

**Before the Hearings Panel
At Porirua City Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Porirua District Plan

Between **Various**

Submitters

And **Porirua City Council**

Respondent

Council reply on Strategic Objectives addressed in Hearing Stream 2 - Gina Sweetman on behalf of Porirua City Council

Date: 22 December 2021

INTRODUCTION:

- 1 My full name is Gina Marie Sweetman. I am a consultant planner engaged by Porirua City Council.
- 2 I have read the evidence and tabled statements provided by submitters relevant to the Section 42A Reports - Part B Natural Environment Strategic Objectives and Tangata Whenua Strategic Objectives and Papakāinga. I have also read the subsequent planning statement of Mr Graeme Silver on behalf of the Department of Conservation dated 17 November 2021.
- 3 I have prepared this Council reply on behalf of the Porirua City Council (Council) in respect of matters raised through Hearing Stream 2.
- 4 Specifically, this statement of evidence relates to the matters in the Section 42A Report - B Natural Environment Strategic Objectives and Tangata Whenua Strategic Objectives and Papakāinga.
- 5 My statement of evidence also draws on my wider involvement in the PDP, where I provided an overall review and integration role for all Chapter authors and the PDP as a whole.
- 6 I am authorised to provide this evidence on behalf of the Council.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

- 7 Appendix C of the Section 42A Report sets out my qualifications and experience.
- 8 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2014.

SCOPE OF REPLY

- 9 This reply follows Hearing Stream 2 held on 29 October, 1 – 3 and 5 November 2021. Minute 9 allows for section 42A report authors to submit a written reply by 1pm on 22 December 2021.
- 10 The main topics addressed in this reply include:

- The architecture of the Proposed District Plan
- The role of Strategic Objectives
- The scope to amend the introductions of the Strategic Objectives
- The introduction to NE
- The wording of NE-O1
- Ongoing engagement with Ngāti Toa Rangatira
- Te Rūnanga o Toa Rangatira feedback on the wording of NE-O5 (old NE-O4)
- The wording of TW-O2
- Cross-referencing of Papakāinga Chapter to other chapters
- Maintaining indigenous biodiversity in Porirua
 - Rezoning SNAs as natural open space
 - How NE-O2 is implemented through the Plan
 - Matters of control and discretion
 - Blanket vegetation removal rules

11 I have also addressed an oversight in not referencing particular submission points in the body of my s42A report.

12 Appendix 1 of this reply contains a list of materials provided by submitters including expert evidence, legal submissions, submitter statements etc. This information is all available on the PDP (Proposed District Plan) hearings web portal at <https://pdportal.porirua.govt.nz>.

13 Appendix 2 contains recommended amendments to PDP provisions, with updated recommendations differentiated from those made in Appendix A of the Section 42A Report.

14 Appendix 3 includes my response to Mr Silver's analysis of where indigenous biodiversity should be included as a matter of control or discretion.

15 Appendix 4 includes a table of my analysis of the Plans cited by Mr Silva in his evidence, and additional plans I have reviewed.

16 Appendix 5 contains a series of maps of Porirua, with SNAs, ONFLs, SALS, CHNC areas and the coastal environment overlaid.

17 Appendix 6 has an updated table of recommended responses to submissions and further submissions, with updated recommendations differentiated from those made in Appendix B of the s42A report.

18 For ease of reference, I have shown any changes proposed through this right of reply as follows:

s42A Report	deletions / <u>insertions</u>
Right of Reply version	deletions / <u>insertions</u>

19 In preparing this right of reply, in accordance with the Panel’s direction in Minute 13, I have considered the planning statement prepared by Dr Graeme Silver on behalf of the Department of Conservation dated 17 November 2021.

Architecture of the Proposed District Plan

20 My role in the PDP has included working closely with Stewart McKenzie, Torrey McDonnell and Michael Rachlin on the “architecture” and structure of the PDP; that is, what we put where and why.

21 As a high level observation, the National Planning Standards do require a different approach than what has been traditional and conventional within district plans. We are no longer operating in a regime where chapters contain all objectives, policies and rules that might potentially arise for one given activity (for example, the current Suburban Chapter in the Operative District Plan contains rules relating to earthworks, parking and subdivision). Plan users need to become familiar with the National Planning Standards and the structure that they require.

22 Coupled with this is the move to electronic plans and a move away from paper-based plans. E-plans bring with them the benefits of hyperlinks and people being able to see all provisions that may affect their property or

proposal just by typing their address¹. The intent is that people will no longer rely on hard copies of district plans.

- 23 Many of the submissions on the PDP challenge how the PDP is structured; for instance, where earthworks rules are located, why outstanding natural features and landscapes in the coastal environment are not in the coastal environment chapter, and seeking that reference to indigenous biodiversity values are contained throughout the PDP. During Hearing Stream 2, the Panel also queried why the Natural Character chapter could not be more clearly defined.
- 24 Throughout the development of the PDP, we engaged with Ministry for the Environment staff to ensure that the structure we chose was consistent with the National Planning Standards. There were some areas where Ministry staff said the National Planning Standards provided for some flexibility. The overall structure of the PDP is discussed in the Part 1 Overview Section 32 evaluation report. Where relevant, the rationale of the approach for the content of each individual chapter is contained within the body of the chapter section 32 evaluation reports.
- 25 As an example, we queried Ministry staff if we could combine the Natural Character and Public Access chapters given the interrelationship between the issues they address and the policy response. We were advised that they had to be two separate chapters. We also queried whether we could use a different term for the Māori Purpose Zone, as neither we nor Ngāti Toa Rangatira found this a useful name for a zone. We were told that we could not.
- 26 One fundamental principle that has assisted us in structuring and drafting the Proposed Plan is that a district plan is to be read as a whole. The exception to this, as provided for by the National Planning Standards, is the approach taken to the Infrastructure, Renewable Electricity Generation, Subdivision and Temporary Activities Chapters.

¹ Noting that the PDP does not yet have this full functionality.

27 I recommend that in considering submissions and undertaking their deliberations that the Panel reads through the General Approach chapter in “How the Plan Works”. This chapter includes a clear step by step guide for using the District Plan.

Role of the Strategic Objectives

28 I was questioned on the role of the Strategic Objectives during the hearing. As I stated, the purpose of these is to set the scene for the PDP and the outcomes sought for the City as a whole at a higher level. The objectives within each separate chapter in the PDP then provide more specific outcomes for specific topics.

29 As an example, NE-O1 provides the higher level outcome sought in respect of natural character, landscapes and features and ecosystems. The objectives in the Natural Character, Natural Features and Landscapes and Ecosystems and Indigenous Biodiversity chapters then set out specific outcomes for the specific topics. Where necessary, these objectives and their policies address tensions that may occur between them; for instance, providing for urban growth and protecting significant natural areas.

30 Another example is HCH-O1, the outcome sought in respect to Historical and Cultural Heritage, and FC-O1, the outcome sought in respect to a functioning city and infrastructure in particular. The tension between these two strategic objectives is addressed through the Infrastructure Chapter, and in particular:

Provision	Provision title	Comment
INF-O5	Providing for infrastructure	This includes reference to the values and qualities of an Overlay
INF-P4	Appropriate infrastructure	This includes reference to the values and qualities of an Overlay
INF-P17	Upgrades to existing infrastructure and new infrastructure within or on heritage items, heritage	Specific to HH and SASM

	settings and historic heritage sites, and sites and areas of significance to Māori	
INF-P18	Trimming, pruning and activities within the root protection area of notable trees	Notable trees fall within HCH-O1
INF-P19	Removal of Notable trees	Notable trees fall within HCH-O1

31 Commissioner St Clair questioned how a s32 evaluation applies to the Strategic Objectives and the more specific topic chapter objectives. Generally, in accordance with case law, all objectives in a district plan are to be read and considered together. In developing the PDP, the chapter authors have been able to draw from the strategic objectives in developing the more specific chapter objectives. Mr McDonnell evaluated the strategic objectives in the Part 1 Overview Section 32 evaluation report. Chapter authors then subsequently evaluated the chapter's proposed objectives and policies for alignment with the strategic objectives, as well as higher level planning direction.

32 Finally, I note that there are no submission points that question or seek any changes to the role of the strategic objectives or the approach that the Plan authors have taken through the PDP to providing more specific direction within the topic chapters.

Scope to amend the introductions to the Strategic Objectives to clarify their purpose and implementation

33 I listened carefully to the Panel's questioning of Ms Whitney on potential amendments to the introduction of the Strategic Objectives to clarify their purpose and implementation. In response to Ms Whitney's evidence, I had recommended an amendment to the introductions of each Strategic Objective chapter and to the General Approach chapter.

34 I have subsequently reviewed the submission points on the Strategic Objectives as a whole. There are no submissions that seek any amendments to the Introductions or the General Approach chapter as to

the role of the Strategic Objectives and how they are to be implemented in practice.

35 I also note for the Panel that Transpower were only a further submitter [FS04.29] to Forest and Bird's submission which sought to add a new objective on maintaining indigenous biodiversity. Accordingly, in my opinion, the Panel does not have scope for the requested or suggested amendment.

36 Accordingly, I no longer recommend the amendments that I set out in paragraph 12 of my supplementary statement of evidence.

The introduction to NE

37 The Panel asked me whether the wording in respect to the functions of Wellington City Council, Porirua City Council and Greater Wellington Regional Council was correct in the context of the introduction, and whether it could be further refined. I agree that it is unclear. While each council does have a statutory obligation, it is only the Greater Wellington Regional Council that has a specific function in terms of the control of the use of land for the maintenance and enhancement of the quality of water in water bodies and coastal water (s30(1)(c)(ii) of the RMA). However, Wellington City and Porirua City Councils also have responsibilities under the Local Government Act and proposed NE-O4 and NE-O5 talk to the responsibilities of Porirua City Council. I have recommended a further amendment, which I consider falls within the scope of TROTR submission point.

I recommend that the introduction be amended as follows:

The City's natural environment has intrinsic values that warrant protection and management, however these values are under pressure from land use and development. Te Awarua-o-Porirua Harbour contributes significantly to the City's identity and is highly valued but suffers from poor water quality. Porirua City Council, Wellington City Council and Wellington Regional Council, ~~Ngāti Toa Rangatira and the community~~ have a shared statutory responsibilities for

improving water quality and the health of the Harbour and catchment. The three Councils will work alongside Ngāti Toa Rangatira and the community to improve water quality². The District Plan aims to assist the Regional Council achieve its objectives of improving water quality in the Porirua Catchment, while recognising that the control of land use for the purpose of maintaining and enhancing water quality is a regional council function.

38 As this is an introduction, a s32AA evaluation is not required. However, I note for completeness that I consider that this best achieves the purpose of the RMA by providing a more accurate summation of roles and functions.

The wording of NE-O1

39 The Panel asked whether there should be a reference to values in respect to outstanding natural landscapes and features and whether “possible” was the correct term to be used. The Panel also asked whether the Strategic Objectives should directly reference Special Amenity Landscapes, and whether there was scope to do so.

40 In the first instance, I agree that the wording of the objective could be better refined to reference values. In terms of consistency across the PDP, I also consider that the term appropriate should be used instead of possible. As I explained during the hearing, what is “appropriate” is determined through the topic chapter objectives and policies.

41 In respect to the matter of scope and reference to special amenity landscapes, I have carefully considered the intent of this objective. Table 11 of the Part 1 Overview Section 32 evaluation report sets out the linkages of the strategic objectives to higher-order documents. It is clear from this table that the intent of NE-O1 is to give effect to Objective 18 of the RPS in respect to special amenity landscapes.

² TROTR [264.96]

42 As it was notified, NE-O1 was broad enough to encapsulate special amenity landscapes. My recommended amendments in my s42A report in response to submission points unfortunately lost this connection by only referring to outstanding natural features and landscapes. Accordingly, I recommend that NE-O1 be amended to include reference.

I recommend that NE-O1 be amended as set out below.

NE-O1 Natural character, landscapes and features and ~~ecosystems~~ indigenous biodiversity

The natural character of the coastal environment and riparian margins, the values and characteristics of the outstanding natural landscapes and features and special amenity landscapes and ~~ecosystems~~ the significant indigenous biodiversity values that contribute to Porirua's character and identity and Ngāti Toa Rangatira's cultural and spiritual values are recognised and protected and, where appropriate, enhanced.

43 In terms of s32AA, I consider that this amendment to the objective better achieves the purpose of the RMA, in terms of providing clarity of its intent and its interpretation through the Plan.

Ongoing engagement with Ngāti Toa Rangatira

44 Commissioner Pomare queried the level of support of Ngāti Toa Rangatira and Te Rūnanga o Toa Rangatira to the PDP and the recommended amendments.

45 As Mr McDonnell and I advised the Panel, the Council has actively engaged and involved Ngāti Toa Rangatira, through Te Rūnanga o Toa Rangatira, in both the drafting of the Plan and in response to amendments recommended as a result of submissions.

46 For example, Mr McDonnell and I met with staff from Te Rūnanga o Toa Rangatira to discuss the submission points on the Tangata Whenua Strategic Objectives and Papakāinga chapter. As outlined in her supplementary evidence, Ms Rachlin engaged with Te Rūnanga o Toa Rangatira staff on recommended changes in response to submissions that were relevant to them.

47 Our overall approach to engagement and involvement of Ngāti Toa Rangatira and Te Rūnanga o Toa Rangatira to the PDP is set out in Section 5.6 of the Part 1 Overview Section 32 evaluation report.

48 To ensure transparency for the Panel, I will ensure that I set out where and how I have engaged with Te Rūnanga o Toa Rangatira in responding to submission points in my future s42A reports, and their response if any. I will recommend that other reporting officers do the same.

Recommended wording of NE-O5

49 Commissioner Pomare asked me if Te Rūnanga o Toa Rangatira were comfortable with my recommended amendment to NE-O4 (now NE-O5) in response to their submission.

50 I had not separately engaged with Te Rūnanga o Toa Rangatira on this recommended amendment, as it was not significantly different to what was sought through their submission point. I note that Te Rūnanga o Toa Rangatira chose not to provide either a submitter statement or appear at the hearing, which I would assume indicates a level of comfort with my recommended amended wording.

51 I approached Te Rūnanga o Toa Rangatira following the hearing, but had no response.

Wording of TW-O2

52 The Panel noted that TW-O2 is not worded in the same “passive” tense as the other Strategic Objectives. I was also queried whether the Objective heading accurately reflected its intent. I agree that active participation does not appropriately reflect the objective’s intent. I recommend that it be reworded to “Partnership”.

53 For consistency of style and appropriate description of its intent, I recommend that TW-O2 be amended as follows:

TW-O2 [Active Participation Partnership](#)

Porirua City Council supports and partners with Ngāti Toa Rangatira is supported and partnered with by Porirua City Council to actively participate in the sustainable management of natural and physical resources including plan development, consent processes, compliance and monitoring in a manner that:

a) Recognises the role of Ngāti Toa as kaitiaki and provides for the practical expression of kaitiakitanga; and

b) Recognises and provides for Ngāti Toa mātauranga and tikanga

54 For the Panel's benefit, I confirm that Mr McDonnell and I actively involved Te Rūnanga o Toa Rangatira staff in the drafting of the recommended TW-O2 in the s42A report.

55 In terms of s32AA, I rely on my evaluation in my s42A report.

Cross-referencing of Papakāinga Chapter to other chapters

56 The Panel asked whether it would be helpful for the Papakāinga chapter, which only contains objectives and policies, to include a cross-reference to the Chapters in which the papakāinga rules are contained.

57 I agree that this would be helpful for plan users. I consider this could be done under Clause 16 of Schedule 1, as it is a minor factual matter. Given that the restricted discretionary rules for Papakāinga in the zone chapters already have direct reference to the Papakāinga policies, I consider the reverse is not necessary.

I recommend that the following wording be included at the bottom of the Papakāinga Chapter:

Rules

There are no rules in this chapter. [Rules for Papakāinga are located in relevant chapters in Part 3: Area Specific Matters.](#)

58 Given this is a note, a s32AA evaluation is not required.

Maintaining indigenous biodiversity in Porirua

59 I have carefully considered the evidence and submissions from the Department of Conservation and Forest and Bird in respect to maintaining

indigenous biodiversity. There are a number of matters that require addressing. Where necessary, I have provided a s32AA evaluation.

Natural open space

60 My opinion on the appropriateness of zoning SNAs as natural open space has not changed to that expressed in my s42A report.

Should NE-O2 better sit within the Ecosystems and Indigenous Biodiversity Chapter

61 Mr McDonnell and I discussed where it was most appropriate to address the s31 function to maintain indigenous biodiversity. Given that the provisions for maintaining indigenous biodiversity are addressed through different chapters in the PDP, I consider it most appropriate that it be addressed through the NE Strategic Objectives section 42A report.

62 I addressed how the PDP responds to Council's s31 function to maintain indigenous biodiversity in section 3.2 of my section 42A report, which includes the provisions contained in chapters other than the Ecosystems and Indigenous Biodiversity Chapter.

