapters is not sufficient for integration of those matters within this chapter.</p> <p>It is concerning as the chapters for Natural Hazards, Historic Heritage, Notable Trees, Sites of Significance to Maori and the Natural Environmental Values chapters do not apply; these chapters all set out matters which should be considered prior to infrastructure provision.</p>	
<p>INF-O1 The benefits of Regionally Significant Infrastructure</p>	<p>Support in part</p>	<p>The RPS directs the recognition of the benefits of RSI and the consideration of social, economic, cultural and environmental benefits. It does not direct that RSI would be provided for over environmental protections which are to be provided for under s6 of the Act or over Councils functions to maintain indigenous biological diversity.</p> <p>RPS objective is for recognition and protection of RSI</p>	<p>Amend as follows: “The national, regional and local benefits of Regionally Significant Infrastructure are recognised and provided for <u>in appropriate locations</u>.”</p>

		Add context so that objective to provide does not override protection	
INF-O3 Availability of infrastructure to meet existing and planned needs	oppose	Consequential changes are required to clarify the scope of this chapter being to RSI and refer to “new” subdivision, use and development as the term planned in uncertain in this context. Also see our reasons for submission on the definition of “planned next work upgrade”.	Amend as follows: “Availability of <u>Regionally Significant Infrastructure</u> to meet existing and planned needs Safe, efficient, and resilient <u>Regionally Significant Infrastructure</u> is available to meet the needs of, and is well integrated with, existing and planned <u>new</u> subdivision, use and development.
INF-O4 Transport network	oppose	It is not clear how this objective relates to the matters considered under the separate transport chapter. Clarify the extent to which transport is relevant to this chapter as RSI and for integration.	Delete or alternatively amend to clarify the objective in relation to RSI as follows: “The transport network is effective, accessible and integrated with <u>Regionally Significant Infrastructure</u> <u>and</u> other land uses, including contributing to the amenity of public spaces, and provides for all transport modes and users to move efficiently within and beyond the City.”
INF-O5 Providing for infrastructure	oppose	It is inappropriate to limit the protection of SNAs to the protection of their currently identified values. Values change over time, and what is included in SCHED 7 now is a brief and incomplete snapshot of an SNA’s current values.	Amend as follows: “ <u>Regionally Significant Infrastructure</u> provides benefits to people and communities and is established, operated, maintained and repaired, and upgraded efficiently, securely and sustainably, while the adverse effects of <u>Regionally Significant Infrastructure</u> are avoided, remedied or mitigated, including effects on: 1. The anticipated character and amenity values of the relevant zone; 2. The identified values and qualities of any Overlay; and 3. The change in risk to people's lives and damage to adjacent property and other infrastructure from natural hazards.”

<p>INF-P1 The benefits of Regionally Significant Infrastructure</p>	<p>Oppose in part</p>	<p>It is not clear what the environmental benefits of RSI are. Given this uncertainty it may be best to delete reference to environmental and rely on integration with the ECO chapter provisions when considering effects (which includes positive effects) of proposals.</p> <p>For clarity the reference to water should be amended to “drinking water” consistent with the Councils responsibilities.</p>	<p>Amend as follows: “Recognise the social, economic, environmental and cultural benefits of Regionally Significant Infrastructure, including: 1. The safe, secure and efficient transmission and distribution of gas and electricity that gives people access to energy to meet their needs; 2. An integrated, efficient and safe transport network, including the rail network and the state highways, that allows for the movement of people and goods; 3. Effective, reliable and future-proofed communications networks and services, that gives people access to telecommunication and Radio communication services; and 4. Safe and efficient <u>drinking water</u>, wastewater and stormwater treatment systems, networks and services, which maintains public health and safety.”</p>
<p>INF-P2 The benefits of infrastructure other than Regionally Significant Infrastructure</p>	<p>oppose</p>	<p>This policy appears to relate to infrastructure which is addressed within other chapters. It is uncertain what “other” infrastructure is considered here that is not RSI. Clarify the definition of RSI with respect to “infrastructure” defined under the RMA and list any “other infrastructure” within this policy for certainty.</p>	<p>Delete or alternatively if retained identify what “other infrastructure” is covered in this policy and provide clear distinction in the rules implementing this policy from RSI.</p>
<p>INF-P3 Infrastructure for planned future growth</p>	<p>Oppose</p>	<p>The enabling directive in this policy is inappropriate where significant and outstanding natural values are to be protected. As written it provides for infrastructure to be integrated with subdivision, use and development, but not within environmental limits or any ecological</p>	<p>Amend as follows: “Enable infrastructure <u>is</u> to be provided in a manner that is safe, efficient, integrated, accessible and <u>anticipated available</u> to provide sufficient capacity for existing and planned <u>authorised</u> subdivision, use and development.”</p>

		<p>considerations. Reference to “planned” subdivision, use and development is uncertain. This policy also creates a conflict with the NZCPS, as the enabling directive to infrastructure for planned future growth could be read as a separate directive from existing and new infrastructure in INF-P21 and INF-P22.</p>	
INF-P4 Appropriate infrastructure	oppose	<p>As written the policy is inconsistent with the directive to protect under Policy 24 of the RPS and Policy 11 of the NZCPS and with INF-O5.</p> <p>It is not appropriate to rely in minimising effects as s5 requires “avoiding, remedying, or mitigating any adverse effects of activities on the environment”.</p> <p>As written the policy does not consider the nature and scale of adverse impacts on SCHED7 SNAs from new RSI</p> <p>Removing the directive to “enable” is necessary to allow for appropriate consideration of effects under s5 and for consenting considerations under s104.</p> <p>The policy should be amended to set out the minimum requirements for RSI to be considered as to its appropriateness, without restricting the implementation of other polices as to adverse effects which are to be avoided, remedied or mitigated.</p>	<p>Delete or alternatively amend as follows: “Appropriate <u>Regionally Significant Infrastructure</u> Enable Consider the appropriateness of new <u>Regionally Significant Infrastructure</u> and the maintenance and repair, upgrading and removal of existing <u>Regionally Significant Infrastructure</u>, including <u>associated</u> earthworks, that:</p> <ol style="list-style-type: none"> 1. Is of a form, location and scale that minimises adverse effects on the environment; 2. Is compatible with the anticipated character and amenity values of the zone in which the infrastructure is located; and 3. For any <u>new Regionally Significant Infrastructure</u>, maintenance and repair, or removal of existing <u>Regionally Significant Infrastructure</u> in any Overlay, it is of a nature and scale that does not adversely impact on the identified values and characteristics of the Overlay that it is located within.
INF-P6 Upgrading of the	Oppose in part	It is not appropriate to limit the consideration of	Amend as follows:

National Grid		<p>effects on SCHED7 areas to the application of the mitigation hierarchy and matters in specified policies as other policy direction is also relevant as is consideration of the objectives.</p> <p>Protection of SNAs should not be limited to areas identified in SCHED7 as further areas may be identified, including thought assessment of environmental effects. The maintenance of indigenous biodiversity is also relevant for upgrading beyond that permitted in the NES ETA. Limiting the directive to provide to these circumstances allows for integration with the provisions in the ECO chapter.</p>	<p>“Provide for the upgrading of the National Grid that is not permitted by the National Environmental Standards for Electricity Transmission Activities, while:</p> <ol style="list-style-type: none"> 1. Having regard to the extent to which adverse effects have been avoided, remedied or mitigated; 2. Recognising the constraints arising from the operational needs and functional needs of the National Grid, when considering measures to avoid, remedy or mitigate any adverse effects; 3. Applying the mitigation hierarchy in ECO-P2 and assessing the matters in ECO-P4, ECO-P11 and ECO-P12 when considering any upgrade within an area identified in SCHED7—Significant Natural Areas; 4. Recognising the potential benefits of upgrades to existing transmission lines to people and communities; 5. In urban areas, minimising adverse effects on urban amenity and avoiding adverse effects on the City Centre Zone, Open Space and Recreation Zones and existing sensitive activities; 6. Seeking to avoid adverse effects on areas identified in SCHED9 - Outstanding Natural Features and Landscapes, SCHED11 - Coastal High Natural Character Areas, SCHED7 - Significant Natural Areas, SCHED10 - Special Amenity Landscapes and Open Space and Recreation Zones; <u>7A. Protecting SNAs and natural wetlands and maintaining indigenous biological diversity; and</u> 7. Considering opportunities to reduce existing adverse effects of the National Grid as part of any substantial upgrade.”
INF-P7 Development of the	Oppose in part	As written the policy direction is inconsistent with	Amend as follows:

<p>National Grid</p>		<p>Policy 11 of the NZCPS and the NPSFM with respect to wetlands. Development of the national grid should not be anticipated where protection of SNAs and natural wetlands cannot be achieved. The policy as written also fails to provide for councils functions to maintain indigenous biological diversity.</p>	<p>“Provide for the development of the National Grid, while:</p> <ol style="list-style-type: none"> 1. In urban areas, minimising adverse effects on urban amenity and avoiding adverse effects on the City Centre Zone, Open Space and Recreation Zones and existing sensitive activities; 2. Seeking to avoid the adverse effects of the National Grid within areas identified in SCHED9 - Outstanding Natural Features and Landscapes outside of the Coastal Environment, SCHED10 - Special Amenity Landscapes and Open Space and Recreation Zones; 3. Avoiding the adverse effects of the National Grid within areas identified in SCHED9 - Outstanding Natural Features and Landscapes in the Coastal Environment; 4. <u>Avoiding adverse effects of the National Grid within areas identified in SCHED7 – Significant Natural Areas in the Coastal Environment and within natural wetlands</u> Applying the mitigation hierarchy in ECO-P2 and assessing the matters in ECO-P4, ECO-P11 and ECO-P12 when considering the effects of the National Grid in an area identified in SCHED7 – Significant Natural Areas; and 4A. <u>Protecting SNAs and maintaining indigenous biological diversity: and</u> 5. When considering the adverse effects in respect of 1-4 above; <ol style="list-style-type: none"> a. Having regard to the extent to which adverse effects have been avoided, remedied or mitigated by the route, site and method selection and techniques and measures proposed; and b. Considering the constraints arising from the
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			operational needs and functional needs of the National Grid, when considering measures to avoid, remedy or mitigate any adverse effects.
INF-P8 Provide for Regionally Significant Infrastructure and other infrastructure outside of Overlays	oppose	<p>RSI should not be anticipated where protection of SNAs and natural wetlands cannot be achieved. The policy as written also fails to provide for the identification of additional SNAs and councils functions to maintain indigenous biological diversity.</p> <p>It is not appropriate to provide for on the basis of minimising as effect.</p>	<p>Delete or alternatively amend as follows:</p> <p>“Provide for Regionally Significant Infrastructure and other infrastructure which is not located within an Overlay, where it can be demonstrated that the following matters can be achieved:</p> <p>1A. <u>SNAs are protected and indigenous biological diversity is maintained:</u> and</p> <ol style="list-style-type: none"> 1. Compatibility with the site, existing built form and landform; 2. Compatibility with the anticipated character and amenity values of the zone it is located in; 3. Any adverse effects on amenity values are minimised, taking into account: <ol style="list-style-type: none"> a. The bulk, height, size, colour, reflectivity of the infrastructure; b. Any proposed associated earthworks; c. The time, duration or frequency of any adverse effects; and d. Any proposed mitigation measures; 4. Any adverse effects on the health, wellbeing and safety of people, communities and the environment, including nuisance from noise, dust, odour emissions, light spill and sedimentation are avoided, remedied or mitigated; 5. Any adverse effects on the natural character and amenity of water bodies, the coast and riparian margins and coastal margins are minimised; 6. Public access to and along the coastal marine area and water bodies is maintained or enhanced;

