

RMA FORM 5



**Submission on publicly notified Proposed Porirua District Plan**

Clause 6 of the First Schedule, Resource Management Act 1991

To: Porirua City Council

1. Submitter details:

Full Name	Last <b>GEAR</b>	First <b>IAN &amp; S. HELEN.</b>
Company/Organisation <i>if applicable</i>		
Contact Person <i>if different</i>		
Email Address for Service	<b>the.gears@xtra.co.nz</b>	
Address	<b>53A GOROKLEN RISE</b>	
	City <b>POKIRUA</b>	Postcode <b>5026</b>
Address for Service <i>if different</i>	Postal Address	Courier Address
Phone	Mobile <b>021988646</b>	Home <b>2399945</b>
		Work <b>_____</b>

2. This is a **submission** on the **Proposed District Plan** for Porirua.

3. I could  I could not  gain an advantage in trade competition through this submission.  
(Please tick relevant box)

If **you could** gain an advantage in trade competition through this submission please complete point four below:

4. I am  I am not  directly affected by an effect of the subject matter of the submission that:  
(a) adversely affects the environment; and  
(b) does not relate to trade competition or the effects of trade competition.  
(Please tick relevant box if applicable)

Note:

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

5. I wish  I do not wish   
To be heard in support of my submission  
(Please tick relevant box)

6. I will  I will not   
Consider presenting a joint case with other submitters, who make a similar submission, at a hearing.  
(Please tick relevant box)

Please complete section below (insert additional boxes per provision you are submitting on):

<b>The specific provision of the proposal that my submission relates to:</b>
REFER FOLLOWING
<b>Do you: Support? Oppose? Amend?</b>
<b>What decision are you seeking from Council?</b> <b>What action would you like: Retain? Amend? Add? Delete?</b>

## QUARRYING AND MINING

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The proposed plan identifies areas of landscape and natural significance proposing that Quarrying and mining are discretionary activities.

**Response:**

1. **Protecting significant landscapes:** The only way we can guarantee that significant landscape features are preserved for future generations is to designate certain activities prohibited. Clear statements must be made regarding such activities. Council is assigning the designation of significant natural area over parcels of land that will severely restrict what those land owners can do with that land while on the other hand is not adequately protecting landscapes where *"It is highly unlikely quarrying would be permitted"* as a discretionary activity. While the likely hood of such permission being granted is indeed low the protection that is needed in the case of landscapes is not absolute. There is no surety.
  
2. **Protecting the catchment of Taupo:** The Taupo swampland is a unique vulnerable significant natural area. The swamp catchment area bounded by the skyline formed by the ranges running toward Pukerua Bay must be recognised in the plan as areas in which quarrying and mining are prohibited. While the Plimmerton Farm subdivision will place the swamp at risk, particularly hastening in-fill from the likely silt burden which will occur as the land forms are recontoured, we must look to the future to provide protections that prevent further degradation of the landscape and its features.

Action: Specify Quarrying and mining to be prohibited activities in the Taupo catchment.

## SIGNIFICANT NATURAL AREAS

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While we recognise the need to identify and protect significant natural areas as set out in the Great Wellington Regional Council RPS Policy 23 we do have concerns regarding the process used by PCC to identify these areas, the prescriptive proposed rules and the imposition of costs on to land owner for a public good.

The concept and imposition of SNAs imposing severe constraints and moving costs onto landowners who have had no control over the process defeats the intended purpose of increasing land cover with indigenous forest cover. In the future is it likely that land owners will be likely to chose not to plant indigenous species and retain marginal land in pasture or at best plant exotics.

If we are to plant trees to sequester carbon and help constrain climate change land owners must be encourage to plant rather than finding themselves bound with the proposed shackles of SNAs.

### WINNING FRIENDS AND INFLUENCING PEOPLE

Having discussed the matter of SNAs with council staff and offering advice to staff regarding how the process may best be undertaken in 2012 we are disappointed in the process that has been followed to impose restrictions on land-owners, treating owners as suspect individuals who cannot be trusted to manage natural ecosystems on their properties and leaving them with additional compliance costs. Council could have taken the community of affected owners with it on a journey whereby trust and enthusiasm was built in the concept of SNAs. The nett outcome where we have landed presently will be that landowners will be reluctant to plant indigenous trees on their properties in the knowledge that they are restricting their future abilities to manage their land and the trees on it as they see fit and are also moving costs onto themselves.

**Action:** Present a case in the staff report for a process that encourages landowners to support and nurture SNAs rather than persisting with a punitive regulator tool.

### SNA COVERAGE

We note (Issue #4 p 32) that council considers and counters the assumption that there may be substantial areas of indigenous vegetation outside the SNAs that are not protected. While the process of identifying sites was conducted on the desktop (with limited evidence of any subsequent validation on site across the city with most recently ca 100 site visits in response to 1500+ letters to landowners) staff are satisfied that the majority of existing indigenous vegetation is captured within the SNA overlays and any remaining examples outside the SNAs would be very limited.