How NE-O2 is implemented through the Plan

63 The submitters queried how my recommended NE-O2 was given effect to through the PDP. I addressed that in section 3.2 of my s42A report, which cross-referenced back to the Ecosystems and Indigenous Biodiversity s32 evaluation report. In my view, the NE – Natural Environment chapter is the appropriate location for this objective, given how it is implemented through the PDP.

64 I have given this further consideration. In the first instance, in my s42A report I omitted reference to ECO-P7, as recommended to be amended by Mr McDonnell in the Ecosystems and Indigenous Biodiversity s42A report. This is a key policy in terms of how the Council intends to maintain and restore indigenous biodiversity beyond SNAs. While ECO-P7 is not implemented by rules, it is implemented by means outside of the PDP, including through the Council's own actions (for example, its reserve

management plans). I note that under s72 of the RMA, the purpose of a district plan is to assist a territorial authority to carry out their functions in order to achieve the purpose of the Act. That is, a territorial authority is not just limited to rules in a district plan to undertake its functions and may rely on other methods. A territorial authority is also not obliged under s75(1) to state methods. The Council's approach has been to address non-rule methods in the relevant section 32 evaluation report.

65 I have also considered the concerns raised by the submitters as to how NFL-P3, NFL-R2, NFL-S2 and CE-P4 reference indigenous biodiversity. I can understand the submitters concerns that the consideration of indigenous biodiversity may be limited to where these are identified as characteristics and values of the scheduled landscapes and features.

66 In considering the Natural Features and Landscapes provisions, in response to submissions, I recommend that NFL-S2 be amended by adding a new matter of discretion "the maintenance of indigenous biodiversity". In recommending this amendment, I have also considered whether NFL-P3 needs amending to provide policy support, to therefore assist in achieving NE-O2. I recommend that NFL-P3 be amended to include a new g. "The extent to which indigenous biodiversity is maintained and, where appropriate, restored".

67 Turning to the Coastal Environment chapter, CE-P4 expressly addressed earthworks and indigenous vegetation removal in areas of coastal high natural character areas. While I consider that the policy is generally sufficient given each entry in the schedule addresses biodiversity, I agree that the maintenance of indigenous biodiversity values could be made more specific than just referencing the identified values for the coastal high natural character areas. Accordingly, if the Panel was of the view that further clarity was required, a new clause could be added to CE-P4 as set out below:

**CE- Earthworks and indigenous vegetation removal in Coastal
P4 High Natural Character Areas**

Allow earthworks and indigenous vegetation removal within Coastal High Natural Character Areas where:

1. It is of a scale and for a purpose that maintains or restores the identified values described in SCHED11 - Coastal High Natural Character Areas, including restoration and conservation activities; **or**
- ~~2.~~ It is associated with farming activities for an established working farm, where the identified values described in SCHED11 - Coastal High Natural Character Areas are maintained; **and**; ~~or~~

~~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.³~~

3. It maintains indigenous biodiversity that is not already described in SCHED11 – Coastal High Natural Character Areas.

68 I also further considered SUB-P1, which is the overarching policy in the subdivision chapter which guides subdivision throughout the City. Clause 3 of that policy reads “protect stands of significant indigenous vegetation that are not located within an identified Significant Natural Area”. To achieve the Council’s functions and provide better clarity to its intent, I recommend that this clause be amended to read “maintains indigenous biodiversity that is not located within an identified Significant Natural Area” more effectively.

SUB-P1 Creation of allotments

Provide for subdivision where it results in allotments that:

³ Waka Kotahi [82.157]; Forest and Bird [225.191]

1. Reflect the intended pattern of development and are consistent with the purpose, character and amenity values of the zone; and
2. Are of a size and dimension that are sufficient to accommodate the intended development form for that zone;
3. ~~Protect stands of significant indigenous vegetation that are~~ Maintains indigenous biodiversity that is not located within an identified Significant Natural Area;
4. Ensure the safe operation, maintenance and access to any Regionally Significant Infrastructure on or adjacent to the site, taking into account the outcome of consultation with the Regionally Significant Infrastructure owner;
5. Minimise natural hazard risk to people's lives and properties;
6. Within Urban Zones, are adequately served by public open space that is accessible, useable and well-designed;
7. Have legal and physical access to each allotment created by the subdivision;
8. Create esplanade reserves where land adjoins MHWS and/or rivers whose bed has an average width of 3m or more; and
9. For subdivision around buildings that have been approved by way of resource consent, ensure that the staging of the subdivision relative to building construction is efficient and appropriate to the scale and complexity of the overall development.

69 Turning to the Rural Zone chapters, I consider that the policy direction in GRUZ-P7⁴ of “areas of indigenous vegetation are retained where practicable” is sufficient.

70 In reviewing Mr Silver’s evidence, which I do in the next section, I consider it appropriate to draw the Panel’s attention to other policies in the PDP which include clauses on indigenous biodiversity that I did not set out in my s42A (noting that my s42A was clear in saying that the ones I did cite were just examples):

Policy	Title	Clause
INF-P8	Provide for regionally significant infrastructure and other infrastructure outside of Overlays	Clause 5 Any adverse effects on the natural character and amenity of water bodies, the coast and riparian

⁴ Also in RLZ-P4 and SETZ-P5

		<p>margins and coastal margins are minimised.</p> <p>However, I have addressed this policy further below, as I consider it could be augmented.</p>
INF-21	Upgrades to and new infrastructure in Special Amenity Landscapes	<p>Clause 5</p> <p>The scale of earthworks and indigenous vegetation removal is minimised and any exposed areas are treated to minimise adverse off-site effects.</p>
INF-P22	Upgrades to and new infrastructure in Outstanding Natural Features and Landscapes or Coastal High Natural Character Area	Refers to NFP-P3, NFL-P6 and CE-P3
REG-P5	Small-scale renewable electricity generation activities and investigation activities within Overlays	Refers to Overlay chapter policies
REG-P7	Community-scale renewable electricity generation activities in other locations and within Overlays	<p>Clause 16</p> <p>Ecological effects, including effects on terrestrial ecology and avifauna</p>
REG-P8	Large-scale renewable electricity generation activities in the General Rural Zone , outside of Overlays	<p>Clause 5c</p> <p>Ecology, including effects on terrestrial ecology and avifauna; having regard to any offsetting measures or environmental compensation which may benefit the local environment and community affected</p>
NATC-P2	Inappropriate buildings and structures	<p>Clause 4</p> <p>The ecological values of the margin will not be adversely affected; and</p>

RLZ-P4	Potentially inappropriate activities	Clause 3 Areas of indigenous vegetation are retained, where practicable.
SETZ-P5	Potentially inappropriate activities	Clause 3 Areas of indigenous vegetation are retained, where practicable.
MPZ-P3	Potentially inappropriate activities	Clause 3 The retention of areas of indigenous vegetation are retained, where practicable.

71 This exercise was useful. As a result, I have identified where the PDP could be improved to refer to better give effect to new NE-O2:

Provision	Title	Proposed new clause	Specific reasons
INF-P8	Provide for Regionally Significant Infrastructure and other infrastructure outside of Overlays	Any adverse effects on indigenous biodiversity are minimised	I consider this amendment is necessary to be consistent with the approach taken in the REG chapter in respect to indigenous biodiversity. It will provide better consistency and alignment.
REG-P6	Community-scale renewable electricity generation activities in the General Rural , Rural Lifestyle , General Industrial and Māori Purpose Zones, outside of Overlays	Ecological effects, including effects on terrestrial ecology and avifauna, where not located in the General Industrial Zone or Māori Purpose Zone	I consider this amendment is necessary to make the policy consistent with REG-P7 and REG-P8. I have excluded the General Industrial Zone, due to its very nature, and the Māori Purpose Zone for reasons discussed within this reply.
EARTHWORKS EW-P1	Appropriate earthworks	The area of earthworks minimises the loss of indigenous biodiversity in Rural Zones, Future Urban Zone and Open Space Zone, which is not identified as a Significant Natural Area in SCHED7 – Significant Natural Areas;	In my opinion, earthworks are the most likely cause of the loss of indigenous biodiversity in Rural, Future Urban and Open Space zones. I have not included the Residential Zones for the same reasons raised by Mr Silver and in response to s76 of the RMA.

LIGHT Introduction		Addition of: Artificial lighting also has the potential to adversely affect avifauna; for example, attracting birds and affecting bat behaviour.	From my experience dealing with applications involving artificial lighting ⁵ , and accepting Mr Silver and Dr La Cock's evidence, it can disrupt avifauna. I consider this is only relevant in the listed zones, rather in urbanised environments where artificial lighting is a typical feature.
LIGHT-O1	Appropriate lighting activities	New clause 2: minimise disruption to avifauna.	
LIGHT-P2	Potentially inappropriate lighting activities	New clause 8: Any adverse effects on avifauna, where located in the Rural Zones, Future Open Space and Open Space Zone.	
OSZ-P4	Potentially inappropriate activities	Undertaken in a manner that minimises the loss of indigenous biodiversity, where located on privately-owned land.	As described, the Open Space Zone may contain spaces with high ecological values. While the majority of these areas are also identified as SNAs, there is potential for other indigenous biodiversity to be present. However, I think regulation is only warranted for any spaces that are in private ownership. This is for the reason that the areas of the Open Space Zone in public ownership is either owned by Porirua City Council, Greater Wellington Regional Council or the Department of Conservation and are subject to relevant reserve and conservation management plans. In my view, the risk of wholesale clearance of

⁵ And in particular, the Adventure Park which was cited by Dr La Cock

			<p>areas of indigenous biodiversity by Porirua City Council, Greater Wellington Regional Council or the Department of Conservation is very low and does not warrant regulation.</p> <p>I have not included the Sport and Recreation Zone. This is for the reason that it covers well developed recreational sites within Porirua. These are generally owned and administered by Porirua City Council and subject to reserve management plans. In my view, the risk of wholesale clearance of areas of indigenous biodiversity within these sports grounds is very low and does not warrant regulation.</p>
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73 In terms of s32AA, for the reasons provided in the assessment above, I consider that these amendments to the policies cited above will:

- Provide clarity of intent and consistency of application through the Plan
- Better achieve NE-O2 and Council's function to maintain indigenous biodiversity under the RMA, while complying with its obligations under s76 of the RMA.

Request for matters of control and discretion in all restricted discretionary and controlled activity rules

74 In response to Ms Geary's concern that Forest and Bird's submission points that sought matters of control or discretion regarding maintaining indigenous biodiversity be inserted into all controlled and restricted discretionary rules was not considered, I can confirm that I did consider it in section 3.2 of my s42A report. However, I have addressed it further, in response to Mr Silver's planning evidence.

75 Forest and Bird's submission [225.42], supported by the Department of Conservation [FS39.1], sought that "effects on indigenous biodiversity" be included as a standard matter of discretion or control in all restricted discretionary rules and controlled activity rules. I addressed this broad relief in section 3.2 of my s42A report. I confirm that I still do not support this broad relief.

76 Mr Silver has subsequently narrowed the Department of Conservation's further submission which supported this blanket request from Forest and Bird in his planning statement of 17 November 2021. I found this useful evidence as it allowed me to provide the Panel with a more detailed evaluation of Forest and Bird's submission point.

77 However, I am not clear if either Forest and Bird or Mr Silver are fully cognisant of how the PDP is structured. I have already addressed how the PDP needs to be read as a whole⁶. As addressed previously, the General Approach chapter sets out how the plan is to be read. This clearly explains that a particular activity may require consent for multiple reasons that may require an applicant to look at multiple chapters, for example "if you are building a new house in the General Rural Zone, you will need to look at the General Rural Zone, Earthworks and Transport Chapters".

⁶ With the exception of the Infrastructure, Renewable Electricity Generation, Subdivision and Temporary Activities chapters.

78 There are two types of rules in the PDP. I note that the PDP purposefully contains few controlled activity rules.

79 Firstly, there are listed controlled and restricted discretionary activity rules which may be subject to conditions. These types of rules will in the majority will restrict the matters of control or discretion to matters listed in a cited policy(ies). For example:

GRUZ-R17 Intensive indoor primary production

1. Activity status: Restricted discretionary

Matters of discretion are restricted to:

1. The matters in GRUZ-P4

80 That is, the policies set out the matters of discretion. Including Forest and Bird’s requested relief would be inconsistent with the Plan drafting protocol. In the case of this particular restricted discretionary activity rule, GRUZ-P4 already contains clause 3 “areas of indigenous vegetation are retained where practicable”. Including a matter of discretion in the rule itself would be unnecessary repetition.

81 Secondly, there are “default” or “escalated” restricted discretionary activity rules, where the conditions of generally a permitted rule are not met. For the most part, these conditions are standards. Where a rule defaults to restricted discretionary because of non-compliance with a standard, the matters of discretion are listed with the standard. Where a rule defaults to a restricted discretionary activity due to non-compliance with a condition that is not a standard, then the matters of discretion will be matters listed in a cited policy(ies).

82 The following is an example of a default or escalated restricted discretion activity rule in the General Rural Zone:

GRUZ-R1 Buildings and structures, including additions and alterations, excluding fences and standalone walls

2. Activity status: Restricted discretionary

Where:

a. Compliance is not achieved with: GRUZ-S1, GRUZS2, GRUS-S3 or GRUZ-S4

Matters of discretion are restricted to:

1. *The matters of discretion of any infringed standard.*

83 GRUZ-S1 is set out below.

GRUZ-S1	Height
<p>1. All buildings and structures must not exceed a maximum height above ground level of 10m.</p> <p>This standard does not apply to:</p> <p>Solar water heating components provided these do not exceed the height by more than 500mm; Chimney structures not exceeding 1.1m in width on any elevation and provided these do not exceed the height by more than 1m; Antennas, aerials, and flues provided these do not exceed the height by more than 1m; or Satellite dishes (less than 1m in diameter) and architectural features (e.g. finials, spires) provided these do not exceed the height by more than 1m.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Design and siting of the building or structure; 2. Any shading of, or loss of privacy for, residential units on adjacent sites; 3. Screening, planting, and landscaping of the building or structure; 4. Whether an increase in building or structure height results from a response to natural hazard mitigation; and 5. Whether topographical or other site constraints make compliance with the standard impractical.

84 In terms of Forest and Bird’s broad relief, using the example above, I cannot see how maintaining indigenous biodiversity would be a relevant matter relating to the height of a building.

85 I have carefully considered Mr Silver’s narrowed scope of the Department’s further submission. Included as Appendix 3 is the table submitted with his evidence which includes my commentary on his evidence and the relief sought. In responding, I have borne in mind what the potential effects associated with each rule and activity might be and whether other rules in the PDP would likely also be relevant.

86 In my opinion, the only places where an additional matter of discretion is warranted are:

Standard	Recommended clause	Reason
EW-S1 – Earthworks – Area – in respect to the Open Space Zone,	The maintenance of indigenous biodiversity.	As Mr Silver acknowledges, indigenous biodiversity should be considered at the time of

Rural Zones and Future Urban Zone only		<p>zoning in respect of urban environments. In addition, the RMA does not provide for blanket tree protection controls in urban environments. I consider that earthworks do have potential adverse effects on indigenous biodiversity.</p> <p>For the reasons cited earlier, I do not consider it necessary to require consideration of effects on indigenous biodiversity on publicly-owned land as this will be addressed through Reserve Management Plans. For reasons already provided within this reply, I also do not consider that such a matter is appropriate in the Māori Purpose Zone or Special Purpose Zone (BRANZ).</p>
Light-S2 Light Spill - in respect to the Open Space Zone, Rural Zones and Future Urban Zone only	Any adverse effects on avifauna.	From my experience in dealing with applications involving artificial lighting, I am aware of the potential for it to disrupt avifauna. I am not aware of any other potential effects on land-based fauna or flora. I do not consider this is an issue in an established urban environment.
Light-S3 Glare - in respect to the Open Space Zone, Rural Zones and Future Urban Zone only	Any adverse effects on avifauna.	From my experience in dealing with applications involving artificial lighting, I am aware of the potential for it to disrupt avifauna. I am not aware of any other potential effects on land-based fauna or flora. I do not consider this is an issue in an established urban environment.

87 I have purposefully excluded the Māori Purpose Zone (Hongoeka). The majority of that Zone is subject to multiple overlays, including significant expanses of SNAs. This is carefully explained in the relevant section 32 evaluation report. In the circumstances, I do not consider that further restrictions in respect to indigenous biodiversity is required. I have also excluded the Special Purpose Zone (BRANZ). This is a well-developed urbanised site and is not representative of a rural environment.

88 In terms of s32AA, for the reasons provided in the assessment above, I consider that these amendments to the policies cited above will:

- Provide clarity of intent and consistency of application through the PDP
- Better achieve NE-O2 and Council's function to maintain indigenous biodiversity under the RMA, while complying with its obligations under s76 of the RMA.

Is a blanket vegetation clearance rule required?

89 This now leaves whether a blanket rule is required in respect to the clearance of indigenous vegetation, as proposed by Forest and Bird in their submission, and also proffered by the Department of Conservation in their further submission to Forest and Bird.