			<p>7. Any adverse effects on any values and qualities of any adjacent Overlays are <u>avoided</u> minimised;</p> <p>8. The safe and efficient operation of any other infrastructure, including the transport network, is not compromised; and</p> <p>9. Any adverse cumulative effects are <u>avoided</u>, <u>remedied</u> or <u>mitigated</u> minimised.</p>
INF-P9 Recognise operational needs and functional needs of infrastructure	Oppose	<p>The National Planning Standards include definitions of these terms, it is not clear what the policy adds to that.</p> <p>The RPS does not provide direction to consider the matters in this policy beyond RSI. The recognition set out in this policy is inappropriate to other infrastructure.</p> <p>Minimizing the potential for a significant adverse effect is not the same as avoiding that effect.</p> <p>This policy also appears to duplicate many considerations already set out in the policies above.</p>	Delete
INF-P10 New technology	Oppose in part	It is not clear how this policy relates to RSI or in what way this should be recognized. It would be more appropriate for a policy promoting these benefits	Consider the appropriate chapter for locating this policy or amend to clarify with respect to RSI and to promote rather than recognise.
INF-P12 Operation of the transport network	Support in part	Agree that maintenance of existing transport network is appropriate in relation to adverse effects on the environment so long as this is managed within limits and where necessary with appropriate consent conditions to avoid, remedy and mitigated adverse effects.	<p>Delete, relocate to the transport chapter or alternative amend as follows:</p> <p>“Enable the safe, resilient, effective and efficient operation, maintenance and repair of the <u>established</u> transport network to meet local, regional and national</p>

			transport needs <u>while avoiding, remediating and mitigating adverse effects.</u>
INF-P13 Upgrading and development of the transport network	oppose	<p>It is not clear why transport in this chapter has provisions additional to RSI. If this chapter is clarified to RSI only then transport network which is capture by RSI is already provided for in the policies above and this policy is not needed.</p> <p>The words “as far as is practicable” are uncertain and should be deleted. The matters set out appear more suited to be set out in standards for restricted discretionary activities.</p>	<p>Delete and add the considerations in the policy as standards to apply to consenting or alternatively if retained:</p> <ul style="list-style-type: none"> • Delete the words “as far as is practicable” and • add requirements that the upgrade or development is outside of an Overlay and for adverse effects to be avoided, remedied and mitigated.
INF-P14 Connections to Roads	Oppose in part	<p>It is not clear why transport in this chapter has provisions additional to RSI. If this chapter is clarified to RSI only then transport network which is capture by RSI is already provided for in the policies above and this policy is not needed.</p> <p>The matters set out appear more suited to be set out in standards for restricted discretionary activities.</p>	<p>Delete and add the considerations in the policy as standards to apply to consenting or alternatively if retained add requirements for adverse effects to be avoided, remedied and mitigated.</p>
INF-P17 Upgrades to existing infrastructure and new infrastructure within or on heritage items, heritage settings and historic heritage sites, and sites and areas of significance to Māori	Oppose in part	<p>As written an upgrade could be allowed on the basis of this policy alone. This is inappropriate as matters listed to not capture the full scope of consideration of objectives and provisions in the relevant chapters. It is also unclear how those other provisions could be considered as this is restricted by the scope of this chapter as described in the chapter introduction and note.</p>	<p>Amend as follows: “Only <u>consider allowing</u> upgrades to existing infrastructure and new infrastructure on or within heritage items, heritage settings and historic heritage sites, identified in SCHED2 - Historic Heritage Items (Group A), SCHED3 - Historic Heritage Items (Group B), SCHED4 - Historic Heritage Sites or sites or areas</p>

			<p>identified in SCHED6 - Sites and Areas of Significance to Māori where it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. There is an operational need or functional need that means the infrastructure's location cannot be avoided; and 2. The upgrade to existing infrastructure and new infrastructure will protect and maintain the particular heritage and/or cultural values of that building, site, area, item and/or feature; 3. <u>the objectives of the relevant chapters and overlay provisions are achieved.</u>"
INF-P18 Trimming, pruning and activities within the root protection area of notable trees	Support	Providing to the protection of notable trees is supported	Retain
INF-P19 Removal of Notable trees	Oppose in part	This policy assumes that the activity will be more important than retaining the tree. this may not be the case for rare or extremely old trees	Change the wording so that it is less directive and would allow for a case by case determination with consideration of adverse effects.
INF-P20 Upgrades to and new infrastructure in Significant Natural Areas	Oppose	<p>As written an upgrade or new infrastructure could be allowed even where objectives of the ECO chapter are not achieved. It is also inappropriate to limit consideration solely to the policies set out as effects could extent to other matters addressed in the ECO chapter.</p> <p>An operational need is not an appropriate basis to consider locating new RSI in a SCHED7 SNA.</p>	<p>Delete or amend as follows:</p> <p>"Upgrades to and new <u>Regionally Significant</u> linfrastructure in Significant Natural Areas Except as provided for by INF-P6 and INF-P7, only <u>consider allowing</u> for upgrades to existing infrastructure and for <u>avoid</u> new <u>Regionally Significant</u> linfrastructure in areas identified in SCHED7 - Significant Natural Areas where <u>unless</u> it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. There is an operational need or functional need that means the infrastructure's location cannot be avoided; and 2. Any adverse effects on indigenous biodiversity values within areas identified in SCHED7 - Significant

			<p>Natural Areas are <u>avoided, remedied or mitigated consistent with the ECO chapter provisions addressed in accordance with ECO-P2 and the matters in ECO-P4, ECO-P11 and ECO-P12.</u>"</p>
<p>INF-P21 Upgrades to and new infrastructure in Special Amenity Landscapes</p>	<p>oppose</p>	<p>This policy fails to consider the impacts on indigenous biological diversity or whether values meet the significance criteria in Policy 23 of the RPS.</p>	<p>Amend as follows: "Upgrades to and new <u>Regionally Significant Infrastructure</u> in Special Amenity Landscapes Except as provided for by INF-P6 and INF-P7, only <u>consider allowing</u> for upgrades to existing <u>Regionally Significant Infrastructure</u> and for new <u>Regionally Significant Infrastructure</u> within Special Amenity Landscapes where: 1. Any significant adverse effects are avoided, and any other adverse effects are avoided, remedied or mitigated and the identified characteristics and values of the Special Amenity Landscapes described in SCHED10 - Special Amenity Landscapes are maintained; and <u>1A. an assessment has been undertaken applying the criteria under Policy 23 of the RPS and any areas of significance are protected; and</u> <u>1B. indigenous biological diversity is maintained; and</u> 2. There is an operational need or functional need that means the infrastructure's location cannot be avoided; 3. There are feasible methods to mitigate the adverse effects of the activity on the landscape and reduce the visual impact, including through: a. Grouping or dispersing structures; b. Undergrounding; and c. Locations that reduce visibility. 4. The design methods used minimise the adverse visual effects of the infrastructure, including:</p>

			<p>a. Landscaping and screening; b. Design, location, height, bulk and colour; c. Any light spill effects; d. Reflectivity effects; and 5. The scale of earthworks and indigenous vegetation removal is minimised and any exposed areas are treated to minimise adverse off-site effects.</p>
<p>INF-P22 Upgrades to and new infrastructure in an Outstanding Natural Features and Landscapes or Coastal High Natural Character Area</p>	<p>Support in part</p>	<p>The direction for avoidance as the first consideration for new RSI in ONFL throughout the district and HNC of the coastal environment is supported. However this policy fails to consider the impacts on indigenous biological diversity or whether values in these areas meet the significance criteria in Policy 23 of the RPS. The direction for avoidance as the first consideration for new RSI should also be applied to SCHED7 SNAs and should not be anticipated within other SNAs or natural wetlands.</p>	<p>Amend as follows: “Upgrades to and new <u>Regionally Significant</u> infrastructure in an Outstanding Natural Features and Landscapes or Coastal High Natural Character Area Except as provided for by INF-P6 and INF-P7, only allow upgrades to existing <u>Regionally Significant</u> infrastructure where, and avoid new <u>Regionally Significant</u> infrastructure in areas identified in SCHED9 - Outstanding Natural Feature and Landscape or SCHED11 - Coastal High Natural Character Area, unless it can be demonstrated that: <u>1A. an assessment has been undertaken applying the criteria under Policy 23 of the RPS and any areas of significance are protected; and</u> <u>1B. indigenous biological diversity is maintained; and</u> 1. There is an operational need or functional need that means the infrastructure's location cannot be avoided, and there are no reasonable alternatives; 2. The design and location of the infrastructure is subordinate to and does not compromise the identified characteristics and values of the Outstanding Natural Feature or Landscape described in SCHED9 - Outstanding Natural Features or</p>

			<p>Landscapes or Coastal High Natural Character Area described in SCHED11 - Coastal High Natural Character Areas;</p> <p>3. The natural components of the Outstanding Natural Feature or Landscape or Coastal High Natural Character Area will continue to dominate over the influence of human activity; and</p> <p>4. Any significant adverse effects are avoided, and any other adverse effects are avoided, remedied or mitigated, while also having regard to the matters in NFL-P3 and NFL-P6 and CE-P3.</p>
INF-P23 Upgrades to and new infrastructure in Natural Hazard Overlays and Coastal Hazard Overlays	Oppose in part	Upgrades and new RSI should make provision for indigenous biodiversity to adapt and respond to natural hazards, particularly where this is a result of climate change.	<p>Only allow for upgrades to existing and new <u>Regionally Significant Infrastructure</u> in Natural Hazard Overlays and Coastal Hazard Overlays where the infrastructure:</p> <ol style="list-style-type: none"> 1. Does not increase the risk from the natural hazard to people, or other property or infrastructure; 2. Has a functional need or operational need that means the infrastructure's location cannot be avoided and there are no reasonable alternatives; 3. Is not vulnerable to the natural hazard; 4. Does not result in a reduction in the ability of people and communities to recover from a natural hazard event; and 5. Is designed to maintain reasonable and safe operation during and in the immediate period after a natural hazard event; <u>and</u> 6. <u>includes provision for indigenous biodiversity adaption and response including inland migration in response to sea level rise.</u>
INF-P26 Signs	oppose	It is not clear that there may be environmental effects from signage, for example in or adjacent to an SNA or natural wetland. It is also not clear	Enable signs associated with the construction, operation, maintenance and repair or upgrading of <u>Regionally Significant Infrastructure</u> where adverse

		whether this signage is specific to RSI. The policy also suggests some signs could be temporary. This needs clarification.	effects are avoided, remedied or mitigated.
INF Rules	oppose	<p>The relationship of this chapter to overlays and overlay provisions is uncertain. The National Planning Standards are that overlay provisions are to be included in the relevant district wide chapter. In respect of SCHED7 SNAs this is the ECO chapter. Under the amendments sought by Forest & Bird the ECO chapter will also include provisions for identification of additional SNAs and maintenance of indigenous biological diversity.</p> <p>The current approach that rules rely on the policies in this INF chapter is inconsistent with the National Planning Standards for overlays and does not achieve integrated management for infrastructure and ECO outcomes set out in the chapter and strategic objectives. Integration with coastal environment provisions is also uncertain.</p> <p>The default position that the rules apply over all overlays is inconsistent with the National Planning Standards and with good practice that spatially defined matters are not determined on the basis of activities or underlying zone provisions.</p> <p>The applicability of rules should be determined on the activity which they provide for and also on the effects which a rule addresses.</p>	<p>Amend the first note as follows: “Note: Rule headings may identify whether the rule applies to areas outside of any Overlay, to all Overlay areas, or to areas within specific Overlays. Where rules do not specifically identify this, they apply across all <u>are subject to any relevant Overlays and areas outside of any Overlay provisions set out in the relevant district wide chapters.</u></p> <p>Delete the second note relating to whether other rules apply.</p> <p>Amend the last note as follows: “Note: An activity may require consent for more than one rule in this table <u>and may also require consent under rules in another chapter of the plan where the proposal includes more than one activity.</u> Plan users are required to review all rules in this table to determine the status of an activity.”</p>
INF-R3 The maintenance and repair and removal of existing infrastructure, including any existing	Oppose in part	<p>The standards do not include any limits to effects on indigenous biodiversity outside of SCHED7 other than with respect to riparian margins.</p> <p>The rule does not prevent adverse effects on</p>	Clarify that the rule either relates to RSI and/or to other infrastructure and that the provision for maintenance and repair only applies for lawfully established infrastructure.