**Response:** Exercises such as this need to be validated on the ground on each and every site in the interests of natural justice.

#### **Action: Adjustments needed on our property**

Examination of the proposed boundaries (shown on the PCC map) on our property indicates that artifacts remain, from the desk-top exercise used to identify the proposed areas, that need to be aligned with the land-use prior to the proposed plan notification.

- On-site validation of the proposed boundary; including,
- South eastern portion of the property – fenced land used for grazing with some sparse scrub cover over pasture – designation should follow the fence line. This was brought to the attention of council staff during a site visits conducted at the request of the landowner.

### SCHEDULE 7 TO THE DRAFT PLAN

On reviewing Schedule 7 landowners have found it difficult to easily identify where the effected part of their properties sit. A map (as per that in the draft plan) is inadequate for the purposes of defining effected parties. Legal advice has confirmed that as it stands without clear reference to the title reference number (CT) as shown on the cadastre landowners are most likely within our rights to manage the existing indigenous shrubs and trees.

**PLAN REVIEW – SNAs the creeping curse**

The district plan review process, occurring every 10 years, is required to consider SNA coverage. New plantings that are 3-4 years and older will be identified and classified as SNAs at the time of each subsequent review. This is likely to work as a deterrent to many landowners who otherwise may have chosen to plant parts, or perhaps all, of their properties with indigenous or native plant species. Our advice to any land owner would be to avoid indigenous species at all cost and to plant exotic species instead. This, in it-self, is not a bad thing – in fact many of the potential species that could be planted and grown successfully would sequester greater carbon volumes than indigenous scrub land.

**SNA – OFF-SET**

The draft plan proposal includes provision for landowners seeking to remove portions of an SNA to off-set the lost portion elsewhere on their property.

**Response:** SNAs are a public good. Council must therefore not restrict its thinking of a SNA as being confined to one property but rather embrace the concept of a gross SNA coverage over the city. If promoted and managed correctly it would be reasonable to expect net gains in SNA coverage over each decade without requiring land owners with existing SNAs to offset changes within their property.

**Action:** Revise the off-set concept recognising public good and the need to share the burden across all planting.

**URBAN ENVIRONMENT**

We note (Issue #5) that council has considered concerns that specific SNA controls will be to protect indigenous biodiversity on Urban Environment Allotments.

**Response:** Caution is required here. A single or a small group of (the same or different species) does not create a diverse forest ecosystem simply because the tree(s) are indigenous or native. To be viable indigenous ecosystems critical mass is required.

**Action:** Do not confuse viable ecosystems with solitary trees (which may be worthy of protection in their own right as specimen trees. Amend plan.

**PEST BURDEN**

If SNAs are to be successful pest species will need to be pro-actively managed. Weed species will present persistent on-going problems. The need to control goats, possum, cats, mustelids and rats will be ever present. After a number of years of low numbers possum numbers are rising locally following the withdrawal of central government funding for the control in the Wellington region. Pest management costs all fall on land owners. Council must provide assistance to landowners to manage pest species in SNAs. We cannot be expected to carry all of the burden of a public good.

**Action:** Council must recognise and commit to contributing to a significant burden of the costs associated with pest control in SNAs.

**HARMONISATION: LEGISLATION and JURISDICTION**

Issue 7 of the report considers the crossover of jurisdictional responsibility for ecological areas and the potential for confusion and frustration through competing decision making.

**Response:** While the analysis provides insight into the GWRC and PCC responsibilities there are other matters where harmonisation of the plan with other mechanisms are required.

**1. Fire and Emergency New Zealand**

FENZ advises that there should be buffers of 30m between a dwelling and bush. The plan should reflect this advice and allow land owners to maintain the specified buffers to protect their assets (all buildings on the property) without the need of seeking permission to do so from council. Nor, should land owners be required to engage specified specialists (for instance ecologists or arborists) to undertake this work.

**Action:** Harmonise requirements for buffers etc with existing regulations.

**QEII TRUST COVENANTS**

There are strong parallels between the QEII Trust aspirations and those of the SNA concept that Council could learn from.

We note that most of the private land covered by QEII Covenant contain significant native biodiversity values. Significantly QEII covenants are the success they are because the Trust works in partnership with landowners to protect the most treasured areas on their land. Moreover; strength is gained as each covenant is tailored to reflect the wishes of the landowner. The Trust provides assistance with fencing and has contestable funds available for specific projects.

We note that some local authorities have policies regarding rates remission for land protected by QEII covenant. While there is a case for greater remissions in those instances the case for PCC providing a total remission on that portion of a rural block covered by a SNA is even greater as the SNA designation is imposed on a landowner for public good. The public should and must bear the cost of that good.

**Action:** Council must be transparent and develop policies that are consistent with sharing the cost of imposed public good aspirations over privately owned land. Policy must provide for assistance to manage SNAs – particularly fencing and pest control and also rate remissions on the effected land i.e. nil rate on rural properties and proportional for urban allotments.

  
20 Nov 2020

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