90 As I outlined in my supplementary statement, councils are not able to include blanket indigenous vegetation rules within urban environment allotments⁷ and so any blanket rules could only apply outside these areas.

91 I carefully considered Mr Silva's evidence of other plans that take a blanket tree protection approach. To fully understand why these plans had taken this approach, I took the opportunity to review them to a fuller extent than the table appended to Mr Silva's evidence. My Appendix 4 contains a table of the rules in Plans brought to the Panel's attention, with extra information included as to each District's land area, whether the PDP had identified SNAs in it, and if it did, what approach was taken to those. I note that the Ecosystems and Indigenous Biodiversity s32 evaluation report also includes an analysis of contemporary district plans.

92 I comment on each of these Plans in turn.

- The South Taranaki District Plan only includes 34 SNAs covering 2,416.03ha within a 3,575km² area (0.67% of the District's land area). The SNAs only have very brief descriptions and from a desk top review, appear to be mainly in Council or Crown ownership, or subject to covenant.
- The Stratford District Plan only includes 14 identified SNAs covering 9,725.39ha within a 2,163.42km² area (4.5% of the District's land area). From a desk top review, the SNAs appear to be mainly in Council or Crown ownership, or subject to

⁷ See s76 of the RMA

covenant. The Plan permits clearance of any indigenous vegetation that does not meet significance criteria.

- The Invercargill District Plan has significant natural areas identified on their planning maps. These are not scheduled and there are no identified values for them. Criteria to determine their significance is assessed on a consent by consent basis. General indigenous vegetation clearance is permitted up to 500m² in the coastal environment and up to 1,000m² elsewhere in a 5 year period
- The Waitomo District Plan contains no significant natural areas in its 3,546.49km² area. The Plan permits indigenous vegetation clearance that does not contain significant indigenous vegetation or habitat.
- The Proposed Central Hawke's Bay District Plan contains 542 SNAs in its 3,327.92km² area. It includes indigenous clearance rules of no more than 1 hectare per site per calendar year and height and diameter controls.
- The Hastings District Plan includes 58 Recommended Areas for Protection in its 5,227km² area. It permits clearance of:
 - no more than 1,000m², where it is within a 5ha contiguous area
 - any area
 - less than 1ha with an average canopy height over 6m
 - less than 5ha of any height
 - for kanuka and manuka, no more than 50ha over a 3 year period and is immature

93 I also reviewed other contemporary plans and the plans of adjacent councils that were not addressed in the section 32 evaluation report. Of these, while recognising their status, neither the Proposed New Plymouth District Plan nor the Draft Wellington City District Plan contain any blanket indigenous vegetation clearance rules. I note however that the Proposed New Plymouth District Plan does have a coastal environment clearance rule. The Proposed Selwyn District Plan has no SNAs identified and limited blanket vegetation clearance rules that only apply in particular management areas. I note that the Kapiti Coast District Plan, which was notified in 2012 and made operative mid 2021, does include blanket provisions. In my opinion,

the Kāpiti District is a different proposition to Porirua, given its larger expanse of rural areas than Porirua.

94 I do not consider that those Plans cited by Mr Silva are all “good” examples of practice, given in the case of Waitomo and Stratford, these plans actually permit indigenous vegetation clearance where it is identified as not being significant.

95 I expressed in my supplementary evidence that Porirua is a different proposition to the examples provided by Mr Silva. While this is generally explained in the s32 evaluation report, I set out the key matters below:

- Porirua has a significantly smaller land area than those councils.
- The percentage of the land area covered by SNAs is far greater in Porirua than in those Districts with identified SNAs – 3,282 hectares, or 18% of the land area. When the Outstanding Natural Features and Landscapes, Special Amenity Landscapes and Coastal High Natural Character areas are added in, the percentage of land area where indigenous vegetation removal is controlled by the PDP is much greater.
- The Council has been able to undertake a more fine-grained assessment of its indigenous biodiversity.
- As is evident from aerial photography of the District, as shown on the Council’s GIS system, there are very few large areas of vegetation beyond plantation forestry blocks (which are governed by the NES-PF) where blanket rules such as those included in the Hastings, South Taranaki, Central Hawke’s Bay and Invercargill could apply.

96 In terms of managing indigenous vegetation clearance in the coastal environment, the aerial photos overlaid with the key overlays appended as Appendix 5 clearly show that the majority of the coastal environment is either subject to the overlays, zoned open space or zoned for urban purposes. The only areas which are not subject to overlays or zoned open space or urban are to the north-west and south-west of the City. The Panel is requested to review these maps online, rather than just relying on the screenshots attached as Appendix 5.

97 As I have stated earlier, section 31 of the RMA does not oblige Council to just use rules in plans to undertake its functions. Section 72 of the RMA is clear that the purpose of district plans is to assist territorial authorities to undertake their functions. The RMA does not prescribe that

district plans are the only means of a territorial authority undertaking its functions. In this instance, for the reasons expressed in the s32 evaluation report, my s42A report, statement of supplementary evidence and this right of reply, I consider that the non-regulatory methods set out in ECO-P7 and the provisions proposed within the PDP (as amended by the recommendations contained within this right of reply) are appropriate and a blanket vegetation clearance rule is not necessary. I note that Mr McDonnell has addressed the non-regulatory programmes that the Council undertakes in his section 42A report.

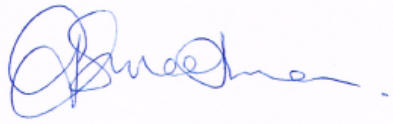
98 Further, the blanket rule sought by Forest and Bird and DoC would be a significant policy shift that the community has not had the opportunity to be engaged on. While I appreciate that the Panel has the scope to include such a rule, should a regulatory response be considered appropriate, I consider that a more appropriate option would be for this to occur through a future plan change process. In my view, the pending National Policy Statement on Indigenous Biodiversity would provide the most appropriate vehicle for this to occur.

Omission

99 I note that I missed including 225.209, 225.210 and 225.211 within the list of Forest and Bird’s submission points within the body of my report, but they are included in the table in Appendix B.

Date: 22 December 2021

Gina Sweetman
Consultant Planner



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Appendix 1 – List of materials provided by submitters

Submitter evidence	Graeme La Cock for the Director-General of Conservation [126 and FS39] João Paulo Silva for the Director-General of Conservation [126 and FS39] (including addendum) Graeme Silver for the Director-General of Conservation [FS39] Pauline Whitney for Transpower New Zealand [60 And FS04]
Legal submissions	Ezekiel Hudspith For Transpower New Zealand [60 And FS04] Attachment 1- EDS Inc v The NZ King Salmon Co Ltd [2014] Attachment 2 – Darby Planning Ltd Partnership & Others V QLDC [2021] Attachment 3 - Darby Planning Ltd Partnership & Others V QLDC [2019] Katherine Anton and Rosemary Broad for the Director-General of Conservation
Submitter written presentations	Amelia Geary for Forest and Bird [225 and FS52] Robyn Smith [168 And FS09]
Submitter statements	Te Awarua-o-Porirua Harbour & Catchments Community Trust and Guardians of Pāuatahanui Inlet [77]

Appendix 2 – Recommended amendments to PDP provisions

In order to distinguish between the recommendations made in the Section 42A Report and the recommendations that arise from this report:

- s42A recommendations are shown in red text (with underline and ~~strike-out~~ as appropriate); and
- Recommendations from this report in response to evidence are shown in blue text (with underline and ~~strike-out~~ as appropriate).

<h1 style="text-align: center;">NE - Natural Environment</h1>	
<p>The City’s natural environment has intrinsic values that warrant protection and management, however these values are under pressure from land use and development. Te Awarua-o-Porirua Harbour contributes significantly to the City’s identity and is highly valued but suffers from poor water quality. Porirua City Council, Wellington City Council, and Wellington Regional Council, Ngāti Toa Rangatira and the community have a shared <u>statutory</u> responsibilities for improving water quality and the health of the Harbour and catchment. <u>The three Councils will work alongside Ngāti Toa Rangatira and the community to improve water quality</u>⁸. The District Plan aims to assist the Regional Council achieve its objectives of improving water quality in the Porirua Catchment, while recognising that the control of land use for the purpose of maintaining and enhancing water quality is a regional council function.</p>	
<p>The strategic objectives set the direction for the District Plan and help to implement the Council’s community outcomes set out in its Long Term Plan. They reflect the intended outcomes to be achieved through the implementation of the District Plan.</p>	
<p>The objectives, policies and rules in Parts 2 and 3 of the District Plan implement the strategic objectives and reconcile any tensions between them.</p>	
<p>The strategic objectives will be particularly relevant for any future changes to the Plan and any significant resource consent applications.</p>	
<p>Details of the steps Plan users should take when using the District Plan are provided in the General Approach chapter.</p>	
<p>Strategic objectives</p>	
<p>NE-01</p>	<p>Natural character, landscapes and features and ecosystems-indigenous biodiversity⁹</p>
<p>The natural character <u>of the coastal environment and riparian margins</u>, <u>the values and characteristics of the outstanding natural</u> landscapes and features <u>and special amenity</u></p>	

⁸ TROTR [264.96]

⁹ Forest and Bird [225.90 and 225.91], QEII [216.7]

landscapes and ecosystems the significant indigenous biodiversity values¹⁰ that contribute to Porirua's character and identity and Ngāti Toa Rangatira's cultural and spiritual values are recognised and protected and, where possible appropriate, enhanced¹¹.

NE-O2 ~~Open space~~ Maintaining and restoring indigenous biodiversity values

Indigenous biodiversity values in the District are maintained and, where possible, restored.¹²

NE-O23 Open space

Porirua's community has access to a diverse and connected network of open spaces within which:

1. There is a wide range of recreational opportunities and experiences; and
2. Areas with natural, ecological and landscape values are protected.

NE-O34 Preventing further degradation of Te Awarua-O-Porirua Harbour

Subdivision, use and development does not contribute to any further degradation of Te Awarua-o-Porirua Harbour and its catchment.

NE-O45 Health and wellbeing of Te Awarua-O-Porirua Harbour

The health and wellbeing of Te Awarua-O-Porirua Harbour, and the significant amenity, recreational, ecological and cultural values associated with it¹³, is maintained and protected and, where possible, enhanced.

¹⁰ Forest and Bird [225.90 and 225.91], QEII [216.7], Robyn Smith [168.34]

¹¹ TROTR [264.97]

¹² Forest and Bird [225.90 and 225.91], QEII [216.7]

¹³ TROTR [264.99]

Tangata Whenua

The Council, through the District Plan, is required to take into account the Principles of the Treaty of Waitangi.

The Council is also required to, in partnership with mana whenua, recognise and provide for the relationship of Ngāti Toa Rangatira and its culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga and to have particular regard to kaitiakitanga. The relationship between Ngāti Toa Rangatira and the District Plan is outlined further in the Tangata Whenua chapter.

The strategic objectives set the direction for the District Plan and help to implement the Council's community outcomes set out in its Long Term Plan. They reflect the intended outcomes to be achieved through the implementation of the District Plan.

The objectives, policies and rules in Parts 2 and 3 of the District Plan implement the strategic objectives and reconcile any tensions between them.

The strategic objectives will be particularly relevant for any future changes to the Plan and any significant resource consent applications.

Details of the steps Plan users should take when using the District Plan are provided in the General Approach chapter.

Strategic objectives

TW-01 Ngāti Toa Rangatira's values, rights and interests

The values, culture and traditions, rights and interests of Ngāti Toa Rangatira in their ancestral lands, water, sites, wāhi tapu and other taonga¹⁴ are recognised and protected.

TW-02 Active participation Partnership

~~Ngāti Toa Rangatira is a partner in District Plan development and implementation.~~

~~Porirua City Council supports and partners with Ngāti Toa Rangatira is supported and partnered with by Porirua City Council to actively participate in the sustainable management of natural and physical resources including plan development, consent processes, compliance and monitoring in a manner that:~~

~~a) Recognises the role of Ngāti Toa as kaitiaki and provides for the practical expression of kaitiakitanga; and~~

~~d) Recognises and provides for Ngāti Toa mātauranga and tikanga.~~¹⁵

¹⁴ TROTR [264.102]

¹⁵ TROTR [264.101, 263.103]; Te Whānau Horomona [249.4]

TW-03	Kaitiakitanga and customary activities
Ngāti Toa Rangatira is able to exercise customary activities and sustain themselves through the use and development of their land, including through papakāinga and marae.	
TW-04	Takapūwāhia and Hongoeka
Takapūwāhia and Hongoeka remain unique kāinga and the cultural and spiritual centres for Ngāti Toa Rangatira in Porirua.	

INFRASTRUCTURE [S42A version]

INF-P810	Provide for Regionally Significant Infrastructure and other infrastructure outside of Overlays Potentially acceptable infrastructure¹⁶
<p>Provide for Regionally Significant Infrastructure and other infrastructure which is not located within an Overlay other than the National Grid¹⁷, where it can be demonstrated that the following matters can be achieved:</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; 7. <u>Any adverse effects on indigenous biodiversity are minimised¹⁸</u>; 8. Any adverse effects on any values and qualities of any adjacent <u>specified¹⁹</u> Overlays are minimised; 9. The safe and efficient operation of any other infrastructure, including the transport network, is not compromised; and 10. Any adverse cumulative effects are minimised and 	

¹⁶ Telcos [51.50]

¹⁷ Transpower [60.39]

¹⁸ Forest and Bird [225.42]

¹⁹ Forest and Bird 225.188]

11. Consistency with any relevant provisions of INF-P18 to INF-P24 where the infrastructure is located within a specified Overlay.²⁰

RENEWABLE ELECTRICITY GENERATION [S42A version]

REG-P6	Community-scale renewable electricity generation activities in the General Rural, Rural Lifestyle, General Industrial and Māori Purpose Zones, outside of <u>specified</u>²¹ Overlays
<p>Provide for community-scale renewable electricity generation activities in the General Rural, Rural Lifestyle, General Industrial and the Māori Purpose zones, where any adverse effects on the anticipated character and amenity of the zone and on the surrounding environment are avoided, remedied or mitigated, having regard to:</p> <ul style="list-style-type: none"> a. The scale of the activity and the effects on the surrounding area; b. The design and site layout of the activity and its ability to internalise effects; c. The capacity of the roading and infrastructure network to accommodate the activity; d. <u>Ecological effects, including effects on terrestrial ecology and avifauna, where not located in the General Industrial Zone or Māori Purpose Zone</u>²²; e. Any potential adverse amenity effects from scale, shading, lighting and noise; and f. The location of the activity and whether there is adequate separation from residential activities to ensure conflict between activities, including potential adverse reverse sensitivity effects, are minimised. 	

NATURAL FEATURES AND LANDSCAPE [s42A version]

NFL-P3	Subdivision, use and development within Outstanding Natural Features and Landscapes and Special Amenity Landscapes (outside the Coastal Environment)
<p>Except as provided for in NFL-P5 <u>and NFL-P12</u>²³, only allow subdivision, use and development within identified Outstanding Natural Features and Landscapes or Special Amenity Landscapes where it:</p> <ul style="list-style-type: none"> g. Avoids significant adverse effects and avoids, remedies or mitigates any other adverse effects on the identified characteristics and values in SCHED9 - Outstanding Natural Features and Landscapes and SCHED10 - Special Amenity Landscapes; and h. Can demonstrate that it is appropriate by taking into account: <ul style="list-style-type: none"> a. How the identified values and characteristics described in SCHED9 - Outstanding Natural Features and Landscapes and SCHED10 - Special Amenity Landscapes will be; 	

²⁰ Telcos [51.50]

²¹ Forest and Bird [225.188]

²² Forest and Bird [225.42]

²³ Te Whānau Horomona [249.5]

- i. Protected in the case of Outstanding Natural Features and Landscapes; or
- ii. Maintained in the case of Special Amenity Landscapes;
- b. The capacity of the landscape to absorb change;
- c. The scale of modification and its effect on the identified characteristics and values described in SCHED9 - Outstanding Natural Features and Landscapes and SCHED10 - Special Amenity Landscapes;
- d. The measures to mitigate adverse effects, including any proposed building platforms, on the characteristics and values in SCHED9 - Outstanding Natural Features and Landscapes and SCHED10 - Special Amenity Landscapes, through:
 - i. Minimising the scale and prominence of the location of any buildings or structures;
 - ii. Reducing visibility, reflectivity and colour of any buildings or structures;
 - iii. Minimising any access or driveway construction;
 - iv. Avoiding or minimising removal of indigenous vegetation and the necessity for future earthworks and changes to the landform; and
 - v. Landscaping and fencing;
- e. How buildings and structures, including any proposed building platforms, are integrated into the landscape to:
 - i. Protect the dominant natural components over the influence of human activity and the identified characteristics and values in SCHED9 - Outstanding Natural Features and Landscapes; or
 - ii. Maintain the identified characteristics and values in SCHED10 - Special Amenity Landscapes; and
- f. The extent to which the proposed activity recognises and provides for tangata whenua cultural and spiritual values and practices; and
- g. The extent to which indigenous biodiversity is maintained and, where appropriate, restored²⁴.