<p>ancillary vehicle access tracks, outside of any Overlay</p>		<p>wetlands or provide for the maintenance of indigenous biodiversity.</p>	<p>Amend R3 1. to include:</p> <ul style="list-style-type: none"> • a condition that the activity is setback 15m from a SCHED7 SNA or natural wetland • include a limit on any vegetation removal of 2m from the existing infrastructure. <p>Amend R3 2. to capture non compliance with 1. Add the following condition</p> <ul style="list-style-type: none"> • the activity is not within 15m of a natural wetland <p>Add the following matter of discretion:</p> <ul style="list-style-type: none"> • effects on indigenous biological diversity <p>Add a non-complying rule where the wetland setback is not complied with or a reference that the ECO rules apply in this case.</p>
<p>INF-R4 Upgrading of existing infrastructure, excluding roads, gas transmission pipelines and transmission lines over 110kV, outside of any Overlay</p>		<p>The standards do not include any limits to effects on indigenous biodiversity outside of SCHED7 other than with respect to riparian margins. The rule does not prevent adverse effects on wetlands or provide for the maintenance of indigenous biodiversity.</p>	<p>Clarify that the rule either relates to RSI and/or to other infrastructure and that the provision for maintenance and repair only applies for lawfully established infrastructure.</p> <p>Amend R4 1. to include:</p> <ul style="list-style-type: none"> • a condition that the activity is setback 15m from a SCHED7 SNA or a natural wetland • include a limit on any vegetation removal of 2m from the existing infrastructure. <p>Amend R4 2. to capture non compliance with 1. Add the following condition</p> <ul style="list-style-type: none"> • the activity is not within 15m of a natural wetland <p>Add the following matter of discretion:</p>

			<ul style="list-style-type: none"> • effects on indigenous biological diversity <p>Add a non-complying rule where the wetland setback is not complied with or a reference that the ECO rules apply in this case.</p>
INF-R5	Support in part	<p>5.1.b. Support the permitted activity not applying in wetlands however a set back is also required for consistency with the NES for Freshwater Regulations.</p> <p>5.2. Oppose the preclusion of notification of RDAs. SNAs are area with include matters of national importance as such public interest is a relevant consideration to notification, particularly where effects may be more than minor.</p> <p>5.7. Submit that works in a wetland may need to be non-complying, in order to avoid being more lenient than the NESFM.</p>	<p>Clarify that the rule either relates to RSI and/or to other infrastructure and that the provision for maintenance and repair only applies for lawfully established infrastructure.</p> <p>Amend R5 1. to include:</p> <ul style="list-style-type: none"> • a condition that the activity is setback 15m from a natural wetland <p>Amend R5 2., R5.3 and R5.4 to capture non compliance with the 15m setback</p> <p>Add the following condition</p> <ul style="list-style-type: none"> • the activity is not within 15m of a natural wetland <p>Add the following matter of discretion:</p> <ul style="list-style-type: none"> • effects on indigenous biological diversity <p>R5. 2. - Delete the note regarding non-notification</p> <p>R5.6 Add the following matter of discretion:</p> <ul style="list-style-type: none"> • effects on indigenous biological diversity <p>Add a non-complying rule where the wetland setback is not complied with or a reference that the ECO rules apply in this case, alternatively amend R5.7 to include the setback and change to non-complying.</p>

INF-R7	Oppose in part	The rule fails to consider effects on indigenous biodiversity within these overlay areas	<p>Add the following matter of discretion:</p> <ul style="list-style-type: none"> • effects on indigenous biological diversity
INF-R8	Oppose in part	The rule fails to consider effects on indigenous biodiversity within these overlay areas	<p>Add the following matter of discretion:</p> <ul style="list-style-type: none"> • effects on indigenous biological diversity
INF-R9	Oppose in part	<p>9.1. appears to provide for tracks within SNAs on the basis of c.iii and d.iii. However, it is not clear in the rule whether this would provide for the upgrading, extension or creation of new tracks. Tracks and walkways in SNAs can cause significant adverse effects, and should be discretionary activities. Tracks adjacent to SNAs may also have effects on the SNA which require specific consideration through a resource consent.</p> <p>9.7. Activities in wetlands should generally be non-complying, given the adverse effects that can be caused. NC status may also be required to ensure consistency with the NESFM.</p>	<p>Clarify that the rule permitted and restricted activity status does not apply to the upgrading, extension or creation of new tracks within a SCHED7 SNA overlay by:</p> <ul style="list-style-type: none"> • deleting R9.1 c. iii and R9.1 d. iii • adding a condition to R9.1 that the activities are not within a SCHED7 SNA <p>or by separating maintenance of existing lawfully constructed tracks from the upgrading, extension or creation of new tracks.</p> <p>Include a condition in R9.1 for a setback of 15m from wetlands and from SNAs.</p> <p>Amend R9 so that where upgrading, extension or creation of new tracks do not meet the SNA setback the R9.7 discretionary status applies.</p> <p>Add the following matter of discretion to the restricted discretionary rules:</p> <ul style="list-style-type: none"> • effects on indigenous biological diversity <p>Where the activities are within the wetland setback or within a wetland the activity is non-complying.</p> <p>Retain the Discretionary status in R9.7 for activities within an SCHED7 SNAs and ensure this rule also</p>

			<p>applies:</p> <ul style="list-style-type: none"> to the upgrading, extension or creation of new tracks within the SNA setback; where the limits/standards for maintenance of existing tracks is not met. <p>Also ensure that consideration of effects is not limited by deleting the note in the chapter introduction to that effect.</p>
INF-R27	oppose	The rule fails to consider adverse effects on indigenous biodiversity	<p>Amend R27.1 to include limits to vegetation removal to no more than minor adverse effect. Where that limit is not met amend so that R27.3 or R27.4 applies.</p> <p>R27.3 Add the following matter of discretion:</p> <ul style="list-style-type: none"> effects on indigenous biological diversity
INF-R28	Oppose in part	The rule fails to consider adverse effects on indigenous biodiversity	<p>Amend R28.1 to include limits to vegetation removal to no more than minor adverse effect. Where that limit is not met amend so that R28.2 or R28.3 applies.</p> <p>R28.2 Add the following matter of discretion:</p> <ul style="list-style-type: none"> effects on indigenous biological diversity
INF-R29	oppose	The rule fails to consider adverse effects on indigenous biodiversity	<p>Amend R29.1 to include limits to vegetation removal to no more than minor adverse effect. Where that limit is not met amend so that R29.2 applies.</p> <p>R29.2 Add the following matter of discretion:</p> <ul style="list-style-type: none"> effects on indigenous biological diversity

INF-R30	Oppose in part	Upgrading could have significant adverse effects on indigenous biodiversity values. The scale and extent of potential effects from upgrading is uncertain.	Amend R30.1 by: Adding a limit to the scale of an upgrade; Adding a setback of 15m from wetlands; Adding the following matter of discretion: <ul style="list-style-type: none"> effects on indigenous biological diversity Amend R30.2 to a non-complying activity status. Also ensure that consideration of effects is not limited by deleting the note in the INF chapter introduction to that effect.
INF-R31	Oppose in part	The rule fails to consider adverse effects on indigenous biodiversity	Adding the following matter of discretion: <ul style="list-style-type: none"> effects on indigenous biological diversity
INF-R39	Oppose	Upgrading could have significant adverse effects on indigenous biodiversity values. The scale and extent of potential effects from upgrading is uncertain.	Amend R39.1 to a Discretionary activity status Also ensure that consideration of effects is not limited by deleting the note in the INF chapter introduction to that effect.
INF-R40	Oppose in part	The rule fails to consider adverse effects on indigenous biodiversity	Adding the following matter of discretion: <ul style="list-style-type: none"> effects on indigenous biological diversity
INF-R43	oppose in part	It is not clear whether this rule is limited to new infrastructure or would apply to any maintenance or upgrading not already specified in other rules. It is also not clear whether it s intended to capture RSI and or other infrastructure. New infrastructure should not generally be anticipated with in an SNA. Where it is specific rules for the activity can and have been set out. This rule should therefore apply a higher test to considering new activities within an SNA.	Clarify the scope of the rule to apply to all “new” RSI and other infrastructure within SCHED7 SNA overlay Change the activity status to non-complying
INF-S17	Oppose in part	The standard fails to consider adverse effects on	Adding the following matter of discretion:

		<p>indigenous biodiversity</p> <p>The continuous five year period time frame is uncertain as a trigger for consenting. Non-compliance could not be ascertained without knowing the timeframe of the earthworks or whether any other works had already been undertaken within the overlay in that period.</p> <p>The exception is inappropriate as effects do not change on the basis of who undertakes the activity, nor do the activities set out link to any specific function of the Councils or Department.</p>	<ul style="list-style-type: none"> • effects on indigenous biological diversity <p>Reconsider the maximum disturbance areas to take into account adverse effects on indigenous biodiversity and consider 50m² in SCHED10 areas.</p>
INF-S18	Oppose in part	<p>The limitations for removal within 2m of existing RSI is supported to allow for maintenance activities, however a lesser limit of 1m should be set for tracks and 1.5 for fences.</p> <p>The additional area, time based and tree size limits are uncertain. The provision for structures relating to new walkways, cycle ways and shared paths is also uncertain.</p>	<p>Remove provision for vegetation removal associated with new infrastructure within the standard as this should be a consented activity within a SCHED7 SNA.</p> <p>Limit removal of vegetation for fences to 1.5m on a single side and 1m either side of tracks</p>
INF-20	Oppose in part	<p>The exclusions in the standard are uncertain. As they set out a limit which must be met, they are in effect standards and can be worded as such.</p> <p>The limitation of matters of discretion prevents the consideration of objectives and would prevent the consideration of any future NPS on indigenous biodiversity.</p> <p>20 square metres of vegetation within an SNA could have significant adverse effects. This must be limited to within 2m of existing infrastructure and only where necessary for maintenance of existing</p>	<p>Reword the exclusions so that they are set out as an applicable standard</p> <p>Add the following matter of discretion:</p> <ul style="list-style-type: none"> • effects on indigenous biological diversity <p>Delete “within any 12 month period”</p>

		lawfully established infrastructure. The 12 month time frame is uncertain as a trigger for consenting and no compliance could not be ascertained without knowing the timeframe of the earthworks.	
ECO – Ecosystems and Indigenous Biodiversity			
ECO - Chapter introduction	Support in part	<p>At a high level the approach of identifying known SNAs in the plan is supported. We also support the certainty in terms of protection of identified trees within UEAs. However there are deficiencies with the approach taken to these matters and the limitation of the chapter applying solely to identified SNAs (and identified values) listed in Schedule 7.</p> <p>In brief, the key issues with this chapter are:</p> <ol style="list-style-type: none"> 1. Limiting protection to Identified SNAs - there are likely to be further areas that qualify. Also, over time areas will become significant; the Plan needs to provide protection to those areas. 2. Limiting protection to currently identified values – what is listed in Schedule 7 is not a complete list of the biodiversity values of each SNA. It is a brief snapshot of some values, at the current time. Limiting protection to those values listed does not fulfil s6(c). 3. UEA approach is uncertain with respect to future subdivision affecting scheduled SNAs and further identification of SNAs 4. The provisions do not protect biodiversity 	<p>Clarify that the provisions for SCHED7 SNAs apply to the Natural Environment Values Overlay of Significant Natural Areas to clarify the relationship to the planning map tools and legend.</p> <p>1. Clarify the introduction... ?</p> <p><u>“The Ecosystems and Indigenous Biodiversity chapter comprises district-wide provisions relating to indigenous biodiversity and ecosystem functions. This includes provisions relating to the identified identification of areas of Significant Natural Areas (“SNAs”) including currently known SNAs which are identified in Schedule 7 and provided as an overlay on the district planning maps. Provisions which apply to an overlay are referred to as “overlay provisions”, all provisions in this chapter are also “district-wide” provisions. Where there is any conflict between an overlay provision and a district-wide provision, the overlay provision should be read as taking priority. These are district-wide and Overlays provisions which apply within all zones. Scheduled SNAs have been identified in accordance with the criteria within Policy 23 of the Regional Policy Statement for the</u></p>

		<p>outside of listed SNAs. This is contrary to s31.</p> <p>5. The rules only manage indigenous vegetation clearance. Significant habitats of indigenous fauna can be found in exotic vegetation. Further, exotic vegetation within SNAs can contribute to the ecosystem values of that site.</p> <p>It is not clear whether this is an “overlay chapter” as referred to in the SUB and EW chapters. Planning standards say that provisions for overlays are to be included in district-wide chapters.</p> <p>The term “limited impacts” is subjective and inconsistent with terminology of the RMA. It is not appropriate to permit activities which would have a more than minor adverse effect on indigenous biodiversity.</p>	<p>Wellington Region.</p> <p>The objectives, policies and rules provide the framework for managing the effects of activities on significant indigenous biodiversity values, <u>maintaining and where appropriate enhancing indigenous biodiversity within the City-District.</u></p> <p>The rules recognise some activities can occur with limited impacts <u>no more than minor adverse effects on indigenous biodiversity the values of SNAs</u> and as such these are provided for as permitted activities. Other activities could result in a greater level of adverse effect and require assessment against the values of the relevant SNA.</p> <p>The SNAs that are <u>known and have been identified on the planning maps overlay covered by this chapter</u> are contained in SCHED7 - Significant Natural Areas. Where the SNA is in an urban environment allotment as defined under s76(4C) of the RMA, further detail of the SNA is set out in SCHED8 - Urban Environment Allotments. <u>The plan provisions are intended to avoid the inclusion of SNA’s within future subdivision which results in a UEA where possible. If it is not possible then a plan change will be required to add the SNA into both SCHED7 and SCHED8.”</u></p> <p>2. Amend the definition of SNA to recognise that identified SNAs in Schedule 7 are an overlay shown on the Planning Maps and provisions for them are included in the ECO chapter.</p>
ECO-O1 Significant Natural Areas	Oppose in part	In it inappropriate to limit the protection of significant biodiversity values to those currently	Amend as follows: The identified values of significant natural areas are

