

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:

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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):

The specific provision of the proposal that my submission relates to:
Significant Natural Area SNA084
Amend
Amend the Significant Natural Areas overlay map to exclude the areas noted in the attached report.
What decision are you seeking from Council? What action would you like: Retain? Amend? Add? Delete?
See attached
Reasons:

Please return this form no later than **5pm on Friday 20 November 2020** to:

- Proposed District Plan, Environment and City Planning, Porirua City Council, PO Box 50-218, PORIRUA CITY or
- email dpreview@pcc.govt.nz

Signature of submitter
(or person authorised
to sign
on behalf of submitter):



20/11/2020

Date: _____

*A signature is not required if you make
your submission by electronic means*

David Harpham (and family) Submission

On Porirua City Council Proposed District Plan

Proposed Significant Natural Area SNA084 needs updating.

We appreciate the opportunity to comment on the Proposed District Plan.

The Harpham family have for some 8 years been progressively developing their land holdings from suburban zoned pasture and rural zoned forestry into eco conscious residential lots.

Our developments have and are being done in sympathy with our sustainable principles and balance economic outcomes with environmental outcomes. We have proactively worked to protect areas of native vegetation including arranging for consent notices that will protect vegetation on 11 different lots. We expect to add protection to a further 2 hectares of valuable vegetation in the near future. We attempted to get a QEII covenant on more land but we were been turned down as the area proposed was not of sufficient "quality" to meet their criteria. We believe in low impact, sustainable development where people can live harmoniously with natural and sustainable environments. We have placed covenants on our land holdings to encourage this. We are gradually removing our plantation gum forest and allowing natives to replace them.

We whole heartedly support mature natural ecosystems being treated as highly valued assets for the whole community.

Our concern regards the PDP is that part of the proposed "Significant Natural Area" **SNA084 conflicts with reality, existing consents, lodged consents and certificates of compliance for works already in progress**. We are requesting a correction (see attached Figure 1: SNA084 requested adjustments) to the mapped area for SNA084.

We request that the PDP map overlay be changed in order to align SNA084 with current reality such that the defined area meets the criteria set out in Regional Policy Statement Policy 23.

We believe that our position is relatively unique in the way that the PDP (if not corrected) will unreasonably impact the planned use of our land based on out of date or inappropriate assessments.

Areas where SNA084 has been extended beyond the mandate included in Council's own analysis, or the analysis is out of date.

The following points are for the most part items that have already been discussed with Council and where agreement has mostly been reached to make corrections to the SNA084 area. However in recognition of the formal process we reiterate the issues here. There are still some areas where updates are required to the PDP SNA084 map. We therefore re-address the various updates required.

Figure 1: SNA084 requested adjustments shown in purple.



Some of the reasons that the council's analysis is wanting are set out below.

1) There is no longer any vegetation on the specified area, where overgrown paddocks and tracks have been recovered.



2) The area includes existing access tracks and fences that will not be able to be easily maintained under the new rules, rendering parts of our property impractical to reach. Note the "quality" of the native bush.



3) Many trees are not natives. In places we have been clearing old pine and macrocarpa hedges but these areas have been included as if native and are hard to recognise from aerial desktop surveys.



4) The trees are not representative. Regional Policy Statement Policy 23 relates to: “the ecosystems or habitats that are typical and characteristic examples of the full range of the original or current natural diversity of ecosystem and habitat types in a district”. Areas that are grazing with a few sparse trees are not full range natural ecosystems and so areas as shown below should not be treated as meeting the Policy 23 criteria.



5) Gorse and scrub may act as succession trees but in our opinion they are representative of full or original ecosystems as envisaged by the Regional Policy Statement. Areas such as shown below should not be treated as valuable “significant natural areas”. This is especially so in light of the gold standard treatment under the rules. The degree of value implied by the rules should be reflected in the value of the areas protected.



6) Succession plants run a full range from tiny seedlings; to two year olds as shown below; to hundreds of years later when being replaced by mature forests. They are not all of equal value. The two year old seedlings in amongst the grazing shown below are not of the same merit as a 500 year Tawa and Totora forest. Council’s methods and Section 32 evaluations have not adequately addressed this when dispossessing land owners of property rights.



7) SNA084 has been tied back to Regional Policy Statement RPS23D relating to ecological context. We note that the requested update of the SNZ084 area will not significantly reduce ecological context as the

remaining area will be equally able to provide the connectivity of this final bush area before the Waitangirua Link Road and Farm park.

8) There are existing areas where we have proactively arranged consent notices to protect vegetation and these areas are defined by easements to fit the building and roading requirements of a completed subdivision. The boundaries to SNA084 almost line up with these easements but are out of date, creating future headaches. We are suggesting either a minor correction of SNA084 so that things sensibly line up OR even better would be remove the SNA status from the affected titles so there isn't a double up with council consent notices being inconsistent with the SNA rules. It is our view that it would be desirable to leave just the negotiated site specific consent notice rules in place on these small areas. Properties affected are Lots 5, 6, 7, 8 and 10 DP519099.

Rule ECO-R5 needs updating

Our subdivision, applied for in February before the PDP was notified, includes several building sites that have been cleared of bush cover. However if SNA084 is not updated to reflect this clearance, then due to the date limit in ECO-R5, building will become a discretionary activity for our sites. An ecologist's report etc will be required (for bare land) and conceivably no building will be allowed. The uncertainty introduced means a massive loss of value.

We suggest that ECO-R5 be reworded such that ECO-R5 a.i. is reworded from "Is held in a freehold title that existed at 28 August 2020" to "Is held in a freehold title where the subdivision application process creating the title was initialised before 28 August 2020".

General comments

We think that rules for preserving the Significant Natural Areas indicate an appropriate level of protection for extremely valuable to almost irreplaceable ecosystems. But not suitable for lesser quality ecosystems.

The rules as written will:

- Prioritise trees over the protection of human life by preventing the clearing/replacing of highly flammable trees near homes and work places. We think that makes the rate payers potentially liable in a climate change world, as for some Australian councils with their recent bushfires.
- Prioritise trees over human mental and physical health by preventing the creation of healthy light wells and outlooks.
- Prioritise native ecosystems over most other property rights such as gardens, orchards, play areas and retirement plans.
- Prioritise native ecosystems over subdivision land use no matter the cost. ECO-P2 says "Avoid adverse effects on identified indigenous biodiversity values where possible." Lots of things are possible if cost is not a factor. Such policy wording puts enormous discretionary power in the hands to the resource consents team.

All this biodiversity priority may be appropriate in the case of irreplaceable ecosystems, however we think there has been a **major disconnect** in the application of definitions. Sometimes quite low value ecosystems have ended up being given this same new level of protection which seems only appropriate for the highest value ecosystems.

As regards this mismatch between extreme protection on the one hand and the low quality of some protected areas on the other, it seems to us that the Section 32 analysis is seriously wanting. We wonder if the analysis actually preforms the requirements it was legally required to do. We dispute quite a lot of the assumption and assertion contained in it.

In addition, we think the Section 32 analysis and the rules in general don't address the transition issues where those caught by the new rules with a big investments part way through are seriously affected with few reasonable options.