NFL-S2	Vegetation removal	
<p>All zones</p>	<p>1. Removal of indigenous vegetation must not exceed, in total area:</p> <ul style="list-style-type: none"> a. 50m² within any five year continuous period per site within an Outstanding Natural Features and Landscape; or b. 100m² within any five year continuous period per site within a Special Amenity Landscape. 	<p>The matters of discretion are restricted to:</p> <ul style="list-style-type: none"> 1. The scale of the vegetation removal; 2. <u>The maintenance of indigenous biodiversity²⁶</u>; and 3. The effect of the vegetation removal the on identified values and characteristics within SCHED9 - Outstanding Natural Features and Landscapes or SCHED10 - Special Amenity Landscapes.

²⁴ Forest and Bird [225.42]

²⁶ Forest and Bird [225.42]

The following are exempt to the maximum permitted area of removal:

- 1m either side of, or within, an existing formed road, stock crossing or accessway; or
- 1m of a fence, or other lawfully established structure; or
- 3m of an existing lawfully established residential unit.

Note:

Vegetation removal associated with the construction, maintenance and upgrading of ~~or creation of~~ public cycling or walking tracks ~~undertaken by Porirua City Council or its nominated contractor~~²⁵ are managed by the Infrastructure chapter.

COASTAL ENVIRONMENT [S42A version]

CE- P4 Earthworks and indigenous vegetation removal in Coastal High Natural Character Areas

Allow earthworks and indigenous vegetation removal within Coastal High Natural Character Areas where:

1. It is of a scale and for a purpose that maintains or restores the identified values described in SCHED11 - Coastal High Natural Character Areas, including restoration and conservation activities;
2. It is associated with farming activities for an established working farm, where the identified values described in SCHED11 - Coastal High Natural Character Areas are maintained; or
3. [It maintains indigenous biodiversity that is not already described in SCHED11 - Coastal High Natural Character Areas](#)²⁷.

²⁵ PCC [11.50]

²⁷ Forest and Bird [225.42]

~~4. 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.²⁸~~

SUBDIVISION [notified version]

Policies	
SUB-P1	Creation of allotments
<p>Provide for subdivision where it results in allotments that:</p> <ol style="list-style-type: none"> 1. Reflect the intended pattern of development and are consistent with the purpose, character and amenity values of the zone; and 2. Are of a size and dimension that are sufficient to accommodate the intended development form for that zone; 3. Protect stands of significant<u>Maintains</u> indigenous vegetation that <u>areis</u>²⁹ not located within an identified Significant Natural Area; 4. Ensure the safe operation, maintenance and access to any Regionally Significant Infrastructure on or adjacent to the site, taking into account the outcome of consultation with the Regionally Significant Infrastructure owner; 5. Minimise natural hazard risk to people's lives and properties; 6. Within Urban Zones, are adequately served by public open space that is accessible, useable and well-designed; 7. Have legal and physical access to each allotment created by the subdivision; 8. Create esplanade reserves where land adjoins MHWS and/or rivers whose bed has an average width of 3m or more; and 9. For subdivision around buildings that have been approved by way of resource consent, ensure that the staging of the subdivision relative to building construction is efficient and appropriate to the scale and complexity of the overall development. 	

EARTHWORKS [S42A version]

Policies	
EW-P1	Appropriate earthworks
<p>Enable earthworks associated with subdivision, use and development, where:</p> <ol style="list-style-type: none"> 1. They occur in a coordinated and integrated manner; 	

²⁸ Waka Kotahi [2.157], Forest and Bird [225.191]

²⁹ Forest and Bird [225.42]

2. The scale of the earthworks is consistent with the scale and form of development anticipated within that zone;
3. The stability of land is maintained, including the stability of adjoining land, infrastructure, buildings and structures;
4. The area, height or depth, location and slope of the earthworks are of an appropriate scale that will ensure the following potential adverse effects are minimised:
 1. Visual amenity as a result of cut or fill faces and retaining structures;
 2. Silt and sediment loss from the site;
 3. The alteration of natural landforms and features;
 4. Dust and vibration beyond the site; and
 5. The safe and efficient operation of the transport network and on local amenity values as a result of traffic movements; ~~and~~
5. The area of earthworks minimises the loss of indigenous biodiversity in Rural Zones, Future Urban Zone and Open Space Zone, which is not identified as a Significant Natural Area in SCHED7 – Significant Natural Areas; and³⁰
6. The area where earthworks have occurred is reinstated in a timely manner to minimise adverse effects on land stability, erosion³¹ and the visual amenity of the surrounding area.

Rules

Note: There may be a number of provisions that apply to an activity, building, structure or site. Resource consent may therefore be required under rules in this chapter as well as other chapters. Unless specifically stated in a rule, resource consent is required under each relevant rule. The steps to determine the status of an activity are set out in the General Approach chapter.

Rules relating to earthworks for infrastructure activities are found in the Infrastructure chapter.

EW-R1

General Earthworks

All zones

1. Activity status: **Permitted**

Where:

- i. Compliance is achieved with:
 - a. EW-S1;
 - b. EW-S2;
 - c. EW-S3;
 - d. EW-S4; and
 - e. EW-S5.

For the avoidance of doubt this rule applies to all earthworks, except EW-R2 and EW-R3.

All zones

2. Activity status: **Restricted discretionary**

Where:

- a. Compliance is not achieved with EW-S1, EW-S2, EW-S3 or EW-S4.

³⁰ Forest and Bird [225.42]

³¹ Kāinga Ora [81.483]

Matters of discretion are restricted to:

1. The matters of discretion of any infringed standard.

Standards

EW-S1

Earthworks – Area

Residential Zones

1. The area of earthworks must not exceed 250m² in any 12 month period per site.

Matters of discretion are restricted to:

Settlement Zone

The following are exempt from the maximum area standard:

1. The stability of land or structures in or on the site or adjacent sites;
2. The visual amenity values and character of the surrounding area;
3. The natural landform and the extent to which the finished site will reflect and be sympathetic to the surrounding landform;
4. Dust and vibration beyond the site;
5. The retention of silt and sediment on the site;
6. [The maintenance of indigenous biodiversity where located in the Settlement Zone](#)³³;
7. The staging of earthworks; and
8. The total area of exposed soils at any point in time.

Neighbourhood Centre Zone

- a. Earthworks for a swimming pool which do not extend further than 2m from the edge of the swimming pool; and
- b. Earthworks for interments within existing cemeteries or urupā; and
- c. Earthworks up to 400m² in any 12 month period per site associated with the removal or replacement of a fuel storage system.³²

Local Centre Zone

2. The area of earthworks must not exceed 400m² in any 12 month period per site.

Matters of discretion are restricted to:

Large Format Retail Zone

The following are exempt from the maximum area standard:

1. The stability of land or structures in or on the site or adjacent sites;
2. The visual amenity values and character of the surrounding area;
3. The natural landform and the extent to which the finished site will reflect and

Mixed Use Zone

- a. Earthworks for a swimming pool which do not extend further than 2m from the edge of the swimming pool; and

City Centre Zone

³² Oil Companies [123.20]

³³ Forest and Bird [225.42]

<p>General Industrial Zone</p> <p>Hospital Zone</p>	<p>b. Earthworks for interments within existing cemeteries or urupā.</p>	<p>be sympathetic to the surrounding landform;</p> <ol style="list-style-type: none"> 4. Dust and vibration beyond the site; 5. The retention of silt and sediment on the site; 6. The staging of earthworks; and 7. The total area of exposed soils at any point in time.
<p>Open Space Zone</p> <p>Sport and Active Recreation Zone</p>	<p>3. The area of earthworks must not exceed 500m² in any 12 month period per site.</p> <p>The following are exempt from the maximum area standard:</p> <ol style="list-style-type: none"> 1. Topdressing of grassed areas with topsoil; 2. Earthworks associated with the laying of a safety surface for children’s play equipment; 3. Earthworks for a swimming pool which do not extend further than 2m from the edge of the swimming pool; and 4. Earthworks for interments within existing cemeteries or urupā. 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The stability of land or structures in or on the site or adjacent sites; 2. The visual amenity values and character of the surrounding area; 3. The natural landform and the extent to which the finished site will reflect and be sympathetic to the surrounding landform; 4. Dust and vibration beyond the site; 5. The retention of silt and sediment on the site; 6. <u>The maintenance of indigenous biodiversity where the site is not subject to a Reserve Management Plan³⁴</u>; 7. The staging of earthworks; and 8. The total area of exposed soils at any point in time.
<p>General Rural Zone</p> <p>Rural Lifestyle Zone</p> <p>Special Purpose Zone (BRANZ)</p>	<p>4. The area of earthworks must not exceed 1000m² in any 12 month period per site.</p> <p>The following are exempt from the maximum area standard:</p> <ol style="list-style-type: none"> 1. Earthworks for a swimming pool which do not extend further than 2m from the edge of the swimming pool; and 2. Earthworks for interments within existing cemeteries or urupā. 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The stability of land or structures in or on the site or adjacent sites; 2. The visual amenity values and character of the surrounding area; 3. The natural landform and the extent to which the finished site will reflect and be sympathetic to the surrounding landform;

³⁴ Forest and Bird [225.42]

<p>Future Urban Zone</p> <p>Māori Purpose Zone (Hongoeke)</p>		<ol style="list-style-type: none"> 4. Dust and vibration beyond the site; 5. The retention of silt and sediment on the site; 6. The maintenance of indigenous biodiversity, except for in the Māori Purpose Zone (Hongoeke) and Special Purpose Zone (BRANZ)³⁵; 7. The staging of earthworks; and 8. The total area of exposed soils at any point in time.
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[I have not included the other earthworks standards]

LIGHT [S42A version]

<h1>LIGHT - Light</h1>	
<p>Artificial lighting enables work, recreation and entertainment activities to occur outside of normal daylight hours. It also provides additional safety and security to sites and the activities that occur on them. However, artificial lighting can result in adverse effects on the occupiers and users of adjoining sites and the transport network if not carefully designed due to light spill and glare. If not appropriately screened or orientated, it can also result in light pollution that adversely affects the view of the night sky. Artificial lighting also has the potential to adversely affect avifauna; for example, attracting birds and affecting bat behaviour³⁶.</p>	
<p>The provisions for artificial lighting provide for adequate lighting that both supports activities and enables safety and security for people and communities, while minimising potential adverse effects beyond the site.</p>	
<p>The following are all exempt from the rules and standards in this chapter:</p> <ol style="list-style-type: none"> 1. Public Street³⁷ lighting; and 2. Helipad and helicopter lighting. 	
<p>Objectives</p>	
<p>LIGHT-01</p>	<p>Appropriate lighting activities</p>
<p>The benefits of the use of artificial lighting are recognised while any adverse effects generated:</p> <ol style="list-style-type: none"> 1. Are compatible with the purpose, character and amenity values of the zone and the surrounding area; 	

³⁵ Forest and Bird [225.42]

³⁶ Forest and Bird [225.42]

³⁷ Waka Kotahi [82.144]

2. [Minimise disruption to avifauna³⁸](#); and
3. [Do not compromise the health and safety of people and communities, including road safety of the transport network³⁹](#).

Policies

LIGHT-P2 Potentially inappropriate lighting activities

Minimise the adverse effects of the use of artificial lighting having regard to:

1. The extent to which it avoids conflict with existing sensitive activities and the transport network;
2. Effects on other established uses and their operation;
3. The extent to which any adverse effects can be internalised to the site within which artificial lighting is located, and minimised at site boundaries;
4. The effects on visual observation of the night sky;
5. The intensity, location and direction of artificial lighting;
6. Whether it is consistent with best practice; [and](#)
7. Any adverse effects on the health, safety and wellbeing of people and communities in the surrounding area, including sleep disturbance; [and](#)
8. [Any adverse effects on avifauna, where located in the Rural Zones, Future Urban Zone and Open Space Zone⁴⁰](#).

Rules

Note: There may be a number of provisions that apply to an activity, building, structure or site. Resource consent may therefore be required under rules in this chapter as well as other chapters. Unless specifically stated in a rule, resource consent is required under each relevant rule. The steps to determine the status of an activity are set out in the General Approach chapter.

Rules relating to subdivision, including minimum allotment sizes for each zone, are found in the Subdivision chapter.

LIGHT-R1 Outdoor artificial lighting

All zones

1. Activity status: **Permitted**

Where this activity complies with the following standards:

- a. LIGHT-S1;
- b. LIGHT-S2;
- c. LIGHT-S3;
- d. LIGHT-S4;
- e. LIGHT-S5; and
- f. LIGHT-S6.

All zones

2. Activity status: **Restricted discretionary**

Where:

- a. Compliance is not achieved with LIGHT-S2, LIGHT-S3, LIGHT-S4, LIGHT-S5, or LIGHT-S6.

³⁸ Forest and Bird [225.42]

³⁹ Waka Kotahi [82.144]

⁴⁰ Forest and Bird [225.42]

	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The matters of discretion of any infringed standard. 	
All zones	<p>3. Activity status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> a. Compliance is not achieved with LIGHT-S1. 	
Standards		
LIGHT-S1	General standards	
All zones	<ol style="list-style-type: none"> 1. Lighting limits must be measured and assessed in accordance with AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting. In the event of any conflict between AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting and the District Plan, the District Plan shall prevail. 2. Any calculation for the purposes of these standards must be based on a maintenance factor of 1.0 (i.e. no depreciation shall be taken into account for reduction in light levels over time). 3. Where measurements of any illuminance above background levels from the use of artificial lighting cannot be made because the artificial lighting cannot be turned off, measurements must be made in areas of a similar nature that are not affected by the artificial lighting. The result of these measurements shall be used for determining the effects of the artificial lighting. 4. Where an activity is located on a site which adjoins or is separated by a road from a different zone, the activity on the site must meet the relevant zone standards for light for the 	<p>There are no matters of discretion for this standard.</p>

	adjoining zone at the zone boundary.	
LIGHT-S2	Light spill	
General Rural Zone Rural Lifestyle Zone Settlement Zone Future Urban Zone	<p>1. Outdoor artificial lighting must not exceed the following vertical illuminance levels:</p> <ol style="list-style-type: none"> a. 7.00am – 10.00pm: 10^{5⁴¹} Lux; and b. 10.00pm – 7.00am: One Lux. <p>The vertical illuminance shall be measured at:</p> <ol style="list-style-type: none"> a. Any window of a habitable room of a building used for a sensitive activity on any adjacent site; or b. The minimum setback distance for buildings and structures used for residential purposes for the relevant zone of an adjacent site if that site does not contain a building used for a sensitive activity. The vertical extent of the calculation points for vertical illuminance shall be between: <ol style="list-style-type: none"> i. 1.5m above ground level; and ii. The maximum building height permitted by the relevant zone. 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The safety of the transport network; 2. The number, placement, design, height, colour, orientation and screening of light fittings and light support structures; 3. Conflict with existing sensitive activities; 4. Effects on indoor amenity values and sleep quality of any nearby residential units; 5. Any adverse effects on avifauna;⁴² 6. Any positive effects generated from the use of artificial lighting; and 7. Effects on established uses and their operation.
Residential Zones Open Space and Recreation Zones Māori Purpose Zone (Hongoeka)	<p>2. Outdoor artificial lighting must not exceed the following vertical illuminance levels at the site boundary:</p> <ol style="list-style-type: none"> a. 7.00am – 10.00pm: 10 Lux; and b. 10.00pm – 7.00am: two Lux. 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The safety of the transport network; 2. The number, placement, design, height, colour, orientation and screening of light fittings and light support structures; 3. Conflict with existing sensitive activities;

⁴¹ Waka Kotahi [82.152]

⁴² Forest and Bird [225.42]

		<p>4. Effects on indoor amenity values and sleep quality of any nearby residential units;</p> <p>5. Any adverse effects on avifauna, where located in Open Space Zone⁴³;</p> <p>6. Any positive effects generated from the use of artificial lighting; and</p> <p>7. Effects on established uses and their operation.</p>
<p>Neighbourhood Centre Zone</p> <p>Local Centre Zone</p> <p>Large Format Retail Zone</p> <p>Mixed Use Zone</p> <p>City Centre Zone</p> <p>General Industrial Zone</p> <p>Hospital Zone</p> <p>Special Purpose Zone (BRANZ)</p>	<p>3. Outdoor artificial lighting must not exceed the following vertical illuminance levels:</p> <p>a. 7.00am – 10.00pm: 25 Lux; and</p> <p>b. 10.00pm – 7.00am: 4 Lux.</p> <p>The vertical illuminance shall be measured at:</p> <p>a. Any window of a habitable room of a building used for a sensitive activity on any adjacent site; or</p> <p>b. The minimum setback distance for buildings and structures for the relevant zone on an adjacent site if that site does not contain a building used for a sensitive activity. The vertical extent of the calculation points for vertical illuminance shall be between:</p> <p>i. 1.5m above ground level; and</p> <p>ii. The maximum building height permitted by the relevant zone.</p>	<p>Matters of discretion are restricted to:</p> <p>1. The safety of the transport network;</p> <p>2. The number, placement, design, height, colour, orientation and screening of light fittings and light support structures;</p> <p>3. Conflict with existing sensitive activities;</p> <p>4. Effects on indoor amenity values and sleep quality of any nearby residential units;</p> <p>5. Any positive effects generated from the use of artificial lighting; and</p> <p>6. Effects on established uses and their operation.</p>
<p>LIGHT-S3 Glare</p>		
<p>General Rural Zone</p>	<p>1. Outdoor artificial lighting on any site adjacent to a road, or</p>	<p>Matters of discretion are restricted to:</p>