		<p>identified. Presumably ‘identified’ means include in Schedule 7, although this is not clear. The values listed in Schedule 7 are a brief snapshot of the current values of each SNA. Biodiversity values change over time, and s6(c) will not be met if the Plan limits protection to only a subset of significant values.</p> <p>S6(c) does not include ‘from inappropriate development etc’.</p> <p>If the definition of Significant Natural Areas is amended in line with the F&B submission point, i.e. to include any area that meets policy 23 RPS, rather than only those sites in Schedule 7, then this policy can simply refer to SNAs. However, if that amendment is not made, the provisions in this chapter, including this policy, will need to separately refer to areas that have significant biodiversity value, but which are not defined as SNA in this Plan.</p>	<p>protected from inappropriate use and development, and where appropriate, restored.</p> <p>If definition of SNA is not amended to include all areas that meet Policy 23 RPS criteria, this policy (and further provisions in this chapter) will require amendment to specifically refer to those further areas.</p>
New Objective – ecological functions and receiving environments		The chapter fails to consider effects of activities within the Council’s functions on ecological values beyond SNAs. This is inconsistent with the NPSFM and does not provide for councils integrated management functions.	Add a new ECO objective as follows: “ <u>Subdivision, use and development is managed to ensure the ecological function and protective buffering of hydrological and ecological systems are maintained and restored.</u> ”
New objective – Maintenance of indigenous biodiversity		Council has a function to maintain indigenous biodiversity which extends beyond SNAs.	Add a new ECO objective as follows: “ <u>The District’s indigenous biodiversity is maintained and enhanced.</u> ”
ECO-O2 Plantation Forestry	oppose	While we support the intent of this objective it is not appropriate to set the objective out as if it is for plantation forestry. This is not a plantation	Delete Add provision that the values of Significant Natural

		<p>forestry chapter. We consider that the direction in this objective should be captured within the policies and have included this in our amendments to ECO-P8 below.</p> <p>Further, it is again limited to the identified values of SNAs, which is inappropriate.</p>	<p>Areas are protected from the adverse effects of plantation forestry activities into ECO-P8.</p>
<p>ECO-P1 – Identification of Significant Natural Areas</p>	<p>oppose</p>	<p>It is not clear where the provisions for the SNA overlay sit in the plan. The National Planning Stds state under section 4. District plan structure -13. If overlays areas used, their provisions must be located in the relevant District-Wide matters Chapters and sections.</p> <p>Provisions providing some protection for biodiversity areas only apply to currently identified areas and values, leaving further significant areas and values without any biodiversity management. This clearly fails to achieve the Council’s responsibilities under the Act and does not give effect to the RPS.</p> <p>The descriptions for many SNA are based on old data and/or desktop assessments. The assessments may have missed important ecological values. Relying on the values identified through the SNA assessment process has significant risk that other, as yet not identified values, could be compromised.</p> <p>Forest & Bird supports the inclusion of known</p>	<p>Amend ECO-P1 to read: <u>“To identify Significant Natural Areas (SNA) in the following ways:</u> <u>(a) identify known areas of significant indigenous biodiversity by listing them in SCHED7 and by delineating these spatially on the Planning Maps as an overlay to which overlay provisions apply.</u> <u>(b) use the significance criteria set out in Policy 23 of the RPS to identify additional areas of significance to which district-wide provisions apply.”</u></p>

		<p>SNA's (including areas of wetland within those SNA's) in SCHED7 SNA overlay.</p> <p>However we seek that provisions for the protection of SNA's will also apply to any additional area where significant values are determined by applying the Policy 23 criteria on a through consenting processes</p>	
<p>ECO-P2 Protection of Significant Natural Areas</p>	<p>Oppose</p>	<p>The current policy is inconsistent with the NZCPS and the RPS. It is clear in the RPS that protection of SNA's is intended. The explanation of Policy 24 that activities must be appropriate in relation to the biodiversity values of SNA's does not reflect the wording of s6(c) of the RMA. However, applying the interpretation under King Salmon that appropriate is to be determined by the values that are to be protected would result in an outcome, ie based on effects rather than the activity. For clarity the Plan should reflect the s6(c) wording. Biodiversity compensation does not protect the biodiversity values that are adversely affected by a proposal. There is no provision for compensation for adverse effects on SNA's in the RPS. However there is some consideration of biodiversity offsetting in specific circumstances as set out in the explanation to Policy 47. Biodiversity offsetting may in some cases protect, such as where a species is relocated, but in most cases is a like for like replacement which does not actually protect the value which is adversely affected. Therefore a precautionary approach is appropriate</p>	<p>Replace ECO-P2 with the following: <u>"Protecting Significant Indigenous Biodiversity:</u> <u>1. To protect significant indigenous biodiversity in the coastal environment by:</u> <u>(a) avoid adverse effects of activities on:</u> <u>(i) indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;</u> <u>(ii) taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;</u> <u>(iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;</u> <u>(iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;</u> <u>(v) areas containing nationally significant examples of indigenous community types; and</u> <u>(vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and</u> <u>(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities</u></p>

		<p>and offsetting should only be considered where it is within limits. Compensation approach is not supported as this would result in the loss of significant indigenous biodiversity values.</p> <p>The plan should require that new land use and subdivision activities will require consent so that approval for the activity can be determined with respect to effects on both SCHED7 SNAs and any other areas assessed as meeting the significance criteria in Policy 23 of the RPS. For the latter, the rules for activities addressed in other chapters would include triggers through rule conditions/standards and matters of discretion to require such assessment and consideration of the matters addressed in the ECO policies.</p>	<p>on:</p> <ul style="list-style-type: none"> <u>(i) areas of predominantly indigenous vegetation in the coastal environment;</u> <u>(ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;</u> <u>(iii) indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;</u> <u>(iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;</u> <u>(v) habitats, including areas and routes, important to migratory species; and</u> <u>(vi) ecological corridors, and areas important for linking or maintaining biological values identified under this policy.</u> <p><u>2. To protect significant indigenous biodiversity in the coastal environment where 1. does not apply and beyond the coastal environment by:</u></p> <p><u>(a) avoid the following adverse effects on indigenous biodiversity values:</u></p> <ul style="list-style-type: none"> <u>(i) Loss of ecosystem representation and extent;</u> <u>(ii) Disruption to sequences, mosaics or ecosystem function;</u> <u>(iii) Fragmentation or loss of buffering or connectivity within the SNA and between other indigenous habitats and ecosystems; and</u> <u>(iv) A reduction in population size or occupancy of</u>
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			<p><u>threatened species using the SNA for any part of their life cycle; and</u></p> <p><u>(b) avoiding significant adverse effects on biodiversity values;</u></p> <p><u>(c) avoiding, remedying or mitigating other adverse effects of subdivision, land use and development on the values which contribute to the significance of the SNA; and</u></p> <p><u>(d) where adverse effects cannot be practicably be avoided under (b) and/or adverse effects cannot practicably be remedied or mitigated under (c):</u></p> <p><u>(i) Only consider biodiversity offsetting for any residual adverse effects where there is a functional need for the activity and after adverse effects are remedied, mitigated and minimised and where the principles of APP8 - Biodiversity Offsetting are met.</u></p>
New policy - Maintaining Indigenous Biodiversity	oppose	<p>The provisions as proposed do not implement council's functions to maintain indigenous biodiversity.</p> <p>We consider that a policy similar to that in the Invercargill plan is appropriate for Porirua given the similarities of having identified SNAs, a coastal environment and very little remaining indigenous biodiversity . The explanation for this policy is that for new land use and subdivision activities, it is anticipated that a range of options will be considered to maintain indigenous biodiversity to ensure that the biodiversity values are retained and that adverse effects are avoided, remedied or mitigated wherever possible. A range of regulatory and non-regulatory methods provides the</p>	<p>Add new ECO Policy as follows:</p> <p><u>"Maintaining Indigenous Biodiversity:</u></p> <p><u>1. To maintain indigenous biodiversity outside of SCHED7 SNAs by avoiding, remedying or mitigating the adverse effects of subdivision, land use and development on indigenous biodiversity.</u></p> <p><u>2. To have regard to the following potential adverse effects in considering subdivision, land use and development that may adversely affect indigenous ecosystems and habitats with indigenous biodiversity values:</u></p> <p><u>a. Fragmentation of, or reduction in the extent of, indigenous vegetation or habitats of indigenous fauna;</u></p> <p><u>b. Fragmentation or disruption of connections and</u></p>

		Council with opportunities to promote the maintenance and enhancement of areas of indigenous biodiversity.	<p><u>linkages between ecosystems or habitats of indigenous fauna;</u></p> <p><u>c. Loss of, or damage to, buffering of ecosystems or habitats of indigenous fauna; and</u></p> <p><u>d. Loss or reduction of rare or threatened indigenous species' populations or habitats."</u></p>
New policy –Information collection		To support Council’s function for the maintenance of indigenous biodiversity it is important that information is collected and retained on the extent of vegetation and the threats to retaining it. This information is also critical to effective state of environment reporting.	Add a new ECO Policy “ <u>Information Collection: To gather and record information on the Districts biodiversity resources and the effects of activities, pests and climate change on indigenous ecosystems to assist with the sustainable management of the resource and the ongoing development and implementation of appropriate management regimes."</u>
ECO-P3 Appropriate use and development in Significant Natural Areas	Oppose in part	<p>This policy is enabling towards the listed activities however there is no recognition that the activities could be of a scale or in a location which may not maintain the values of SNAs.</p> <p>The policy approach towards activities rather than effects also creates an overlap with activities that are addressed in other chapters. As such the policy should be written to provide direction which can be applied through resource consents as well as a basis for limits to permitted rules.</p> <p>The policy should not automatically provide for these activities, nor should it be confined to identified values.</p>	<p>Amend as follows:</p> <p><u>Consider allowing for Enable vegetation removal within SCHED7 – Significant Natural Areas SNAs for the following activities where the vegetation removal where it is of a scale and nature that maintains the identified biodiversity values including:</u></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 Significant Natural Areas</p>	<p>oppose</p>	<p>There is no need for this policy. The ECO provisions which address protection and maintenance of biodiversity provide direction for subdivision, use and development activities. There is no need to duplicate the effects already considered or activities which are captured in other chapters.</p> <p>In addition this policy suggests a lower level of protection by considering the extent to which effects may be minimised.</p> <p>If there is any place for a policy such as this, it must not detract from the requirements of P2 as amended above. As such, if this policy is to remain, it would need to be much more protective of biodiversity values.</p>	<p>Delete</p>
<p>ECO-P5 Protection of wetlands</p>	<p>Support in part</p>	<p>Support the policy direction to avoid activities that result in the loss or degradation of indigenous biodiversity values from wetlands. However we disagree with the way this is expressed and its limitation to SCHED7 SNAs. This is inconsistent with the RPS, NZCPS and NPSFM.</p> <p>We consider that restoration for wetlands may be better addressed separately to protection.</p> <p>Given that there is some overlap with regional council functions with respect to wetlands, there may be merit in a new policy for integrated management of wetlands.</p>	<p>Amend ECO-P5: “Avoid activities that would result in the loss or degradation of the identified indigenous biodiversity values of wetlands within a Significant Natural Area, listed in SCHED7— Significant Natural Areas, while providing for restoration activities in accordance with ECO-P7.” <u>Provide for the restoration of wetlands in the District.</u></p> <p>Add a new policy for integrated management of wetlands.</p>
<p>New policy - Integrated management of natural</p>		<p>The chapter fails to consider effects of activities within the council’s functions on ecological values</p>	<p>Add a new ECO Policy <u>“To assist the integrated management:</u></p>

<p>wetlands, the margins of lakes, rivers and the Coastal Marine Area.</p>		<p>beyond SNAs. This is inconsistent with the NPSFM and does not provide for council’s integrated management functions.</p> <p>We note that the requirement in 3.23 NPSFM requires Regional Councils to map only wetlands of a certain size or type. There are likely to be other wetlands not required to be mapped under the NPSFM.</p> <p>Where areas of indigenous biodiversity abut areas with similar ecological values in the jurisdictions of other agencies it is important that management is co-ordinated.</p>	<p><u>(a) show natural wetlands identified by Greater Wellington Regional Council on Planning Maps.</u> <u>(b) require the identification of any further wetlands, their margins and the margins of lake, rivers and the CMA ahead of subdivision and development activities; and</u> <u>(c) promote the protection and restoration of areas of significant indigenous biodiversity, wetlands, and rivers and their margins where they abut areas with similar ecological values in the jurisdictions of other agencies.</u></p>
<p>ECO-P6</p>	<p>oppose</p>	<p>Policy direction on this is not needed. The policies as amended by Forest & Bird provide direction which can be applied through conditions and matters within specific rules which allow for this.</p> <p>We are also concerned with the approach where by the “highest” values are protected when there is no direction from high order documents to support such an approach. We have considered how measures can be set out in an appropriate rule to ensure building plat forms are located so as to have the least adverse effects on indigenous biodiversity values and protect SNAs.</p>	<p>Delete Policy ECO-P6</p>
<p>ECO-P7 Protection and restoration initiatives New policy – Planting New policy – Biodiversity</p>	<p>Support in part</p>	<p>The policy does not set out any clear direction for protection. There is also no clear direction for the use of locally sourced plants or pest control which are critical to appropriate restoration and</p>	<p>Delete P7 Protection and restoration initiatives Encourage the protection and restoration of indigenous biodiversity by supporting initiatives by landowners, community groups and others to</p>

<p>initiatives New policy –other legislation New policy – Pest control</p>		<p>protection. We consider that while restoration initiatives may largely be a non-regulatory consideration protection benefits from legal mechanisms</p> <p>We therefore consider that 3 policies are needed.</p> <p>Biodiversity restoration initiatives are essential if the full range of ecosystem functions is to be maintained, restored or enhanced in the District. The Council is well placed to be able to support and co-ordinate efforts with the land owners, the community and land management agencies to work together to maintain, enhance or restore a range of ecosystems and habitats throughout the District.</p> <p>A new ECO Policy for considering other Legislation enables protection of the values of these areas, in a manner that can be more effective and more efficient than the methods available under the Resource Management Act 1991. These measures also align with the principles for offsetting where offset areas as to be protected in perpetuity</p> <p>A new ECO policy for Planting To support remediation and mitigation measures as well as to encourage restoration of indigenous biodiversity we seek policy direction for the use of locally sourced indigenous vegetation and to support biodiversity initiatives.</p>	<p>protect, restore and maintain areas of indigenous vegetation.</p> <p>Add a new ECO Policy “<u>Biodiversity restoration Initiatives:</u> <u>To encourage and support biodiversity initiatives to maintain, restore and/or enhance:</u> <u>1. Coastal features, ecosystems and habitats</u> <u>2. Aquatic ecosystems and habitats</u> <u>3. Indigenous species, ecosystems and habitats.”</u></p> <p>Add a new ECO Policy “<u>Other Legislation:</u> <u>To use, and promote the use of, other legislation, including the Reserves Act 1977, the Conservation Act 1987 and the Biosecurity Act 1993 where this will result in the long term protection of areas of indigenous biodiversity.”</u></p> <p>Add a new ECO Policy “<u>Planting:</u> <u>To promote the use of locally sourced indigenous vegetation as part of any restorative planting, enhancement planting and landscaping within areas of significant indigenous biodiversity.”</u></p> <p>Add a new ECO Policy <u>Pest control:</u> “<u>Ensure that development provides for best practice pest animal and plant control in perpetuity, to ensure that biodiversity across the District is maintained and enhanced.”</u></p>
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<p>ECO-P8 New plantation forestry</p>	<p>Support in part</p>	<p>As stated with respect to proposed objective ECO-O2 above the direction to protect SNAs from plantation forestry should be captured within policy direction. We also consider that policy direction and a corresponding rule is needed for new plantation forestry to be considered in terms of the maintenance of indigenous biodiversity which is not an SNA. In addition we consider that policy direction should address potential for wilding pine spread, require set backs and buffers for new plantation forestry and for replanting of existing forestry and for the protection of buffers from harvesting activities. The NES specifically provides that rules in a plan can be more stringent with respect to protection of SNAs. It does not require that the SNA is identified on map and allows for identification by assessment applying significance criteria as per the amendments proposed to ECO-P1 above.</p>	<p>If retained amend policy so that it is more stringent than the NES, for example along the following lines : “ECO-P8 <u>Effects of New Plantation Forestry</u> <u>The values of indigenous biodiversity are maintained and protected from the adverse effects of plantation forestry activities, including by:</u> <u>(a) restricting the removal of indigenous vegetation associated with any proposed afforestation to ensure the maintenance of indigenous biodiversity within the District;</u> <u>(b) avoiding Avoid the establishment of new plantation forestry within a Significant Natural Area listed in SCHED7 – Significant Natural Areas;</u> <u>(c) ensuring new plantation forestry is set back and buffered so that the potential for wilding tree spread into an SNA is avoided;</u> <u>(d) replanting of plantation forestry adjacent to SNA’s is setback to provide appropriate buffers; and</u> <u>(e) buffer areas which contribute to an SNA are protected from harvesting activities.”</u></p> <p>Also include a new set of rules to give effect to this policy.</p>

ECO-P9 Existing plantation forestry	oppose	It is not clear how retaining plantation forestry in and SNA would be consistent with maintaining the values of the SNA as harvesting would surely result in a loss of values.	Delete
ECO-10 Māori Purpose Zone (Hongoeka) and Takapūwāhia Precinct	Support in part	<p>Forest & Bird generally supports the intent of the policy however, a policy applying to a specific zone and precinct does not fit within the district wide ECO chapter.</p> <p>We also have some concerns with the approach to considering “highest identify biodiversity values” as this appears to be subjective and appears to pick winners rather than achieving the protection to be provided under s6(c).</p> <p>We consider that a wider role for tangata whenua with respect to indigenous biodiversity should be recognised within the ECO chapter to have regard to s7 (a) and (aa) in particular and consistent with the strategic direction provisions TW. We propose a policy used in the Invercargill District Plan for consideration by the council and iwi.</p>	<p>Move the considerations of ECO-10 into the Māori Purpose Zone (Hongoeka) and Takapūwāhia Precinct chapters and delete the words “highest identified”.</p> <p>An alternative approach to avoiding the ‘highest identified values’ needs to be considered by Council. Potentially reliance could simply be placed on P2, along the following lines:</p> <ol style="list-style-type: none"> 1. Kaitiakitanga is exercised to protect SNAs in accordance with the effects management hierarchy in ECO P2, and P2 is also applied to the design and location of papakainga etc <p>We suggest an additional policy to recognise the role of tangata whenua as kaitiaki with respect to indigenous biodiversity across the district. Insert the following (or similar): <u>“Tangata Whenua: To recognise the role of tangata whenua as kaitiaki, and provide for:</u></p> <ol style="list-style-type: none"> <u>1. Tangata whenua values and interests to be incorporated into the management of biodiversity;</u> <u>2. Consultation with tangata whenua regarding the means of maintaining and restoring areas and habitats that have particular significance to tangata whenua;</u> <u>3. Active involvement of tangata whenua in the protection of cultural values associated with</u>

			<p><u>indigenous biodiversity;</u> <u>4. Customary use of indigenous biodiversity according to tikanga.”</u></p>
ECO-P11 Earthworks in Significant Natural Areas	Support in part	<p>We support the intent to generally restrict earthworks in SNAs, and to avoid earthworks in wetlands.</p> <p>However, the consideration of effects from earthworks should not be limited to only 3 policies in the ECO chapter. Earthworks are addressed under a separate chapter where the rules can include limits to restrict and avoid earthworks within SNAs, and to maintain indigenous biodiversity that implement the ECO policy direction and to achieve the objectives.</p> <p>We also have some concerns that there is no setback for earthworks from wetlands as this would be inconsistent with the NES for Freshwater Regulations.</p>	<p>Amend policy to recognise that only consideration may also be relevant reason not to allow earthworks, as follows: “Only <u>consider</u> allowing ...</p> <p>Make changes to the EW rules to implement the amended ECO Policy direction sought.</p> <p>Include setbacks from wetlands within the EW rules.</p>
ECO-P12 Significant Natural Areas within the coastal environment	Oppose in part	<p>Support the intent to give effect to NZCPS, but this policy fails to give effect to Policy 11(b) of the NZCPS.</p>	<p>Delete ECO-12 Significant Natural Areas within the coastal environment, and make amendments as sought to ECO-P2 Protection of Significant Natural Areas above.</p>
ECO Rules – general comment	Oppose in part	<p>the relationship between these rules and other chapters is unclear, particularly when activities which are the topic of other chapters are included in the ECO rules.</p> <p>The rules need to be rationalised and set out so that there is a clear approach to the rules focusing on vegetation removal not on activities.</p>	<p>Activities that may have adverse effects on indigenous biodiversity but do not necessarily include vegetation removal should be considered in the relevant chapters of the plan. For example Earthworks effects in indigenous vegetation should be controlled through rules in the EW chapter that are integrated across the plan to achieve the ECO</p>

		<p>That general vegetation clearance rules provide opportunity to identify additional areas of SNA as well as to maintain indigenous biodiversity. Therefore, there should always be a presumption that areas of indigenous veg may include significant values. Hence controlled activity status needs to be carefully applied if at all.</p>	<p>objectives and policies.</p> <p>The permitted rules and those flowing from them which refer to an SNA in the title should specifically state they apply to a SCHED SNA or SNA overlay.</p>
<p>ECO – new general vegetation removal rules</p>	<p>oppose</p>	<p>As discussed in the key issues above, the plan fails to implement councils functions to maintain indigenous biodiversity or provide for the protection of significant indigenous biodiversity values which outside of SCHED7 SNAs.</p>	<p>Add a new rule applying to All Zones as follows or similar: <u>“Indigenous vegetation removal outside of the Significant Natural Area Overlay</u></p> <p><u>1. Activity status: Permitted</u></p> <p><u>Where</u></p> <p><u>a. the indigenous vegetation removal is for the following purposes:</u></p> <ul style="list-style-type: none"> <u>i. to address an imminent threat to people or property represented by deadwood, diseased or dying vegetation and ECO-S1 is complied with;</u> <u>ii. for the operation or maintenance of lawfully established buildings, infrastructure, walking cycling or private vehicle access or fences or existing farming activities;</u> <u>iii for the construction of new buildings, infrastructure, walking cycling or private vehicle access or fences outside of any ONFL and HNC overlays within the coastal environment; and</u> <p><u>b. the indigenous vegetation removal does not exceed:</u></p> <ul style="list-style-type: none"> <u>i. 100m2 within the coastal environment; or</u>