⁴³ Forest and Bird [225.42]

<p>Rural Lifestyle Zone</p> <p>Settlement Zone</p> <p>Future Urban Zone</p>	<p>adjacent to a site which contains a building used for a sensitive activity, must be selected, located, aimed, adjusted and/or screened so that the luminous intensity does not exceed the following:</p> <p>a. 7.00am – 10.00pm: 7,500 cd; and</p> <p>b. 10.00pm – 7.00am: 500 cd.</p>	<ol style="list-style-type: none"> 1. The safety of the transport network; 2. The number, placement, design, height, colour, orientation and screening of light fittings and light support structures; 3. Conflict with existing sensitive activities; 4. Effects on indoor amenity values and sleep quality of any nearby residential units; 5. Any adverse effects on avifauna⁴⁴; 6. Any positive effects generated from the use of artificial lighting; and 7. Effects on established uses and their operation.
<p>Residential Zones</p> <p>Open Space and Recreation Zones</p> <p>Māori Purpose Zone (Hongokea)</p>	<p>2. Outdoor artificial lighting on any site adjacent to a road, or adjacent to a site which contains a building used for a sensitive activity, must be selected, located, aimed, adjusted and/or screened so that the luminous intensity does not exceed the following:</p> <p>a. 7.00am – 10.00pm: 10,000 cd; and</p> <p>b. 10.00pm – 7.00am: 1000 cd.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The safety of the transport network; 2. The number, placement, design, height, colour, orientation and screening of light fittings and light support structures; 3. Conflict with existing sensitive activities; 4. Effects on indoor amenity values and sleep quality of any nearby residential units; 5. Any adverse effects on avifauna, where located in the Open Space Zone;⁴⁵ 6. Any positive effects generated from the use of artificial lighting; and 7. Effects on established uses and their operation.
<p>Neighbourhood Centre Zone</p>	<p>3. Outdoor artificial lighting on any site adjacent to a road, or</p>	<p>Matters of discretion are restricted to:</p>

⁴⁴ Forest and Bird [225.42]

⁴⁵ Forest and Bird [225.42]

Local Centre Zone	adjacent to a site which contains a building used for a sensitive activity, must be selected, located, aimed, adjusted and/or screened so that the luminous intensity does not exceed the following: a. 7.00am to 10.00pm: 25,000 cd; and b. 10.00pm to 7.00am: 2,500 cd.	<ol style="list-style-type: none"> 1. The safety of the transport network; 2. The number, placement, design, height, colour, orientation and screening of light fittings and light support structures; 3. Conflict with existing sensitive activities; 4. Effects on indoor amenity values and sleep quality of any nearby residential units; 5. Any positive effects generated from the use of artificial lighting; and 6. Effects on established uses and their operation.
Large Format Retail Zone		
Mixed Use Zone		
City Centre Zone		
General Industrial Zone		
Hospital Zone		
Special Purpose Zone (BRANZ)		

Papakāinga

Rules

There are no rules in this chapter. [Rules for papakāinga are located in relevant chapters in Part 3: Area Specific Matters.](#)⁴⁶

OPEN SPACE ZONE [Notified version]

OSZ - Open Space Zone

Policies

OSZ- Potentially inappropriate activities P4

Only allow potentially inappropriate activities in the Open Space Zone where they can demonstrate that they are:

⁴⁶ Clause 16

1. Consistent with Porirua City Reserves Management Plan 2013, the Greater Wellington Parks Network Plan 2020, Whitireia Park Management Plan and Whitireia Park Bylaws 2016 or the Wellington Conservation Management Strategy 2019 (whichever applies to the site);
2. Compatible with the purpose, character and amenity values of the Zone;
3. Ancillary to and/or support open space activities;
4. Of an appropriate scale and location;
5. Not constraining the establishment and operation of open space activities or restrict public access to and across open space;
6. [Undertaken in a manner that minimises the loss of indigenous biodiversity, where located on privately-owned land⁴⁷](#);
7. Of a form, scale, location and nature that will not compromise established and planned open space activities and result in any conflict; and
8. Able to be serviced with adequate on-site infrastructure and services.

⁴⁷ Forest and Bird [225.42]

Appendix 3 – Response to Mr Silver’s analysis of PDP controlled and restricted discretionary rules

Rule #	Activity Status	Rule subject	Should include indigenous biodiversity	Comment	Response
INF Chapter: All Controlled and Restricted Discretionary rules except those listed below	C/RD	All except below	YES	All have the potential to impact on Indigenous Biodiversity (IB) (e.g vegetation clearance, impact on habitat)	I disagree. I address this in the body of this right of reply.
INF-R13.2	RD	Infrastructure located within existing buildings	NO	Won't impact on IB as inside buildings	I agree
INF-R23.2	RD	Connections to roads for vehicle access to sites	NO	Effects on IB minor and similar to the equivalent permitted activity rule	
INF-R24.2	RD	Signs associated with the construction, operation, maintenance and repair, or upgrading of infrastructure	NO	Unlikely to impact on IB	
REG Chapter: All Controlled and Restricted Discretionary rules	C/RD	All	YES	All have the potential to impact on IB (e.g vegetation clearance, impact on habitat)	I disagree. REG-P5 refers to the policies in the Overlays. REG-P7 and REG-P8 already include reference to ecological effects. The only amendment I recommend is in respect to REG-P6.
THWT Chapter: All Controlled and Restricted	C/RD	All except below	NO	Unlikely to impact on IB and magnitude of effects similar	I agree

Discretionary rules except those listed below				to the equivalent permitted activities	
THWT-R2.2	RD	Increases in the impervious surface area of a site	YES	Has the potential to impact on IB where hydraulic neutrality has not been achieved.	I disagree. This rule is limited to urban zones. Mr Silver has already identified that urban zones are unlikely to impact on IB (see below).
TR Chapter: All Controlled and Restricted Discretionary rules All Controlled/Restricted	C/RD	All	NO	Unlikely to impact on IB and magnitude of effects similar to the equivalent permitted activities	I agree.
CL Chapter: no C/RD rules				n/a	
HAZ Chapter: no C/RD rules				n/a	
NH Chapter: All Controlled and Restricted Discretionary rules	C/RD	All	YES	All have the potential to impact on IB (e.g vegetation clearance, impact on habitat)	I disagree. This chapter is specific to managing activities in hazard areas. It has to be read alongside all other chapters in the PDP.
HH Chapter: All Controlled and Restricted Discretionary rules except those listed below	C/RD	All except below	NO	Unlikely to impact on IB	I agree.
HH-R4.2	RD	Earthworks on heritage items and heritage settings in SCHED2 - Historic Heritage Items (Group A) and SCHED3 - Historic Heritage Items (Group B), and historic heritage sites in	YES	Has the potential to impact on IB	I disagree. This rule is focussed on the effects of earthworks on historic heritage. The effects of earthworks in general is addressed in the Earthworks Chapter.

		SCHED4 - Historic Heritage Sites			
TREE Chapter: All Controlled and Restricted Discretionary rules	C/RD	All	YES	Has the potential to impact on IB	I disagree. This chapter is solely on notable trees and the effects of activities on them. Any effects on indigenous Notable trees is addressed already through the Chapter.
SASM-R3.2	RD	Earthworks on a site or area listed in SCHED6 - Sites and Areas of Significance to Māori	YES	Has the potential to impact on IB	I disagree - as per historic heritage
SASM-R4.1	RD	Any new building or structure, or extension of the footprint of an existing building or structure on a site or area listed in SCHED6 - Sites and Areas of Significance to Māori	NO	Unlikely to impact on IB	I agree
ECO Chapter: All Controlled and Restricted Discretionary rules except those listed below	C/RD	All	n/a	IB already included as matter of discretion	I agree
NATC Chapter: All Controlled and Restricted Discretionary rules	C/RD	All	YES	Has the potential to impact on IB	I disagree. NATC-P2 already includes clause 4 "the ecological values of the margin will not be adversely affected".

NFL Chapter: All Controlled and Restricted Discretionary rules	C/RD	All	YES	Has the potential to impact on IB	I disagree. Indigenous vegetation removal is addressed through NFL-P3, NFL-P8, NFL-P13 and NFL-S2. There is no need for additional matters of discretion.
PA Chapter: no C/RD rules					
SUB Chapter: All Controlled and Restricted Discretionary rules	C/RD	All	YES	Potential to protect IB through subdivision process	I disagree. IB is addressed in SUB-P1 (as proposed to be amended).
AR Chapter: All Controlled and Restricted Discretionary rules	C/RD	All	NO	Unlikely to impact on IB	I agree.
CE Chapter: All Controlled and Restricted Discretionary rules	C/RD	All	YES	Has the potential to impact on IB and conflict with the NZCPS	I disagree. IB is addressed in CE-P3 and CE-P4 (as proposed to be amended). The majority of the coastal environment that is not within the CHNC area, SNA or ONFL or SAL is within an Urban Zone, as shown in the maps appended in Appendix 5.
EW Chapter: All Controlled and Restricted Discretionary rules	C/RD	All	YES	Has the potential to impact on IB	I agree in part. The extent of area of earthworks may impact on indigenous biodiversity.

LIGHT-R1.2	RD	Outdoor artificial lighting	YES	Has the potential to impact on IB (e.g attracting birds and affecting bat behaviour)	I agree that artificial lighting can impact on avifauna; however, I consider amendments to the introduction, objectives and policies are also required.
NOISE Chapter: All Controlled and Restricted Discretionary rules	RD	All	NO	Unlikely to impact on IB	I agree
PK Chapter: no C/RD rules				n/a	
SIGN Chapter: All Controlled and Restricted Discretionary rules	C/RD	All	NO	Unlikely to impact on IB. Where in an overlay, matters of discretion include: <i>“Does not compromise the identified values, characteristics and features that are described for the relevant Overlay; Minimises any adverse effect on the values, characteristics and features that are described for the relevant Overlay”</i>	I agree
TEMP Chapter: All Controlled and Restricted Discretionary rules	C/RD	All	YES	Has the potential to impact on IB	I disagree. I am unclear how a temporary activity may impact on IB. This chapter is limited to activities and their ancillary buildings. Any permanent works would be covered by other chapters.

GRZ Chapter: All Controlled and Restricted Discretionary rules	C/RD	All	NO	Unlikely to impact on IB. Should be considered at the time of zoning.	I agree.
MRZ Chapter: All Controlled and Restricted Discretionary rules	C/RD	All	NO	Unlikely to impact on IB. Should be considered at the time of zoning.	I agree.
GRUZ – R2.2	RD	Buildings and structures	YES	Higher potential for remnant IB values to be present in Rural Zone.	I disagree. This particular rule is specific to the National Grid Yard. GRUZ-P7 addressed IB.
GRUZ – R4.2	RD	Fences and stand alone walls	NO	Unlikely to impact on IB.	I agree.
GRUZ-R10.2	RD	Home business	NO	Unlikely to impact on IB	I agree.
GRUZ-R14.2	RD	Activities within the Gas Transmission Pipeline Corridor	NO	Unlikely to impact on IB	I agree.
GRUZ-R15.2	RD	Papakainga	YES	Potential to impact on IB depending on location	I disagree. This is an activity specific rule. It would still be subject to any earthworks rules, etc.
GRUZ-R16.1	RD	Building near Gas Transmission Pipeline Corridor	NO	Unlikely to impact on IB	I agree.

Appendix 4 - Table of Council plans reviewed

Council	District land area	Status of District Plan	Does it have SNAs in the Plan?	Percentage of land area in SNA	Does it have general indigenous vegetation rules?
Porirua	182.39km ²	Proposed	Yes 215 SNAs identified, all with descriptions and values recorded, including those on urban allotments		Not specific Rules in place in the coastal environment and NFL. Policy considerations in Rural Zones and subdivision
South Taranaki	3,575km ²	Operative Jan 2021	34 identified significant natural areas. Have very brief descriptions. Appear to cover a lot of Crown and Council land.	2,416.03ha protected as SNA	Permits: <ul style="list-style-type: none"> - Removal of kanuka or manuka by itself - Clearance of any: <ul style="list-style-type: none"> o Indigenous tress less than 30cm diameter at 1.4m, and o Four or fewer indigenous trees at least 6m in height/1ha area o Area of contiguous indigenous vegetation is either smaller than 0.5ha or

					2ha, depending on area Otherwise, discretionary
Stratford	2,163.42km ²	Operative 2014	14 identified SNAs Appear to cover a lot of Crown and Council land.	9,725.39ha	Permits the disturbance of any indigenous vegetation where it is not significant as assessed under Standard B6.1.2.7
Invercargill	389.9km ²	Operative 2019	Don't have a schedule in their District Plan; rather areas are identified on the planning maps. There are no identified biodiversity values Appendix 2 sets out criteria for significant indigenous biodiversity assessment undertaken in 1999; so significance and values of a SNA identified on the map are assessed on a consent by consent basis		General indigenous clearance rules - In coastal environment, less than 500m ² within 5 year period - Otherwise, less than 1,000m ² over a 5 year period
Waitomo	3,546.49km ²	Operative 2009	None	n/a	- Blanket discretionary activity rule 11.5.4.5 in Rural Zone for clearance of indigenous vegetation, which requires an assessment of significance - Clause f of that rule states that the

					clearance of indigenous vegetation whose area to be cleared does not contain significant indigenous vegetation or habitat is a permitted activity -
Central Hawkes Bay District	3,327.92km ²	Proposed 2021	542 SNAs in Schedule 5		Does have indigenous clearance rules of no more than 1 hectare per site per calendar year and height and diameter controls
Hastings	5,227km ²	Operative in part (2020)	Appendix 56 – Recommended Areas for Protection under the Protected Natural Areas Programme Contains 58 areas; these were identified by DoC in the 1980s and 1990s Restricted discretionary within any recommended area for protection site that does not meet general performance standards and terms		Indigenous clearance rules of: <ul style="list-style-type: none"> ○ no more than 1,000m², where it is within a 5ha contiguous area ○ or 1ha with an average canopy height over 6m ○ over 5ha of any height ○ for kanuka and manuka, no more than 50ha over a 3 year period and is immature
Selwyn	6,420km ²	Proposed 2020	- No SNAs are identified within the District Plan – policy 1 sets out process how this is to occur, through a		Has some clearance of indigenous vegetation rules where exceeds 100m ² or 500m ² per hectare in any 5 year period, within particular management overlays.