			<p>ii. <u>200m2 beyond the coastal environment, per title as of (date of decision); or beyond 5m of the national grid .</u></p> <p><u>2. Activity status: Restricted discretionary</u> <u>Where:</u> <u>a. Compliance is not achieved with 1a and b.</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>1. The extent to which the trimming or removal of indigenous vegetation avoids the loss, damage or disruption to the ecological processes, functions and integrity; and</u></p> <p><u>2. The extent to which adverse effects are avoided, remedies or mitigated on indigenous biodiversity values which meet the criteria for significance by applying Policy 23 of the RPS; and</u></p> <p><u>23. Adverse effects on receiving environments, including wetlands and the coastal environment; and</u></p> <p><u>4. The use of alternative locations for the activity for which removal of vegetation is purposed to be undertaken.</u></p> <p><u>Section 88 information requirements for applications:</u></p> <p><u>1. Applications for activities within an identified Significant Natural Area must provide, in addition to the standard information requirements, an Ecological Assessment provided by a suitably qualified and experienced ecologist:</u></p> <p><u>a. Identifying the biodiversity values and potential impacts from the proposal.</u></p>
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<p>ECO-R1 Removal of indigenous vegetation within a Significant Natural Area</p>	<p>Support in part</p>	<p>In principle we support permitted activity classification to provide for health and safety and enable maintenance of lawful structures and infrastructure where this is within limits and of a scale to ensure effects would be no more than minor. Where effects are likely to be more than minor a consenting process is appropriate for site specific considerations and whether consent can be granted with appropriate conditions.</p> <p>The plan currently fails to include a general vegetation clearance rule which is necessary to set a threshold for assessments of indigenous biodiversity values as to significance and maintenance of indigenous biodiversity.</p> <p>The development of new or upgrades to walking or cycling tracks and new fences can have more than minor effects and requires site specific considerations by way of consent application.</p> <p>Given that non-native vegetation can have significant habitat value for fauna, it is inappropriate to restrict the rules to managing indigenous vegetation only. Furthermore, unrestricted removal of exotic vegetation within an SNA may have adverse effects on the remaining indigenous vegetation.</p> <p>Restricting discretion to specific policies or the matters within specific policies is uncertain in terms of matters that are addressed in other</p>	<p>ECO-R1 Minor rRemoval of indigenous vegetation within a Significant Natural Area <u>Overlay</u></p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The trimming or removal of indigenous vegetation is to:</p> <p>i. Address an imminent threat to people or property represented by deadwood, diseased or dying vegetation and ECO-S1 is complied with;</p> <p>ii. Ensure the safe and efficient operation of any <u>lawfully established</u> formed public road, rail corridor or access, where removal is limited to within the formed width of the road, rail corridor or access;</p> <p>iii. Enable the maintenance of <u>lawfully established</u> buildings where the removal of indigenous vegetation is limited to within 3m from the external wall or roof of a building;</p> <p>iv. Maintain <u>lawful established walking and cycle tracks where the trimming or removal of vegetation is within 1m of the formed track, 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;</u></p> <p>x. ii. <u>Maintain other existing infrastructure or renewable electricity generation activity and the trimming or removal is within 1m of the</u></p>
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			<p>1. <u>The extent to which the trimming or removal of indigenous vegetation avoids the loss, damage or disruption to the ecological processes, functions and integrity of the Significant Natural Area; and</u></p> <p>2. <u>Effects on the values of the Significant Natural Area The matters in ECO-P2; and</u></p> <p>23. <u>effects of receiving environments, including wetlands and the coastal environment The matters in ECO-P4;</u></p> <p>4. <u>the use of alternative locations outside of the SNA including for connectivity with existing or planned walking and cycling facilities.</u></p> <p>Section 88 information requirements for applications...”</p>
ECO-R2 Removal of non-indigenous (exotic) vegetation within a Significant Natural Area	oppose	Exotic vegetation within in SNA can contribute to the values of the SNA. In addition removal can have adverse effects on the values of the SNA.	Delete ECO-R2
ECO-R3 Restoration and maintenance of a Significant Natural Area	Support in part	This rule can apply to both an overlay or an SNA identified outside the overlays so that protection of SNAs is consistently applied when providing for restoration and enhancement. However there is some uncertainty as to at activities this rule is managing. Is the intention to be vegetation removal and earthworks? Or something else? Include more specificity in the rule and limits manage potential for adverse effects.	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The works are for the purpose of restoring or maintaining <u>indigenous biodiversity values and the identified values in SCHED7 – Significant Natural Areas</u> by:</p> <p>i. Planting eco-sourced local indigenous vegetation;</p> <p>ii. Carrying out animal pest or pest plant control activities;</p> <p>iii. <u>Carrying out activities to retain and protect the values of the SNA which meet the criteria in Policy 23 of the RPS;</u></p> <p>iv. <u>Carrying out activities in accordance with any</u></p>

			<p>relevant registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or Queen Elizabeth the Second National Trust Act 1977; or</p> <p>iv. Carrying out activities in accordance with <u>any relevant Reserve Management Plan approved under the Reserves Act 1977;</u></p> <p><u>vi. Limiting the removal of vegetation to 100m2;</u></p> <p><u>vii. Limiting earthworks to those undertaken using non-mechanical hand held tools.</u></p> <p>2. Activity status: Restricted discretionary Where:</p> <p>a. Compliance is not achieved with ECO-R3-1.a.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. <u>Effects on the values of the Significant Natural Area</u> The matters in ECO-P2; and 2. <u>Effects of receiving environments, including wetlands and the coastal environment</u> The matters in ECO-P4. 3. <u>Whether the works are the most appropriate way to protect the SNA.</u>
ECO-R4 Earthworks within a Significant Natural Area	Oppose in part	<p>Earthworks which are not within the scope of vegetation removal provided for within this chapter should captured within the EW Chapter.</p> <p>The rule condition that earthworks not involve the removal of vegetation is confusing. All SNA's in Porirua include vegetation. AS stated above the limitation of protection to indigenous vegetation is inappropriate as exotic vegetation within an SNA can be contributing to its significance.</p>	<p>Move this rule to the EW chapter, and include a note in this chapter that EW rules in SNAs are dealt with in the EW chapter (or vice versa).</p> <p>Add a non-complying rule to EW rules for earthworks within SNA Overlays where the activity is not specifically provided for.</p> <p>Include a 20m setback from Wetlands within the EW Chapter rules generally, and within this specific rule</p>

		<p>Including earthworks in a chapter focussing on vegetation removal is potentially confusing. A cross reference in the EW chapter is needed (or move the rule to the EW chapter, and cross reference back to the ECO chapter for relevant policies).</p>	
<p>ECO-R5 Construction of a residential unit on a vacant allotment within a Significant Natural Area</p>	<p>Oppose in part</p>	<p>This rule heading should be clarified to reflect the activity which is being provided for in this rule, which is “vegetation removal”.</p> <p>Where vegetation removal for more than one residential unit is sought or within a wetland a non-complying activity classification is appropriate to ensure development is not inconsistent with the provision of the plan.</p> <p>Shouldn't this rule apply to rural lifestyle and mixed use zones too?</p> <p>Oppose non-notification under this rule.</p>	<p>ECO-R5 <u>Vegetation removal for c</u>Construction of a residential unit on a vacant allotment within a Significant Natural Area <u>Overlay</u></p> <p>1. Activity status: <u>Restricted Discretionary Controlled</u></p> <p>Where:</p> <p><u>a. the vegetation removal is for the purpose of establishing one residential building platform and access to it, and;</u></p> <p><u>i. the vegetation removal is the minimum required to facilitate a building platform for the proposed residential unit; and</u></p> <p><u>ii. is a maximum of no more than 5m from the platform other than for the access which is a maximum of 5m in width; and</u></p> <p>a<u>b. The lot:</u></p> <p>i. Is held in a freehold title that existed at 28 August 2020;</p> <p>ii. Is vacant and does not contain any residential unit or other building; and</p> <p>iii. Has existing service connections to the public wastewater, sewer and water supply network; and</p> <p>b<u>c. The proposed residential unit and any associated</u></p>

			<p>vegetation clearance:</p> <ul style="list-style-type: none"> i. Complies with the permitted building site coverage standard and earthworks standards for the underlying zone; and ii. is unable to locate outside the Significant Natural area within the site; and <p><u>d. The vegetation clearance is not located within a wetland.</u></p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. <u>The extent to which adverse effects on the values of the SNA can be avoided, remedied or mitigated matters in ECO-P6.</u> 2. Activity status: Restricted discretionary Where: <ul style="list-style-type: none"> a. <u>Compliance is achieved with ECO-R4 1.a. or 1.d.; and</u> <u>b. Compliance is not achieved with standards ECO-R4-1.b or ECO-R4-1.c.</u> <p>If Rule 2 is not changed to discretionary the following additional matters of discretion are restricted should be amended:</p> <ol style="list-style-type: none"> <u>“1. Effects on the values of the Significant Natural Area. The matters in ECO-P2; and</u> <u>2. Effects of receiving environments, including wetlands and the coastal environment. The matters in ECO-P4.</u> <p>Section 88 information requirements for applications...”</p>
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			<p>3. Activity status: Non-Complying</p> <p>Where:</p> <p><u>a. Compliance is NOT achieved with ECO-R4 1.a. or 1.d.</u></p>
ECO-R6 Removal of indigenous vegetation within a Significant Natural Area	Oppose in part	<p>For the reasons set out with respect to ECO-P10 the zone and precinct specific provisions should be set out in those respective chapters.</p> <p>The matters in P10 do not include the protection of SNAs under the proposed policy framework.</p>	<p>Consider moving these rules to zone and precinct provisions.</p> <p>Amend the Matters of control are limited to:</p> <ol style="list-style-type: none"> 1. The <u>exercise of kaitiakitanga and customary activities; and</u> 2. <u>the extent to which adverse effects on indigenous biodiversity is avoided, remedied or mitigated; and</u> 3. <u>Effects on receiving environments, including wetlands and the coastal environment matters in ECO-P10.</u> <p>Section 88 information requirements for applications...”</p>
ECO-R7 Removal of indigenous vegetation within Significant Natural Areas	oppose	This rule is confusing. It appears to be a catch all, but then there’s a non-complying catch-all R9.	<p>Clarify what activities this rule is intended to cover.</p> <p>If it is intended as a catch all rule, delete, and retain ECO R9.</p>
ECO-R8 New plantation forestry within a Significant Natural Area	Support in part	Support the activity classification of Non-complying however we consider this should extend to a setback from SNAs and wetlands to provide adequate protection.	Amend to clarify that the rule applies to the SNA overlays as well as within 15m of and SNA overlay and 15 m of a wetland.
New rule – New plantation forestry - biodiversity	Oppose in part	ECO-R8 only protects identified SNA An additional rule is needed to ensure council can carryout their functions to maintain indigenous	<p>Add the following rule:</p> <p><u>Indigenous vegetation removal outside of the Significant Natural Area Overlay for forestry or</u></p>

		<p>biodiversity. Maybe include restrictions for new plantation forestry outside SNA to general veg clearance rule</p> <p>Forestry of less than 4ha can also have adverse effects on biodiversity values both in terms of indigenous vegetation clearance to establish the activity and through wilding tree spread and water uptake.</p>	<p><u>afforestation of New Plantation forestry</u></p> <p><u>1. Activity status: Discretionary</u> <u>Where:</u> <u>a. the vegetation is not significant when applying the criteria in Policy 23 of the RPS.</u></p> <p><u>Section 88 information requirements for applications:</u> <u>1. Applications for activities within an identified Significant Natural Area must provide, in addition to the standard information requirements, an Ecological Assessment provided by a suitably qualified and experienced ecologist:</u> <u>a. Identifying the biodiversity values and potential impacts from the proposal.</u></p>
ECO-R9 Any activity within a Significant Natural Area not otherwise listed as permitted, controlled, restricted discretionary, or discretionary	support	Support this rule as it recognised the importance of SNAs	Clarify that the rule relates to SNA overlay: ECO-R9 Any activity within a Significant Natural Area <u>Overlay</u> not otherwise listed as permitted, controlled, restricted discretionary, or discretionary.
New ECO-R10 Any removal of indigenous vegetation outside of the SCHED7 SNA Overlays not otherwise listed as permitted, controlled, restricted discretionary, or discretionary by the rules in this Plan	oppose	The plan failed to address indigenous vegetation removal outside of SCHED7 SNA overlays. A rule is needed to capture this where it is not specifically provided for.	<p><u>ECO-R10 Any removal of indigenous vegetation outside of the SNA Overlays not otherwise listed as permitted, controlled, restricted discretionary, or discretionary by the rules in this Plan</u></p> <p><u>1. Activity status: Discretionary</u></p>