			<p>resource consent and plan change process</p> <ul style="list-style-type: none"> - Only include SNAs in Schedules where agreed with landowner 		
New Plymouth	2,324km ²	Proposed 2020	<ul style="list-style-type: none"> - Schedule 6 – 606 Rural SNAs listed, which includes a description of them - Schedule 7 – 11 urban biodiversity areas listed 		<p>Coastal environment</p> <p>Apart from coastal environment, no general indigenous biodiversity clearance rules; rather has a policy about how these are maintained.</p>
Kapiti	731.2km ²	Operative (2021)	<p>Have 239 ecosites listed in Schedule 1; all with clear descriptions (do include areas)</p> <p>Also have key indigenous trees and rare and threatened vegetation species listed</p>		<ul style="list-style-type: none"> - Permits any “general” indigenous vegetation clearance in “urban” areas - Permits removal of less than 100m² indigenous vegetation in rural zones, natural open space zone
Wellington	444km ²	Operative	<p>29 identified Conservation sites, which include rules around vegetation clearance; all have identified habitat</p>		<p>Only in open space zone</p>

		Draft 2021	types and significance described. 177 SNAs, identified, all with descriptions and values recorded, including those on urban allotments		Same approach as PCC
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Appendix 5 – Aerial Maps of Porirua including ONFL, SAL, SNA, CHNC and Coastal Environment Overlays

Key:

Significant natural areas – green

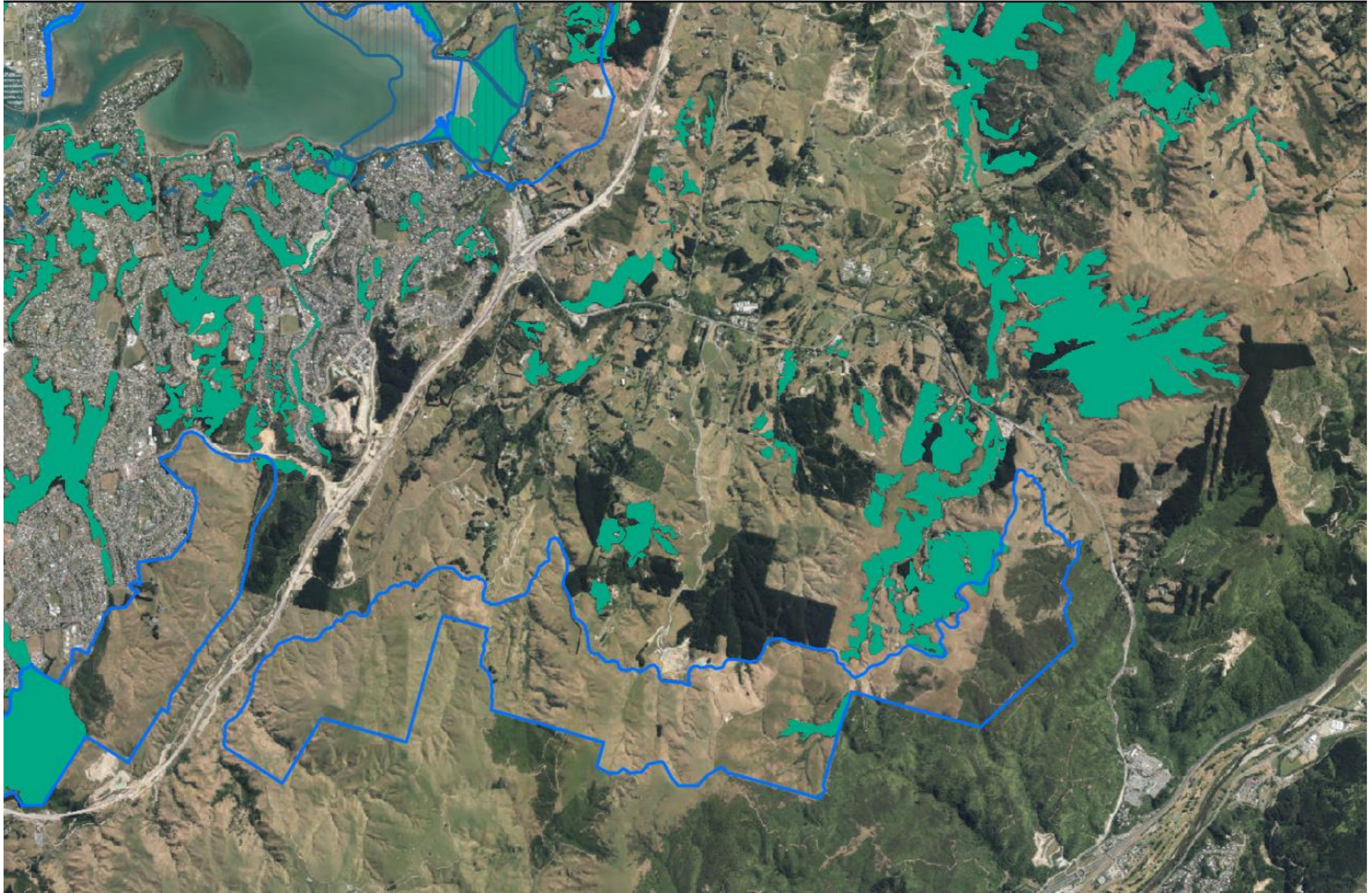
Outstanding natural features and landscapes – purple

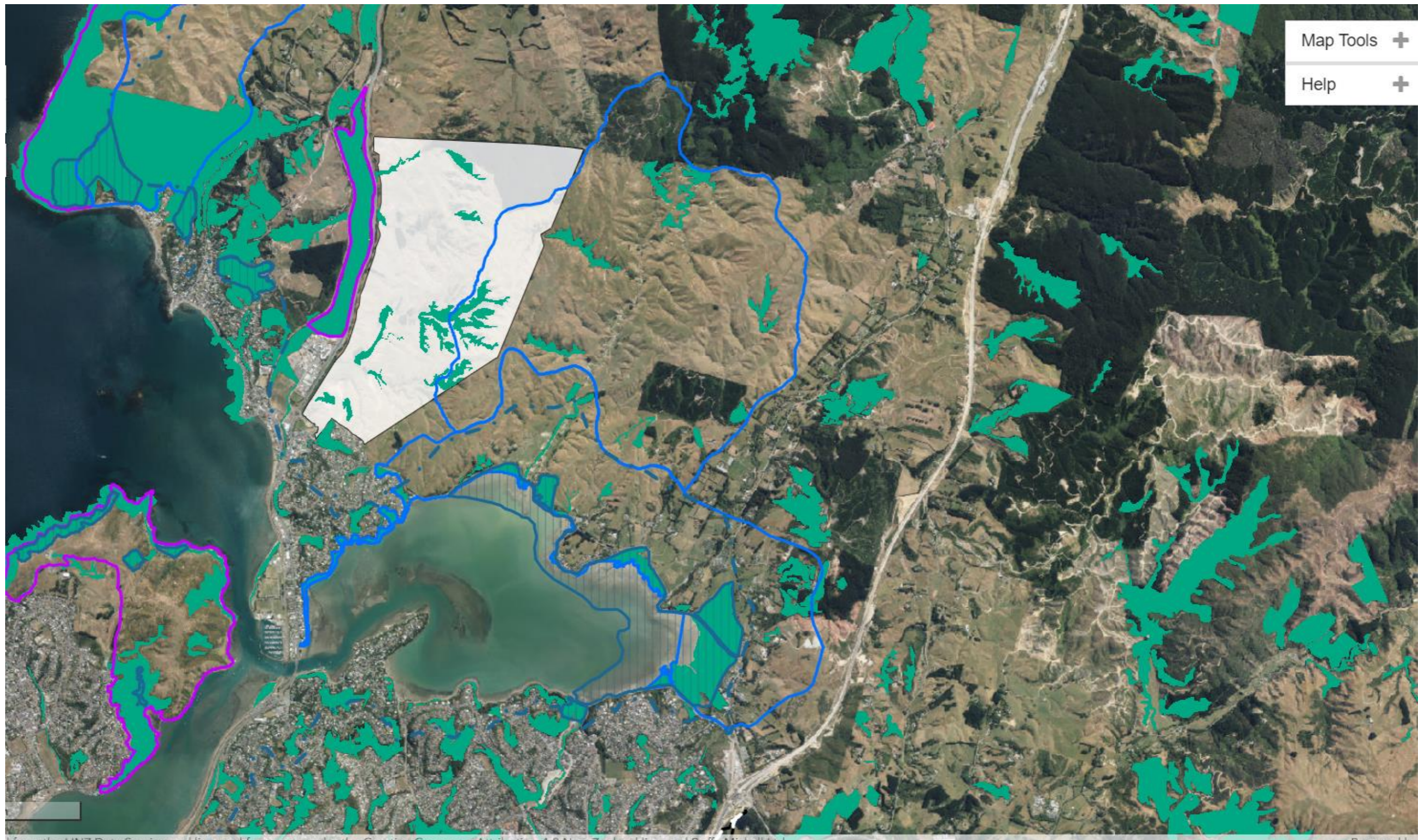
Special amenity landscapes – blue

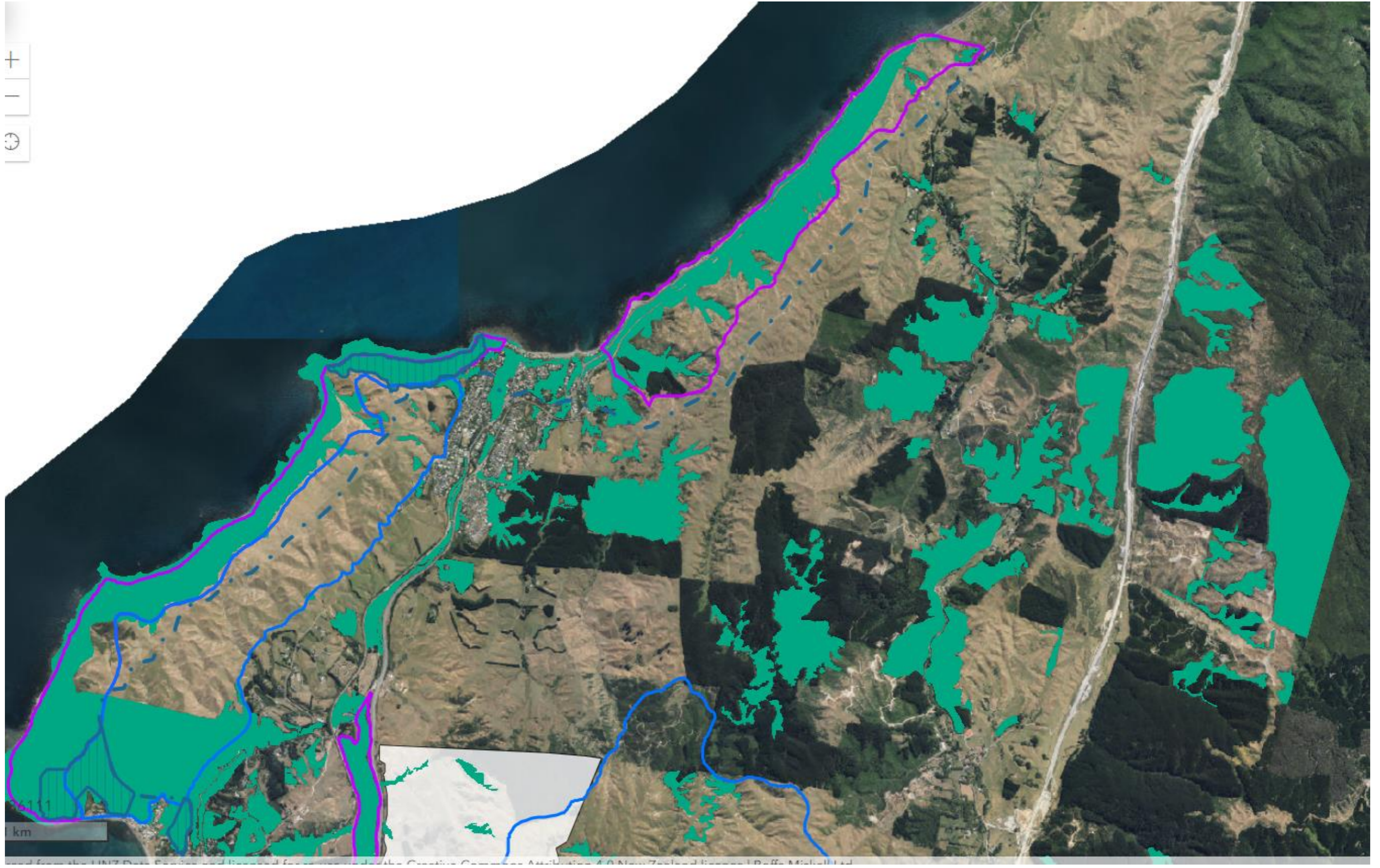
Coastal high natural character areas – dark blue

Coastal environment extent – hashed dark blue









Map from the LINZ Data Service, licensed for use under the Creative Commons Attribution 4.0 New Zealand license (CC BY-NC-ND 4.0)

Appendix 6 – Recommended responses to submissions and further submissions

In order to distinguish between the recommended responses in the Section 42A Report and the recommended responses that arise from this report:

- Recommendations from this report in response to evidence are shown in blue text (with underline and ~~strike-out~~ as appropriate).

[insert relevant rows from Appendix B of your Section 42A Report]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
Indigenous biodiversity							
168.34	Robyn Smith	General	Amend NE to include a new strategic objective: <u>All significant natural areas and streams are identified and protected from inappropriate subdivision, use and development, and adverse effects on outstanding natural waterbodies are avoided.</u>	3.2	Accept in part	See body of the report	Yes
216.7 ⁴⁸	QEII	NE-O1	The natural character, landscapes and features and ecosystems that contribute to Porirua's character and identity and Ngāti Toa Rangatira's cultural and spiritual values are recognised and protected. Add, in addition: <u>1. Indigenous biodiversity and areas that provide habitat for indigenous biodiversity values are maintained to a healthy functioning state and, where appropriate, restored and enhanced.</u> <u>2. The natural character and biodiversity of wetlands, and rivers and their margins, are protected and, where appropriate, enhanced.</u>	3.2	Accept in part	See body of the report	Yes
225.26	Forest and Bird	NE-O1	Amend to ensure that the strategic direction for protection of SNAs is implemented comprehensively in the Plan. This could include objectives, policies, methods, and rules.	3.2	Accept in part	See body of the report	No
225.90 ⁴⁹	Forest and Bird	General	Include a new specific strategic objective to give effect to Council's functions under s6 and s31, as follows (or similar): <u>Indigenous biodiversity in the District is maintained and enhanced, and areas of significant biodiversity value, including wetlands, are protected.</u> 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.	3.2	Accept in part	See body of the report	Yes
225.91 ⁵⁰	Forest and Bird	NE-O1	Retain NE-O1 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> Add new <u>The natural character and biodiversity of wetlands, and rivers and their margins, are protected from inappropriate subdivision, use and development.</u>	3.2	Accept in part	See body of the report	Yes
225.40 ⁵¹	Forest and Bird	General	Include provisions to promote maintenance, restoration, and enhancement of areas within and beyond SCHED7 SNAs.	3.2	Accept in part	See body of report	No Yes
225.42 ⁵²	Forest and Bird	New provision	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.	3.2	Accept in part	See body of report	No Yes
225.248	Forest and Bird	New provision in ECO chapter	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.	3.2	Accept in part	See body of report	No Yes

⁴⁸ Oppose – Kāinga Ora [FS65.81]

⁴⁹ Support – DOC [FS39.18]

⁵⁰ Oppose – Transpower [FS04.29], Kāinga Ora [FS65.80]

⁵¹ Oppose: Kāinga Ora [FS65.206]

⁵² Support: DOC [FS39.1]; Oppose: Kāinga Ora [FS65.207]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
225.249 ⁵³	Forest and Bird	New provision in ECO chapter	Provision is required to protect significant values outside these areas through consenting processes.	3.2	Accept in part	See body of report	No
225.152 ⁵⁴	Forest and Bird	New provision in ECO chapter	Add new ECO Policy as follows: <u>Maintaining Indigenous Biodiversity:</u> <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> <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> <u>a. Fragmentation of, or reduction in the extent of, indigenous vegetation or habitats of indigenous fauna;</u> <u>b. Fragmentation or disruption of connections and linkages between ecosystems or habitats of indigenous fauna;</u>	3.2	Accept in part	See body of report	No
225.175 ⁵⁵	Forest and Bird	New rule in ECO chapter	Add the following rule: <u>Indigenous vegetation removal outside of the Significant Natural Area Overlay for forestry or afforestation of New Plantation forestry</u> <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> <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>	3.2	Accept in part	See body of report	No
225.166 ⁵⁶	Forest and Bird	New rule in all Zones	Add a new rule applying to All Zones as follows or similar: <u>Indigenous vegetation removal outside of the Significant Natural Area Overlay</u> <u>1. Activity status: Permitted</u> <u>Where</u> <u>a. the indigenous vegetation removal is for the following purposes:</u> <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> <u>b. the indigenous vegetation removal does not exceed:</u> <u>i. 100m2 within the coastal environment; or</u> <u>ii. 200m2 beyond the coastal environment,</u>	3.2	Accept in part	See body of report	No

⁵³ Oppose: Kāinga Ora [FS65.208]

⁵⁴ Oppose: Kāinga Ora [FS65.217]

⁵⁵ Oppose: Kāinga Ora [FS65.23]

⁵⁶ Support: DOC [39.19]; Oppose: Kāinga Or [FS65.239], Transpower [FS04.43]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<p><u>per title as of (date of decision); or beyond 5m of the national grid .</u></p> <p><u>2. Activity status: Restricted discretionary</u></p> <p><u>Where:</u></p> <p><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>				
225.177 ⁵⁷	Forest and Bird	New rule in ECO	<p>Include a new rule as follows:</p> <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>	3.2	Accept in part	See body of report	No
225.113 ⁵⁸	Forest and Bird	INF-P8	<p>Delete or</p> <p>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><u>1A. SNAs are protected and indigenous biological diversity is maintained:</u></p> <p><u>and</u></p> <p>1. Compatibility with the site, existing built form and landform;</p> <p>2. Compatibility with the anticipated character and amenity values of the zone it is located in;</p> <p>3. Any adverse effects on amenity values are minimised, taking into account:</p> <p>a. The bulk, height, size, colour, reflectivity of the infrastructure;</p> <p>b. Any proposed associated earthworks;</p> <p>c. The time, duration or frequency of any adverse effects; and</p> <p>d. Any proposed mitigation measures;</p> <p>4. Any adverse effects on the health, wellbeing and safety of people, communities and the environment, including nuisance from noise, dust,</p>	3.2	Accept in part	<p>See body of report</p> <p>Response is only in respect of the amendment sought in respect of indigenous biodiversity</p>	No -Yes

⁵⁷ Oppose: Kāinga Ora [FS65.240]

⁵⁸ Oppose: Kāinga Ora [FS65.118]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<p>odour emissions, light spill and sedimentation are avoided, remedied or mitigated;</p> <p>5. Any adverse effects on the natural character and amenity of water bodies, the coast and riparian margins and coastal margins are minimised;</p> <p>6. Public access to and along the coastal marine area and water bodies is maintained or enhanced;</p> <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, remedied or mitigated</u> minimised.</p>				
FS28.16	WE	Disallow	WELL oppose submission 225.109 as it seeks to dilute the effectiveness of the Infrastructure Chapter of the PDP with the Natural Environment Values - District Wide Chapter, and hence the submission point is out of scope.				
FS37.18	Powerco	Disallow	The submitter wants the infrastructure chapter specific to Regionally Significant Infrastructure. This is inappropriate as distribution networks need to be everywhere that a customer chooses to locate. Even a single connection can be regionally significant (e.g. to a hospital). All network utility infrastructure should be dealt with the same, as 'infrastructure'. Having separate chapters for 'Regionally Significant Infrastructure' and 'infrastructure' is therefore not supported. The changes sought in INF-P1A and 7 are also not supported – the use of terms such as 'protected' and 'avoid' can be problematic for lineal network utilities which often pass through a variety of different environments				
FS40.131	GWRC	Allow	GWRC seeks to retain the inclusion of INF-P8 with amendments to take into account SNAs that have not yet been identified				
225.123	Forest and Bird		<p>Amend as follows:</p> <p>Upgrades to and new <u>Regionally Significant Infrastructure</u> in Special Amenity Landscapes</p> <p>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:</p> <p>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></p> <p><u>1B. indigenous biological diversity is maintained; and</u></p> <p>2. There is an operational need or functional need that means the infrastructure's location cannot be avoided;</p> <p>3. There are feasible methods to mitigate the adverse effects of the activity on the landscape and reduce the visual impact, including through:</p> <p>a. Grouping or dispersing structures;</p> <p>b. Undergrounding; and</p> <p>c. Locations that reduce visibility.</p> <p>4. The design methods used minimise the adverse visual effects of the infrastructure, including:</p> <p>a. Landscaping and screening;</p> <p>b. Design, location, height, bulk and colour;</p> <p>c. Any light spill effects;</p> <p>d. Reflectivity effects; and</p> <p>5. The scale of earthworks and indigenous vegetation removal is minimised and any exposed areas are treated to minimise adverse off-site effects.</p>	3.2	Accept in part	<p>See body of report</p> <p>Response is only in respect of the amendment sought in respect of indigenous biodiversity</p>	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?	
FS37.23	Powerco	Disallow	The submitter wants the infrastructure chapter specific to Regionally Significant Infrastructure. This is inappropriate. The submission seeks to split up the infrastructure chapter into 'Regionally Significant Infrastructure' and 'infrastructure'. Distribution networks need to be everywhere that a customer chooses to locate. Even a single connection can be regionally significant (e.g. to a hospital). All network utility infrastructure should be dealt the same, as 'infrastructure'. Having separate chapters for 'Regionally Significant Infrastructure' and 'infrastructure' is therefore not supported.					
225.124	Forest and Bird	INF-P22	Amend as follows: Upgrades to and new <u>Regionally Significant Infrastructure</u> 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 Infrastructure</u> where, and avoid new <u>Regionally Significant Infrastructure</u> 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 Landscapes or Coastal High Natural Character Area described in SCHED11 - Coastal High Natural Character Areas; 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 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.	3.2	Accept in part	See body of report Response is only in respect of the amendment sought in respect of indigenous biodiversity	No	
FS37.24	Powerco	Disallow	The submitter wants the infrastructure chapter specific to Regionally Significant Infrastructure. This is inappropriate as distribution networks need to be everywhere that a customer chooses to locate. Even a single connection can be regionally significant (e.g. to a hospital). All network utility infrastructure should be dealt with the same, as 'infrastructure'. Having separate chapters for 'Regionally Significant Infrastructure' and 'infrastructure' is therefore not supported. At times infrastructure will be required to be located within or traverse through overlays, such as outstanding natural features and landscapes, to connect customers. Accordingly, policy 22 should be retained as drafted.					
225.125	Forest and Bird	INF-P23	Amend the policy as follows: Only allow for upgrades to existing and new <u>Regionally Significant Infrastructure</u> in Natural Hazard Overlays and Coastal Hazard Overlays where the infrastructure: 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	3.2	Accept in part	See body of report Response is only in respect of the amendment sought in respect of indigenous biodiversity	No	

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			5. Is designed to maintain reasonable and safe operation during and in the immediate period after a natural hazard event; and 6. includes provision for indigenous biodiversity adaption and response including inland migration in response to sea level rise.				
FS28.19	WE	Disallow	<i>The submission point will fundamentally restrict WELL in operating and maintaining the electricity distribution network across the Porirua District.</i>				
FS37.25	Powerco	Disallow	<i>The submitter wants the infrastructure chapter specific to Regionally Significant Infrastructure. This is inappropriate as distribution networks need to be everywhere that a customer chooses to locate. Even a single connection can be regionally significant (e.g. to a hospital). All network utility infrastructure should be dealt with the same, as 'infrastructure'. Having separate chapters for 'Regionally Significant Infrastructure and 'infrastructure' is therefore not supported. At times infrastructure will be required to be located within or traverse through overlays, such as the natural hazard overlays. Accordingly, policy 23 should be retained as drafted.</i>				
225.128 ⁵⁹	Forest and Bird	INF-R3	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. Amend R3 1. to include: <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. Amend R3 2. to capture non compliance with 1. Add the following condition <ul style="list-style-type: none"> the activity is not within 15m of a natural wetland Add the following matter of discretion: <ul style="list-style-type: none"> effects on indigenous biological diversity Add a non-complying rule where the wetland setback is not complied with or a reference that the ECO rules apply in this case.	3.2	Accept in part	See body of report Response is only in respect of the amendment sought in respect of indigenous biodiversity	No
225.129 ⁶⁰	Forest and Bird	INF-R4	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. Amend R4 1. to include: <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. Amend R4 2. to capture non compliance with 1. Add the following condition <ul style="list-style-type: none"> the activity is not within 15m of a natural wetland Add the following matter of discretion: <ul style="list-style-type: none"> effects on indigenous biological diversity Add a non-complying rule where the wetland setback is not complied with or a reference that the ECO rules apply in this case.	3.2	Accept in part	See body of report Response is only in respect of the amendment sought in respect of indigenous biodiversity	No
225.130 ⁶¹	Forest and Bird	INF-R5	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. Amend R5-1 to include: <ul style="list-style-type: none"> a condition that the activity is setback 15m from a natural wetland 	3.2	Accept in part	See body of report Response is only in respect of the amendment sought in respect of indigenous biodiversity	No

⁵⁹ Oppose: Kāinga Ora [FS65.421], Powerco [FS37.28]

⁶⁰ Oppose: Kāinga Ora [FS65.138], Powerco [FS37.29]

⁶¹Support: DOC [FS39.4]; Oppose: Kāinga Ora [FS65.139], Powerco [FS37.30]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			Amend R5-2, R5-3 and R5-4 to capture non compliance with the 15m setback Add the following condition <ul style="list-style-type: none"> the activity is not within 15m of a natural wetland Add the following matter of discretion: <ul style="list-style-type: none"> effects on indigenous biological diversity R5-2 Delete the note regarding non-notification R5-6 Add the following matter of discretion: <ul style="list-style-type: none"> effects on indigenous biological diversity 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.				
225.131 ⁶²	Forest and Bird	INF-R7	Amend to add the following matter of discretion: effects on indigenous biological diversity	3.2	Accept in part	See body of report Response is only in respect of the amendment sought in respect of indigenous biodiversity	No
225.132 ⁶³	Forest and Bird	INF-R8	Amend to add the following matter of discretion: effects on indigenous biological diversity	3.2	Accept in part	See body of report	No
FS37.32	Powerco	Oppose	<i>It is not appropriate that this rule be amended to also provide for effects on indigenous biological diversity when it is drafted to provide for the Natural Hazard Overlay and the Coastal Hazard Overlay. Retain this rule as notified</i>				
225.133 ⁶⁴	Forest and Bird	INF-R9	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: <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 or by separating maintenance of existing lawfully constructed tracks from the upgrading, extension or creation of new tracks. Include a condition in R9.1 for a setback of 15m from wetlands and from SNAs. Amend R9 so that where upgrading, extension or creation of new tracks do not meet the SNA setback the R9.7 discretionary status applies. Add the following matter of discretion to the restricted discretionary rules: <ul style="list-style-type: none"> effects on indigenous biological diversity Where the activities are within the wetland setback or within a wetland the activity is non-complying. Retain the Discretionary status in R9.7 for activities within an SCHED7 SNAs and ensure this rule also applies: <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. Also ensure that consideration of effects is not limited by deleting the note in the chapter introduction to that effect.	3.2	Accept in part	See body of report Response is only in respect of the amendment sought in respect of indigenous biodiversity	No

⁶² Support: DOC [FS39.5]; Oppose: Powerco [FS37.31]

⁶³ Support: DOC [FS39.6]; Oppose: Kāinga Ora [FS65.141]

⁶⁴ Support: DOC [FS39.7]; Oppose: Kāinga Ora [FS65.142]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
225.134 ⁶⁵	Forest and Bird	INF-R27	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. R27.3 Add the following matter of discretion: effects on indigenous biological diversity	3.2	Accept in part	See body of report	No
225.135 ⁶⁶	Forest and Bird	INF-R28	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. R28.2 Add the following matter of discretion: effects on indigenous biological diversity	3.2	Accept in part	See body of report	No
225.136 ⁶⁷	Forest and Bird	INF-R29	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. R29.2 Add the following matter of discretion: effects on indigenous biological diversity	3.2	Accept in part	See body of report	No
225.137 ⁶⁸	Forest and Bird	INF-R30	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. Ensure that consideration of effects is not limited by deleting the note in the INF chapter introduction to that effect.	3.2	Accept in part	See body of report Response is only in respect of the amendment sought in respect of indigenous biodiversity	No
225.138 ⁶⁹	Forest and Bird	INF-R31	Adding the following matter of discretion: effects on indigenous biological diversity	3.2	Accept in part	See body of report	No
225.140	Forest and Bird	INF-R40	Adding the following matter of discretion: effects on indigenous biological diversity	3.2	Accept in part	See body of report	No
225.142	Forest and Bird	INF-S17	Amend the standard to add the following matter of discretion: <ul style="list-style-type: none"> effects on indigenous biological diversity Reconsider the maximum disturbance areas to take into account adverse effects on indigenous biodiversity and consider 50m ² in SCHED10 areas.	3.2	Accept in part	See body of report	No
225.144	Forest and Bird	INF-S20	Reword the exclusions so that they are set out as an applicable standard Add the following matter of discretion: <ul style="list-style-type: none"> effects on indigenous biological diversity Delete "within any 12 month period"	3.2	Accept in part	See body of report	No
225.206	Forest and Bird	GRZ-O1	Amend the purpose to recognise the interaction of the zone with overlays	3.2	Accept in part	See body of report	No
225.2	Forest and Bird	GRZ-O2	Where rural or residential zones have SNA overlays, recognise this in the zone purpose character and value objectives.	3.2	Accept in part	See body of report	No
FS65.295	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				

⁶⁵ Support: DOC [FS39.8]; Oppose Kāinga Ora [FS65.146]

⁶⁶ Oppose: Kāinga Ora [FS65.147]

⁶⁷ Support DOC [FS39.10]; Oppose Kāinga Ora [FS65.148]

⁶⁸ Oppose: Waka Kotahi [FS36.21], Kāinga Ora [FS65.149]

⁶⁹ Opposed by Kāinga Ora [FS65.150]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
225.207	Forest and Bird	GRZ-O2	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; 5. A flourishing natural environment that protects SCHED7 SNAs; and 6. Provision for maintenance and enhancement of indigenous biodiversity	3.2	Accept in part	See body of report	No
FS65.294	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.230	Forest and Bird	GRUZ-O1	Where rural or residential zones have SNA overlays, recognise this in the zone purpose character and value objectives.	3.2	Accept in part	See body of report	No
FS65.339	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.4	Forest and Bird	GRUZ-O2	Where rural or residential zones have SNA overlays, recognise this in the zone purpose character and value objectives.	3.2	Accept in part	See body of report	No
FS59.26	Milmac Homes	Oppose	<i>If this is appropriate, then the purpose and value objectives of the individual landowner/s should also be included especially in the rural (and perhaps some rural lifestyle) zones because these sites have operational and long-term management requirements to achieve which also need to be considered.</i>				
FS65.295	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.231	Forest and Bird	RLZ-O1	Where rural or residential zones have SNA overlays, recognise this in the zone purpose character and value objectives.	3.2	Accept in part	See body of report	No
FS65.348	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.5	Forest and Bird	RLZ-O2	Where rural or residential zones have SNA overlays, recognise this in the zone purpose character and value objectives.	3.2	Accept in part	See body of report	No
FS65.349	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.232	Forest and Bird	SETZ-O1	Where rural or residential zones have SNA overlays, recognise this in the zone purpose character and value objectives.	3.2	Accept in part	See body of report	No
FS65.356	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.6	Forest and Bird	SETZ-O2	Where rural or residential zones have SNA overlays, recognise this in the zone purpose character and value objectives.	3.2	Accept in part	See body of report	No
FS65.356	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.239	Forest and Bird	OSZ-O1	Where other zones [not rural or residential zones] have SNA overlays, recognise this in the zone purpose character and value objectives.	3.2	Accept in part	See body of report	No
225.13	Forest and Bird	OSZ-O2	Where other zones [not rural or residential zones] have SNA overlays, recognise this in the zone purpose character and value objectives.	3.2	Accept in part	See body of report	No
225.240	Forest and Bird	SARZ-O1	Where other zones [not rural or residential zones] have SNA overlays, recognise this in the zone purpose character and value objectives.	3.2	Accept in part	See body of report	No
225.14	Forest and Bird	SARZ-O2	Where other zones [not rural or residential zones] have SNA overlays, recognise this in the zone purpose character and value objectives.	3.2	Accept in part	See body of report	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
225.259	Forest and Bird	Open Space Rules	Amend all the rules to ensure that permitted activities are not provided for within SNA.	3.2	Accept in part	See body of report	No
225.212	Forest and Bird	FUZ Policy approach	Amend the FUZ provisions to provide direction for the identification of additional SEAs or for the maintenance of indigenous biodiversity.	3.2	Accept in part	See body of report	No
FS34.13	Silverwood	Oppose	<i>SCL notes that protection of SNA's is not provided for within the zone provisions as there is a separate chapter outlining the applicable provisions that relate to the SNA overlay. This is the same for other overlays like the flood hazard areas. Changing the overlays to a zone is not consistent with the National Planning Standards and would offer no additional protection than protection already afforded under the overlay provisions.</i>				
225.242	Forest and Bird	FUZ-O1	Where other zones [not rural or residential zones] have SNA overlays, recognise this in the zone purpose character and value objectives.	3.2	Accept in part	See body of report	No
FS65.412	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.16	Forest and Bird	FUZ-O2	Where other zones [not rural or residential zones] have SNA overlays, recognise this in the zone purpose character and value objectives.	3.2	Accept in part	See body of report	No
FS65.413	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.213	Forest and Bird	FUZ-P1	Amend the zoning of identified SNAs within the FUZ to "natural open space zone". Amend the policy direction in the FUZ to: <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. 	3.2	Accept in part	See body of report	No
FS34.21	Silverwood Corporation Ltd	Oppose	<i>SCL notes that protection of SNA's is not provided for within the zone provisions as there is a separate chapter outlining the applicable provisions that relate to the SNA overlay. This is the same for other overlays like the flood hazard areas. Changing the overlays to a zone is not consistent with the National Planning Standards and would offer no additional protection than protection already afforded under the overlay provisions.</i>				
FS65.414	Kāinga Ora	Oppose	<i>Kāinga Ora opposes the submission. Identified SNAs are appropriately shown as overlays in the notified PDP. The further controls sought through this proposed amendment are opposed.</i>				
225.214	Forest and Bird	FUZ-P2	Amend the zoning of identified SNAs within the FUZ to "natural open space zone". Amend the policy direction in the FUZ to: <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. Amend the FUZ-P2 by changing the words "Only provide for" to "Only <u>considered</u> providing for" and to clarify the rezoning requirement in clause 2	3.2	Accept in part	See body of the report Response is only in respect of the amendment sought in respect of indigenous biodiversity and natural open space	No
FS34.25	Silverwood Corporation Ltd	Oppose	<i>SCL notes that protection of SNA's is not provided for within the zone provisions as there is a separate chapter outlining the applicable provisions that relate to the SNA overlay. This is the same for other overlays like the flood hazard areas. Also, irrespective of the underlying zone provisions, the SNA overlay provisions will always apply to these areas. Changing the overlays to a zone is not consistent with the National Planning Standards and would offer no additional protection than protection already afforded under the overlay provisions.</i>				
FS65.414	Kāinga Ora	Oppose	<i>Kāinga Ora opposes the submission. Identified SNAs are appropriately shown as overlays in the notified PDP. The further controls sought through this proposed amendment are opposed.</i>				
225.215	Forest and Bird	FUZ-P5	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.	3.2	Accept in part	See body of report	No
FS34.27	Silverwood	Oppose	<i>SCL notes that protection of SNA's is not provided for within the zone provisions as there is a separate chapter outlining the applicable provisions that relate to the SNA overlay. This is the same for other overlays like the flood hazard areas. Changing the overlays to a zone is not consistent with the National Planning Standards and would offer no additional protection than protection already afforded under the overlay provisions. Also, at the time of the plan change, an assessment will be required against the relevant provisions of the NPS-FM. Further, any WSUD devices would be subject to the requirements of the Freshwater NES and GWRC's proposed Natural Resources Plan and would require specific geotechnical and ecological assessment at the detailed design stage</i>				