ECO-S1 Trimming, pruning or removal where there is the imminent threat to the safety of people or property	Support in part	Matters for discretion should be in the rules themselves.	Add the SI matters to the rule and amend as follows: Matters of discretion are restricted to: 1. The extent to which the trimming or removal of indigenous vegetation avoids the loss, damage or disruption to the ecological processes, functions and integrity of the Significant Natural Area; and 2. The effect of the vegetation removal on the identified biodiversity values in SCHED7 - Significant Natural Areas.
ECO-New Standard for pest control	Oppose	Activities resulting in the removal of indigenous vegetation should include a standard for pest control.	Add the following standard: <u>Any machinery or footwear shall be free of pests.</u> Add this standard as a condition to all vegetation removal rules.
NATC - Natural Character			
NATC - general comment	oppose	It is not clear what the distinction between coastal margins and coastal environment is. Coastal margins are described as adjacent to the coast. This could be interpreted to mean they are within the coastal environment. Also suggests that riparian margins addressed as only those adjacent to the coast. Assumes that natural character of wetlands can be addressed by ECO provisions. If the intent is to consider natural character which is not identified as high or outstanding, then limiting the objective to coastal margins does not give effect to Policy 13(1)(b) of the NZCPS.	Amend to say that significant values of wetlands in terms of indigenous biodiversity are addressed in the ECO provisions Amend to say this chapter applies outside the coastal environment and recognise that activities landward of the coastal environment may have downstream effects which are recognised in the activity focussed chapters having regard to the policy direction in this chapter and the Coastal Environment Chapter.
NATC - policies	Oppose in part	The policies are uncertain for the reasons set out	Amend or delete and replace the policies to provide

		in the key issue comments above.	direction for the protection and preservation of Natural character in the coastal environment and freshwater bodies including their margins.
CE – Coastal Environment			
Coastal Environment – general comment	Oppose in part	Coastal line needs to be extended landward to capture all areas identified as at risk of coastal hazards current and future inundation. It is not clear in the plan provisions that the coastal environment inland extent is a Natural Environmental Value overlay on the Planning maps	In the Map tools show the Coastal Environment Inland Extent under the heading for “General District-Wide Matters Overlays for consistency with the location of the coastal Environment Chapter location in the Plan.
CE - Coastal environment - Introduction	Oppose in part	The introduction to the Coastal Environment chapter is uncertain and confusing. It is not clear where coastal hazards are addressed or if both the NH and CE chapters need to be considered for development, use and subdivision in the coastal environment. The explanation of SNAs, ONFLs and SPLs is confusing and does not align with the proposed chapters or the extent to which these matters are addressed in other chapters. Reference to the underlying zone chapters as set out is inappropriate as the CE provisions are district wide and apply over those zones. The relationship of this chapter with the NATC chapter is not recognized or explained. As per our relief sought for the NATC, that chapter should be combined in to the CE chapter to address natural character of the coastal environment.	Clarify that the CE chapter includes: <ul style="list-style-type: none"> the HNC overlay Clarify that the CE chapter includes provisions addressing: <ul style="list-style-type: none"> natural character of the coastal environment; and natural features and landscapes that are not identified as outstanding in the ONLF overlay chapter Clarify that the CE chapter does not address: <ul style="list-style-type: none"> indigenous biodiversity and that the ECO chapter includes the SNA overlay provisions which give effect to the NZCPS Policy 11 in the coastal environment. ONLFs and that the ONFL overlay chapter includes provisions which give effect to the NZCPS Policies 13(1)(a) and 15(a).

		In respect of effects from use, development and subdivision on the natural character of freshwater bodies addressed by setbacks within the rules of other chapters. The NATC chapter has not set out what the values of riparian margins are in terms of natural character not is this necessary given the very limited role of the district council under its functions in this respect.	
CE-O1 Natural character of the coastal environment	Support in part	<p>The objective reflects the NZCPS and RPS objectives. It would be improved by recognizing the characteristics and qualities of Porirua’s coastal environment which contribute to natural character, natural features and landscapes.</p> <p>An objective relating to natural features and landscapes is also needed to give effect to the NZCPS</p>	<p>Amend CE-O1 as follows: <u>“The characteristics and qualities of Porirua’s coastal environment which contribute to natural character, natural features and landscapes are recognized and valued.</u> The natural character, <u>natural features and landscapes</u> of the coastal environment is preserved and protected from inappropriate subdivision, use and development.”</p>
CE-O2 Risk from natural hazards	Oppose in part	This objective as written does not appear relevant to the scope of matters addressed in the CE chapter.	<p>Consider moving this objective to the NH chapter</p> <p>Alternatively amend to recognize these outcomes in terms of subdivision, use and development in the coastal environment not increasing hazard risks.</p>
CE-O3 Natural features	Oppose	As written the objective suggests that other natural features would not be maintained. This objective is uncertain as to whether Policy 15 of the NZCPS would be achieved.	Delete or alternatively amend to recognise the value of natural features provide to reducing natural hazard impacts, including on the natural values of the coastal environment.
CE-O4 Measures to reduce damage from sea level rise and coastal erosion	Support in part	The approach to soft engineering methods is supported over hard engineering which would generally be inconsistent with protecting the natural values of the coastal environment. However, the objective fails to provide a proactive direction for preparing for sea level rise impacts	Retain and add to the policies for a more responsive approach to sea level rise impacts recognizing natural processes.

		and to avoid remedy or mitigate adverse effects of such responses on natural character, natural features and landscapes. It is anticipated that natural character aspects of the coastal environment will migrate landwards in repose to sea level rise.	
CE-P1 Identification of the coastal environment	Support in part	<p>It is not clear in this policy that the landward extent of the coastal environment has been identified on the planning maps or whether this is an “overlay”.</p> <p>It is not clear whether this can be a definitive determination of the inland coastal environment as the coastal hard overlay extends further landward in some places and the landward extent is likely to change as sea levels rise.</p>	<p>Clarify the policy with respect to the coastal environment identified on the planning maps and whether this is an “overlay”.</p> <p>Clarify that case by case determinations of the coastal environment may still need to be made to recognise coastal hazard risks and the impacts of sea level rise.</p>
CE-P2 Identification of Coastal High Natural Character Areas	support	Support the identification of High natural character as an overlay	retain
CE-P3 Subdivision, use and development within Coastal High Natural Character Areas	Oppose in part	<p>It is inappropriate to allow any subdivision within Coastal High Natural Character Areas.</p> <p>As written use and development could be considered appropriate on this policy alone. Other policies including those sought by Forest & Bird for consideration of effects on indigenous biodiversity outside of the SCHED7 SNA overlays will also be relevant.</p> <p>Minimising is not the same as avoiding and the extent to which adverse effects are remediated or mitigated will be relevant.</p>	<p>Amend as follows: “Only <u>consider allowing subdivision</u>, use and development... 1. ... 2. Demonstrates that it <u>may be</u> is appropriate by: ...”</p> <p>Alternatively delete “or minimizing” in clause 2.</p> <p>Add a clause to clarify that subdivision is not appropriate within Coastal High Natural Character Areas.</p>
CE-P4 Earthworks and	Oppose	It generally inappropriate to allow for the loss of	Delete or alternatively

<p>indigenous vegetation removal in Coastal High Natural Character Areas</p>		<p>any further indigenous vegetation in the coastal environment.</p> <p>As written the removal of indigenous vegetation would be allowed under this policy without considering effects on indigenous biodiversity. This is inconsistent with the policies sought by Forest & Bird on indigenous biodiversity outside of the SCHED7 SNA overlays.</p> <p>We generally accept that some vegetation may need to be removed for the maintenance of lawfully established infrastructure and activities. The word allow is directive and suggest a permitted activity status, however in some cases consent may be required. The words “provide for” are also enabling but less so can be set within limits.</p> <p>The wording is not certain in terms of whether restoration would also maintain values.</p> <p>If indigenous vegetation was previously removed unlawfully the removal of any regenerating indigenous vegetation should not be provided for by this policy.</p> <p>Removal of indigenous vegetation in the coastal environment for new activities or construction of cycling and walking tracks should not be provided for in this policy and the scale of activities cannot be determined with respect to adverse effects on indigenous biodiversity.</p>	<p>Amend as follows: “Allow <u>Provide for</u> earthworks and indigenous vegetation removal within Coastal High Natural Character Areas where:</p> <ol style="list-style-type: none"> 1. It is of a scale and for a purpose that maintains or <u>maintains and</u> restores the identified values described in SCHED11 - Coastal High Natural Character Areas, including restoration and conservation activities; 2. It is associated with <u>existing lawfully established</u> farming activities for an established working farm, where the identified values described in SCHED11 - Coastal High Natural Character Areas are maintained; or 3. It is associated with the ongoing maintenance and repair of existing accessways and construction of public cycling and walking tracks which maintain the identified values described in SCHED11 - Coastal High Natural Character Areas.
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<p>CE-P5 Restoring and rehabilitating activities within the coastal environment</p>	<p>Support in part</p>	<p>Forest & Bird generally supports an enabling approach to restoration and enhancement activities. However, there is some uncertainty in the policy wording as to whether adverse effects could occur.</p> <p>The wording is not certain in terms of whether restoration would also maintain values.</p> <p>This policy is also broad, applying to the full coastal environment rather than just the natural character, natural feature and landscape values which the objectives relate to. While this is not objected to, the introduction to the chapter should provide clarification on the scope of the chapter to reflect this policy. The policy also needs to be worded so that it is consistent with the ECO and ONFL provisions which apply in the coastal environment.</p>	<p>Amend the heading for consistency with the policy wording to provide for “restoration and enhancement rehabilitating activities within the coastal environment”.</p> <p>Amend the policy as follows: “Enable activities that restore and rehabilitate the coastal environment including Te Awarua-o-Porirua Harbour and its margins, and activities which maintain or enhance the amenity, recreational, ecological and cultural values of the coastal environment <u>consistent with the provisions on this plan.</u>”</p>
<p>CE-P6 Subdivision within the coastal environment</p>	<p>oppose</p>	<p>It is inappropriate to allow any subdivision within the coastal environment. This is a highly dynamic environment and climate change poses a very real threat to coastal properties. It would be inappropriate for Council to allow development in an area that will likely become uninsurable within the lifetime of this Plan.</p>	<p>Delete and add clear policy direction that subdivision is not appropriate in the coastal environment.</p>
<p>CE-P7 Mining and quarrying activities within the coastal environment</p>	<p>Oppose in part</p>	<p>As worded this policy applies to the whole coastal environment and suggests that new mining and quarrying activities may be appropriate in any areas not covered by the HNC overlay. New mining and quarrying activities should be avoided in SCHED7 SNA, ONFLs and HNC overlays.</p> <p>Mining and quarrying within the coastal</p>	<p>Ament as follows: “Avoid, remedy or mitigate adverse effects of <u>existing</u> quarrying activities and mining within the coastal environment and avoid <u>new</u> quarrying activities and <u>new</u> mining within <u>the coastal environment</u> areas of High Natural Character.”</p>

		environment is incompatible with the NZCPS.	
Policy CE-P8 Plantation forestry within the coastal environment	support	It is appropriate to avoid establishing new plantation forestry in the coastal environment.	Retain.
CE-P15 Planned mitigation works	Oppose in part	It is not clear what “planned mitigation works” are why these are enabled without any consideration of effects. For the reasons stated above “provide for” is a more appropriate term as consent may be required.	Amend as follows: “ <u>Provide for</u> Enable soft engineered coastal hazard mitigation works undertaken by a statutory agency or their nominated contractors or agents within the identified Coastal Hazard Overlay where these decrease the risk to people and property <u>and avoid, remedy or mitigate adverse effects on the coastal environment.</u> ”
CE-P17 Hard engineering measures	Oppose in part	As written an activity could be considered appropriate on this policy alone. Other policies including those sought by Forest & Bird for consideration of effects on indigenous biodiversity outside of the SCHED7 SNA overlays will also be relevant.	Amend as follows: “Only <u>consider allowing</u> hard engineering measures for the reduction of the risk from natural hazards when: 1. The engineering measures are needed to protect existing regionally significant infrastructure and it can be demonstrated that there is no reasonable alternative; 2. There is an immediate risk to life or private property from the natural hazard; 3. The construction of the hard engineering measures will not increase the risk from Coastal Hazards on the adjacent properties that are not protected by the hard engineering measures; 4. It avoids the modification or alteration of natural features and systems in a way that would compromise their function as natural defences; 5. Significant adverse effects on natural features and <u>landscapes, ecosystems systems and coastal processes</u> (including but not limited to beach width and beach material composition, and the

			presence of sand dunes) from those measures are avoided, and any other adverse effects are avoided; remedied or mitigated; and 6. It can be demonstrated that soft engineering measures would not provide an appropriate level of protection in relation to the significance of the risk.”
New rule – vegetation removal in the coastal environment outside any SCHED7 SNA, ONFL and HNC area	oppose	The chapter fails to include a rule to limit vegetation clearance outside of SCHED7 SNA, ONFL and HNC overlays. It is not appropriate for this to default to a non-complying activity under CE-19, and nor is it appropriate as a permitted activity for new activities. For vegetation removal outside of these overlays the general vegetation removal rule sought by Forest & Bird for the ECO chapter can be referred to for permitted and restricted discretionary activity classification.	Add new rule to limit vegetation removal outside of the overlays as follows: <u>“Vegetation removal in the coastal environment outside any SCHED7 SNA, ONFL and HNC overlays is a permitted activity where ECO-RX (see new general vegetation removal rule) 1. is compiled with or is an a Restricted Discretionary Activity under RX.2.</u> ”
CE-R1 Earthworks within a Coastal High Natural Character Area	Oppose in part	This rule fails to consider effects on wetlands and consistency with the NES for Freshwater Regulations	Amend CE-R1. 1. by including a condition that the activity is not within 15m of a natural wetland. Make further amendments to ensure that where the 15m set back is not complied with the activity considered under a non-complying classification
CE-R2 Vegetation removal within a Coastal High Natural Character Area	Oppose in part	Vegetation removal for new tracks, even where the track is limited to 2.5m wide could be significant in terms of adverse effects on indigenous biodiversity values. The rule means that vegetation removal for any purpose other than those set out in 1. a. will be a restricted discretionary activity. This is not sufficient for large scale activities which could have significant adverse effects on high natural character and indigenous biodiversity.	Amend CE-R2. 1. a. iv. as follows: <u>“iv. Maintenance or construction of a new of existing public walking or cycling track 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);”</u> Amend CE-R2.2 by adding the following matter of