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?	
225.217	Forest and Bird	FUZ-R5	Delete	3.2	Accept in part	See body of report	No	
225.198	Forest and Bird	Coastal Environment	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>	3.2	Accept in part	See body of report	No	
225.209	Forest and Bird	TEMP-R1	Delete the rule or: <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. Add a matter of discretion for effects on indigenous biodiversity	3.2	Reject	See body of the report	No	
225.210	Forest and Bird	TEMP-R2	The permitted approach fails to take account of the full effects of the temporary activity. This activity could be located within an SNA.	3.2	Reject	See body of the report	No	
225.211	Forest and Bird	TEMP-R3	Change permitted to Non Complying. Include a matter of discretion for effects on indigenous biodiversity Include a condition of the rule that the activity is not within a SCHED7 SNA or wetland Where the condition is not met apply a Discretionary classification.	3.2	Reject	See body of the report	No	
225.207	Forest and Bird	GRZ-O2	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>	3.2	Reject	See body of the report	No	
FS65.294	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>					
Natural Open Space								
225.93 ⁷⁰	Forest and Bird	NE-O2	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.	3.3	Reject	See body of report	No	
225.1	Forest and Bird	Planning Maps	Amend the planning maps to use 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.	3.3	Reject	See body of report	No	
225.19 ⁷¹	Forest and Bird	Zones, Overlays	Amend the Plan to take a similar approach [zoning SNA overlay as "natural open space zone"] for all overlays which provide for section 6(a), (b) and (c) matters, particularly within the future urban zone (FUZ).	3.3	Reject	See body of report	No	

⁷⁰ Oppose: Kāinga Ora [FS65.83]

⁷¹ Oppose: Kāinga Ora [FS65.9], John Carrad [FS43.8], The Neil Group Limited and the Gray Family [44.8], Pukerua Property Group Ltd [FS45.8]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?	
FS34.3	Silverwood Corporation Ltd	Oppose	<i>SCL do not consider that it is necessary to provide a separate zone for SNAs as the PRP includes a suite of objectives, policies, rules, and standards apply to the SNA overlays. Also, the use of overlays for such features is consistent with the National Planning Standards.</i>					
225.37 ⁷²	Forest and Bird	Rezoning	Change the underlying zoning of scheduled SNAs within "open space" to "Natural open space" zones.	3.3	Reject	See body of report	No	
225.38	Forest and Bird	General	Ensure any subdivision includes protection of SNAs and provision for rezoning to "natural open space" under future plan reviews	3.3	Reject	See body of the report	No	
225.92 ⁷³	Forest and Bird	NE-O2	Amend as follows: Porirua's community has access to a diverse and connected network of open spaces within which: 1. There is a wide range of recreational opportunities and experiences; and 2. Areas with Significant natural areas, ecological and landscape values and wetlands are protected; and 3. Indigenous biodiversity is maintained	3.3	Reject	See body of the report	No	
225.213	Forest and Bird	FUZ-P1	Amend the zoning of identified SNAs within the FUZ to "natural open space zone". Amend the policy direction in the FUZ to: <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. 	3.3	Reject	See body of the report	No	
FS34.21	Silverwood Corporation Ltd	Oppose	<i>SCL notes that protection of SNA's is not provided for within the zone provisions as there is a separate chapter outlining the applicable provisions that relate to the SNA overlay. This is the same for other overlays like the flood hazard areas. Changing the overlays to a zone is not consistent with the National Planning Standards and would offer no additional protection than protection already afforded under the overlay provisions.</i>					
FS65.414	Kāinga Ora	Oppose	<i>Kāinga Ora opposes the submission. Identified SNAs are appropriately shown as overlays in the notified PDP. The further controls sought through this proposed amendment are opposed.</i>					
225.214	Forest and Bird	FUZ-P2	Amend the zoning of identified SNAs within the FUZ to "natural open space zone". Amend the policy direction in the FUZ to: <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. Amend the FUZ-P2 by changing the words "Only provide for" to Only <u>considered</u> providing for" and to clarify the rezoning requirement in clause 2	3.3	Reject	See body of the report Response is only in respect of the amendment sought in respect of indigenous biodiversity and natural open space	No	
FS34.25	Silverwood Corporation Ltd	Oppose	<i>SCL notes that protection of SNA's is not provided for within the zone provisions as there is a separate chapter outlining the applicable provisions that relate to the SNA overlay. This is the same for other overlays like the flood hazard areas. Also, irrespective of the underlying zone provisions, the SNA overlay provisions will always apply to these areas. Changing the overlays to a zone is not consistent with the National Planning Standards and would offer no additional protection than protection already afforded under the overlay provisions.</i>					
FS65.414	Kāinga Ora	Oppose	<i>Kāinga Ora opposes the submission. Identified SNAs are appropriately shown as overlays in the notified PDP. The further controls sought through this proposed amendment are opposed.</i>					
225.216 ⁷⁴	Forest and Bird	FUZ Rules General	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.	3.3	Accept in part	See body of report	No	

⁷² Oppose: Kāinga Ora [FS65.205]

⁷³ Oppose: Kāinga Ora [FS65.84]

⁷⁴ Oppose: Kainga Ora [FS65.416]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
225.243	Forest and Bird	HOSZ-O1	Where other zones [not rural or residential zones] have SNA overlays, recognise this in the zone purpose character and value objectives.	3.3	Reject	See body of report	No
225.17	Forest and Bird	HOSZ-O2	Where other zones [not rural or residential zones] have SNA overlays, recognise this in the zone purpose character and value objectives.	3.3	Reject	See body of report	No
225.233	Forest and Bird	NCZ-O1	Where other zones [not rural or residential zones] have SNA overlays, recognise this in the zone purpose character and value objectives.	3.3	Reject	See body of report	No
FS65.359	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.7	Forest and Bird	NCZ-O2	Where other zones [not rural or residential zones] have SNA overlays, recognise this in the zone purpose character and value objectives.	3.3	Reject	See body of report	No
FS65.360	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.234	Forest and Bird	LCZ-O1	Where other zones [not rural or residential zones] have SNA overlays, recognise this in the zone purpose character and value objectives.	3.3	Reject	See body of report	No
FS65.364	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.8	Forest and Bird	LCZ-O2	Where other zones [not rural or residential zones] have SNA overlays, recognise this in the zone purpose character and value objectives.	3.3	Reject	See body of report	No
FS65.365	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.236	Forest and Bird	MUZ-O1	Where other zones [not rural or residential zones] have SNA overlays, recognise this in the zone purpose character and value objectives.	3.3	Reject	See body of report	No
FS65.383	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.10	Forest and Bird	MUZ-O2	Where other zones [not rural or residential zones] have SNA overlays, recognise this in the zone purpose character and value objectives.	3.3	Reject	See body of report	No
FS65.384	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.237	Forest and Bird	CCZ-O1	Where other zones [not rural or residential zones] have SNA overlays, recognise this in the zone purpose character and value objectives.	3.3	Reject	See body of report	No
FS65.395	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.11	Forest and Bird	CCZ-O2	Where other zones [not rural or residential zones] have SNA overlays, recognise this in the zone purpose character and value objectives.	3.3	Reject	See body of report	No
FS65.396	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.235	Forest and Bird	LFRZ-O1	Where other zones [not rural or residential zones] have SNA overlays, recognise this in the zone purpose character and value objectives.	3.3	Reject	See body of report	No
FS65.379	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.9	Forest and Bird	LFRZ-O2	Where other zones [not rural or residential zones] have SNA overlays, recognise this in the zone purpose character and value objectives.	3.3	Reject	See body of report	No
FS65.380	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.238	Forest and Bird	GIZ-O1	Where other zones [not rural or residential zones] have SNA overlays, recognise this in the zone purpose character and value objectives.	3.3	Reject	See body of report	No
FS65.400	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.12	Forest and Bird	GIZ-O2	Where other zones [not rural or residential zones] have SNA overlays, recognise this in the zone purpose character and value objectives.	3.3	Reject	See body of report	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
FS65.401	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.228	Forest and Bird	GRZ-O1	Where rural or residential zones have SNA overlays, recognise this in the zone purpose character and value objectives.	3.3	Reject	See body of report	No
FS65.298	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.206	Forest and Bird	GRZ-O1	Amend the purpose to recognise the interaction of the zone with overlays.	3.3	Reject	See body of report	No
225.2	Forest and Bird	GRZ-O2	Where rural or residential zones have SNA overlays, recognise this in the zone purpose character and value objectives.	3.3	Reject	See body of report	No
FS65.295	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.229	Forest and Bird	MRZ-O1	Where rural or residential zones have SNA overlays, recognise this in the zone purpose character and value objectives.	3.3	Reject	See body of report	No
FS65.314	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
225.3	Forest and Bird	MRZ-O2	Where rural or residential zones have SNA overlays, recognise this in the zone purpose character and value objectives.	3.3	Reject	See body of report	No
FS65.315	Kāinga Ora	Oppose	<i>Kāinga Ora opposes this submission to the extent that it is inconsistent with its primary submission. The notified PDP includes chapters and provisions specific to managing effects within SNAs, and this is not a matter that requires further primacy of consideration throughout zone-based chapters.</i>				
Introduction							
264.96	TROTR	Introduction	Amend the introduction: Porirua City Council, Wellington City Council, Greater Wellington Regional Council, have a shared responsibility for improving water quality and the health of the Harbour and catchment. Ngāti Toa Rangatira will work alongside all agencies and the community to ensure the health of Te Awarua o Porirua is restored and its waters are healthy, so that all those who live in the region can enjoy, live and play in our environment for future generations.	3.4	Accept in part	See body of report	Yes
64.5	Latoya Flutey	Introduction	Support	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
64.23	Latoya Flutey	Introduction	Support	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
NE-O1							
264.97	TROTR ⁷⁵	NE-O1	Amend NE-O1: The natural character, landscapes, features and ecosystems that contribute to Porirua's character and identity and Ngāti Toa Rangatira's cultural and spiritual values are recognised, protected, enhanced and improved.	3.5	Accept in part	See body of report	Yes
81.214	Kāinga Ora	NE-O1	Amend: The identified natural character, landscapes and features and ecosystems that contribute to Porirua's character and identity and Ngati Toa Rangatira's cultural and spiritual values are recognised and protected.	3.5	Reject	See body of report	No
FS39.38	DOC	Oppose	<i>The Director-General does not support this submission point as it will not provide for the protection of significant biodiversity values outside of scheduled areas including Significant Natural Areas, Significant Natural Features and Outstanding Natural Landscapes.</i>				
FS2.9	Forest and Bird	Oppose	<i>The proposed amendment will not provide for the protection of biodiversity values outside of scheduled areas, this is incompatible with the RMA.</i>				

⁷⁵ Support: GWRC [FS40.161]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
182.1	Jean and Simon Jones	NE-O1	While no specific decision sought, the submitter raised the following matter(s): <ul style="list-style-type: none"> oppose the confrontational approach removes the rights of landowners virtual land grab by PCC oppose policies on SNAs where the effect is to penalise property owners who have allowed regeneration to occur 	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
126.1 ⁷⁶	DOC	NE-O1	Retain as notified	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
8.2	WCC	NE-O1	Retain the provisions as proposed in the updated District Plan. Supportive of further additions to the Plan, as appropriate through the submissions process, to support a well-functioning and vibrant Porirua City.	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
NE-O2							
264.28	TROTR	General	Retain as notified subject to the amendments in other submission points.	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
264.98 ⁷⁷	TROTR	NE-O2	Amend NE-02: Porirua's community has access to a diverse and connected network of open spaces within which: 1. There is a wide range of recreational opportunities and experiences; and 2. Areas with natural, ecological and landscape values are protected, enhanced and improved.	3.6	Reject	See body of the report	No
81.215	Kāinga Ora	NE-O2	Amend: Porirua's community has access to a diverse and connected network of open spaces within which: 1. There is a wide range of recreational opportunities and experiences; and 2. Areas with identified natural, ecological and landscape values are protected.	3.6	Reject	See body of the report	No
64.21	Latoya Flutey	NE-O2	Wondering if there is a designated amount of space, or if this concept of open space evolves/condenses with population growth.	3.6	Accept in part	See body of the report	No
216.8	QEII	NE-O2	Retain as notified	n/a	Accept	Agree with submitter	No
NE-O3 and NE-O4							
77.4	Te Awarua-O-Porirua & Catchments Community Trust, and Guardians of Pāuatahanui Inlet	NE-O3	Amend: Subdivision, use and development does not contribute to any further degradation of Te Awarua-o-Porirua Harbour and its catchments and measures are implemented to enhance the quality of all receiving water that enters the harbour.	3.7	Reject	See body of the report	No
216.9	QEII	NE-O3	Delete objective NE-O3.	3.7	Accept in part	See body of the report	No
244.1 ⁷⁸	Titahi Bay Surfriders	NE-O3	In relation to NE-O3 and NE-O4: To amend the policies above to include the coastal environment wider than just the harbour. NE-O3 Preventing further degradation of Te Awarua-O-Porirua Harbour and the Porirua Coast	3.7	Accept in part	See body of the report	No

⁷⁶ Oppose: Kāinga Ora [FS65.82]

⁷⁷ Support: GWRC [FS40.162]

⁷⁸ Support: GWRC [FS40.155]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			Subdivision, use and development does not contribute to any further degradation of Te Awarua-o-Porirua Harbour and the wider Porirua Coast and their respective catchments.				
<i>FS40.155</i>	<i>GWRC</i>	<i>Support</i>	<i>GWRC supports amending Objective NE-03 to clarify that the scope extends beyond the harbour into the coastal environment.</i>				
168.32	Robyn Smith	NE-03	Integrate NE-03 and NE-04 into one objective	3.7	Accept in part	See body of the report	No
64.17	Latoya Fluey	NE-03	Support	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
8.3	WCC	NE-01	Retain the provisions as proposed in the updated District Plan. Supportive of further additions to the Plan, as appropriate through the submissions process, to support a well-functioning and vibrant Porirua City.	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
81.216	Kāinga Ora	NE-03	Retain objective as notified	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
225.94	Forest and Bird	NE-03	Retain	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
126.2	DOC	NE-03	Retain as notified	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
137.13	GWRC	NE-03	Retain NE-03 and NE-04. Add or amend objectives, policies and rules so that the Plan will achieve Objectives NE-03 and NE-04. Amendments to THWT-O2, THWT-P2, THWT-P3, SUB-O1, SUB-P1, SUB-P5, FUZ-P2 and APP-11 in particular will assist in achieving NE-03 and NE-04. Other or alternative amendments may assist in achieving NE-03 and NE-04.	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
168.33	Robyn Smith	NE-04	Integrate NE-03 and NE-04 into one objective	3.7	Accept in part	See body of the report	No
244.2	Titahi Bay Surfriders	NE-04	In relation to NE-03 and NE-04: To amend the policies above to include the coastal environment wider than just the harbour. NE-04 Health and wellbeing of Te Awarua-O-Porirua Harbour an Porirua Coast The health and wellbeing of Te Awarua-O-Porirua Harbour and Porirua Coast is maintained and protected and, where possible, enhanced.	3.7	Accept in part	See body of the report	No
<i>FS40.156</i>	<i>GWRC</i>	<i>Support</i>	<i>GWRC supports amending Objective NE-03 to clarify that the scope extends beyond the harbour into the coastal environment.</i>				
264.99 ⁷⁹	TROTR	NE-04	Amend NE-04: The health and wellbeing of Te Awarua-O-Porirua Harbour is protected, enhanced and improved.	3.7	Accept in part	See body of the report	Yes
137.14	GWRC	NE-04	Retain NE-03 and NE-04. Add or amend objectives, policies and rules so that the Plan will achieve Objectives NE-03 and NE-04. Amendments to THWT-O2, THWT-P2, THWT-P3, SUB-O1, SUB-P1, SUB-P5, FUZ-P2 and APP-11 in particular will assist in achieving NE-03 and NE-04. Other or alternative amendments may assist in achieving NE-03 and NE-04.	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
81.217	Kāinga Ora	NE-04	Retain objective as notified	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
126.3	DOC	NE-04	Retain as notified	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
216.10	QEII	NE-04	Retain as notified	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No

⁷⁹ Support: GWRC [FS40.163]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
225.95	Forest and Bird	NE-O4	Retain as written	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No