		The matters of discretion are not adequate for consideration of adverse effects in indigenous biodiversity.	discretion: <ul style="list-style-type: none"> • Effects on indigenous biodiversity
CE-R3 Restoration and maintenance activities within Coastal High Natural Character Areas	Support in part	Support the use of eco-sourced local indigenous vegetation. However, the rule fails to consider effects on indigenous biodiversity where the permitted activity conditions are not met.	Amend CE-R3.2 by adding the following matter of discretion: <ul style="list-style-type: none"> • Effects on indigenous biodiversity
CE-R8 New buildings and structures within a Coastal High Natural Character Area	Support in part	Support the restricted and non-complying activity classifications. However, rule fails to consider effects on indigenous biodiversity where the discretion is restricted.	Amend CE-R8.1 by adding the following matter of discretion: <ul style="list-style-type: none"> • Effects on indigenous biodiversity Retain the non-complying activity statuses in CE-R8.2.
CE-R15 Quarry or mining activities within the coastal environment	Support in part	Clarify that the discretionary classification does not apply within SCHED7 SNA and ONFLs overlays as well as the HNC overlay.	Amend the rule heading to clarify where the rule applies, alternatively add the following overlays under R15.1. “where: <ol style="list-style-type: none"> a. The quarry or mining activity is not located within <ol style="list-style-type: none"> a. <ul style="list-style-type: none"> • Coastal High Natural Character Area <u>overlay</u>; • <u>SCHED7 SNA overlay</u>; • <u>ONFL overlay</u>.
CE-R16 New plantation forestry within the coastal environment	Support	The non-complying activity status recognizes that new plantation forestry is not appropriate within the coastal environment	Retain
CE-R19 Any activity not otherwise listed as permitted, controlled, restricted discretionary, discretionary or noncomplying	support	Agree with the non-complying activity status as a default as the recognizes the sensitivity of the coastal environment.	retain
General residential zone			
GRZ-O1 Purpose of the General Residential Zone	Oppose in part	It is not clear whether placing a covenant to protect an SNA within the GRZ would be incompatible with the purpose, character and	Amend the purpose to recognise the interaction of the zone with overlays

		amenity values of the zone described in GRZ-O1 and GRZ-O2 and could therefore be prevented by GRZ-P7. Conservation and restoration activities may also be inconsistent with the provisions of the GRZ	
GRZ-O2 Character and amenity values of the General Residential Zone	oppose	<p>Fails to recognise that many SNAs are included within the GRZ. The value of indigenous biodiversity within residential areas should not be limited to its amenity value. This would fail to recognise intrinsic values would could be overlooked where other amenity values are preferred.</p> <p>Amending the Objective in this way will resolve the conflict which currently existing with the GRZ policy direct which provides for residential activities on the basis of compatibility with character and amenity values set out in GRZ-O2.</p>	<p>Amend GRZ-O2 as follows: “The character and amenity values, including the scale, form and density of use and development, in the General Residential Zone include: 1. A built form of single and two-storey buildings with openness around and between buildings; 2. Landscaping and trees, especially on street frontages; 3. A spacious living environment with high quality on-site residential amenity; and 4. An urban environment that is visually attractive, safe, easy to navigate and convenient to access; <u>5. A flourishing natural environment that protects SCHED7 SNAs; and</u> <u>6. Provision for maintenance and enhancement of indigenous biodiversity.”</u></p>
GRZ PREC03- O1 Recognition of development constraints of natural environmental overlays in the Takapūwāhia Precinct	Oppose in part	Is inconsistent with the need for avoiding, remedying and mitigating adverse effects under the purpose of the Act. Similar wording to MPZ-O5 should be used.	<p>Amend GRZ-O2 as follows: “The significant coverage of identified natural environmental overlays across the Takapūwāhia Precinct and the contribution these make to the wider community is recognised, and <u>the appropriate use and development of the Zone, including papakāinga and residential activities are provided for.”</u></p>
TEMP - Temporary Activities			
TEMP-R1 Temporary	oppose	This permitted approach fails to take account of	Delete the rule or:

building and structures ancillary to a construction activity.		<p>the full effects of the construction activity.</p> <p>As written, this activity could be located within an SNA even if the primary construction activity which it is ancillary to is not within an SNA.</p>	<ul style="list-style-type: none"> • Include a locational constrain that the activity is not within and SNA. • Include a condition that the rule does not apply where a consent is required for the construction activity. <p>Add a matter of discretion for effects on indigenous biodiversity</p>
TEMP-R2 Temporary buildings or structures ancillary to a temporary activity	oppose	<p>This permitted approach fails to take account of the full effects of the temporary activity</p> <p>As written, this activity could be located within an SNA.</p>	Delete
TEMP-R3 Temporary activities	oppose	<p>As written the rule fails to address the potential adverse effects on the environment and is inconsistent with sustainable management under the Act.</p> <p>This rule does not provide for the protection of SNAs or the maintenance of indigenous biodiversity.</p>	<p>Change permitted to Non Complying.</p> <p>Include a matter of discretion for effects on indigenous biodiversity</p> <p>Include a condition of the rule that the activity is not within a SCHED7 SNA or wetland</p> <p>Where the condition is not met apply a Discretionary classification.</p>
Future Urban Zone			
FUZ – general comment	Oppose in part	<p>SNAs overlays within the FUZ are not adequately recognised and provided for as important values within the zone. The SCHED7 SNA overlay areas should be zones as “natural open space” to better reflect their values.</p> <p>The FUZ zone also does not provide adequate direction for the identification of additional SEAs or for the maintenance of indigenous biodiversity</p>	<p>Rezone the SEA overlay areas within the FRZ as “Natural open space” and provide policy direction for thier protection</p> <p>Amend the FUZ provisions to provide direction for the identification of additional SEAs or for the maintenance of indigenous biodiversity</p>
FUZ-P1	Oppose in part	<p>This policy suggests that FUZ areas will or have been identified where they will avoid significant adverse effects and avoid, remedy or mitigate any other adverse effects on the identified characteristics and values of any areas identified specified schedules including SCHED7 - Significant</p>	<p>Amend the zoning of identified SNA’s within the FUZ to “natural open space zone”.</p> <p>Amend the policy direction in the FUZ to:</p> <ul style="list-style-type: none"> • avoid adverse effects on areas meeting the significance criteria in Policy 23 of the RPS; • maintain indigenous biodiversity;

		<p>Natural Areas. It is far from certain that effects will be significant adverse effects will be avoided and that other adverse will be avoided, remedied or mitigated given the provisions for specific activities in other chapters of the plan. For example ECO-P2 as proposed provides for offsets and compensation where adverse effects are not avoided.</p>	<ul style="list-style-type: none"> • include a setback from the natural open space zone; and avoid adverse effects on SNAs from activities in the FUZ.
FUZ-P2	Oppose in part	<p>While a structure plan is to be developed there is no certainty that this process (Appendix 11) will result in the protection of indigenous biodiversity that meets the criteria for significance in Policy 23 of the RPS.</p> <p>Separating the currently identified SNA's into a separate zone will avoid conflicting outcomes for development within the FUZ to areas where protection is required under s6 of the RMA.</p> <p>We support the retention of the structure plan process to further identify environmental constraints within the FUZ and on adjacent areas and receiving environments within or beyond the FUZ.</p> <p>As written the policy is uncertain with respect to the direction for the area to be rezoned as a Development Area. If this rezoning has been undertaken then the FUZ policy would no longer apply. However it is not clear which rezone would apply to a Development Area. The General Approach section sets out that there are no current development areas in the Plan. The reference to rezoning may be in error given that the definition of an development area does not</p>	<p>Amend the zoning of identified SNA's within the FUZ to "natural open space zone".</p> <p>Amend the policy direction in the FUZ to:</p> <ul style="list-style-type: none"> • avoid adverse effects on areas meeting the significance criteria in Policy 23 of the RPS; • maintain indigenous biodiversity; • include a setback from the natural open space zone; and • avoid adverse effects on SNAs from activities in the FUZ. <p>Amend the FUZ-P2 by changing he words "Only provide for" to Only <u>considered</u> providing for" and to clarify the rezoning requirement in clause 2.</p>

		refer to a zone requirement. A direction to “provide for” urban development on this basis is uncertain.	
FUZ-P5	Oppose in part	This policy provides direction for development on the basis of the purpose, character and amenity values on the FUZ. However, there is no objective or policy direction on what those character and values are.	Recognize indigenous biodiversity as an important characteristic and value within FUZ and the relationship to adjacent SNAs and wetlands, including those within “natural open space zone” as sought above.
FUZ Rules	oppose	The protection afforded SNAs and wetlands in uncertain. A set back of at least 10 metres from wetlands needs to be included for consistency with the NES Freshwater Regulations.	Amend the rules to include a setback from the natural open space zone and any wetlands which may not be identified within that zone. Any activity proposed with that setback to be a Non Complying activity.
FUZ-R5 Construction activity	oppose	It is inappropriate to provide a permitted activity rule without any conditions or standards to ensure that SNAs are protected.	Delete
OSZ - Open Space Zone			
OSZ - Open Space Zone	Oppose in part	<p>Forest & Bird is concerned that this zoning does not provide clear direction for the protection of SNAs which are captured within this zone.</p> <p>Similarly this zoning creates uncertainty for conservation requirements associated with Taupo swamp.</p>	<p>Recognise SNA as a specific character and value to be protected within the OSP, including for their intrinsic values.</p> <p>Include a focus on conservation of natural values which is apart from and not subject to recreation or other activities.</p> <p>Amend O2 so that there is no expectation for “a low level of development and built form with few structures to support passive and active community activities”</p> <p>Amend all the rules to ensure that permitted activities are not provided for within SNA Require conditions and standards so that activities adjacent to SNA’s do not have adverse effects on them.</p>

OSZ-R5 Construction activity	oppose	It is inappropriate to provide a permitted activity rule without any conditions or standards to ensure that SNAs are protected.	delete
Appendices			
APP8 - Biodiversity Offsetting	Oppose in part.	Limits to offsetting is appropriate in some circumstance and would be inappropriate in other circumstanced. Without including limits to offsetting within the policy provisions they are not applicable to the consideration of an “offset” that may be offered under s104. I.e. where it is not a “biodiversity offset”. The Appendix itself is only principles not policy direction.	Include policy direction for the avoidance of certain effects as set out in the policies sought by Forest & Bird above.
APP9 - Biodiversity Compensation	oppose	Compensation does not protect and is inappropriate in relation to SNAs. We also have a number of concerns with the provisions that were set out as they did not include appropriate limits, only considerations, and effectively pre-empted a grant of consent.	Delete APP9 and remove provisions for biodiversity compensation from the plan
Schedules			
SCHED7	support	We support the inclusion of all the proposed SNAs in this Schedule. This is appropriate for meeting s6(c) requirements.	Retain.
SCHED9	Support	We support the inclusion of these trees or groups of trees in urban allotments. This meet’s Council’s s76 requirements.	Retain.
SCHED9	support	We support the inclusion of all the proposed ONFLs in this Schedule. This is appropriate for meeting s6(b) requirements.	Retain.
SCHED10	Support	We support the identification and inclusion of all the proposed Special Amenity Landscapes in this	Retain.

		Schedule.	
SCHED11	support	We support the inclusion of all the proposed Coastal High Natural Character Areas in this Schedule. This meets Council's RMA requirements.	Retain.