

**OFFICERS' REPORT FOR:**

**Independent Hearing Commissioners:**

**Trevor Robinson (Chair)  
Miria Pomare  
Mark St Clair  
Julia Williams**

**SUBJECT:**

**Proposed Porirua District Plan: Ecosystems  
and Indigenous Biodiversity**

**PREPARED BY:**

**Torrey McDonnell**

**REPORT DATED:**

**24 September 2021**

**DATE OF HEARING:**

**29 October to 15 November 2021**

## Executive Summary

1. This report considers submissions received by Porirua City Council (the Council) in relation to the relevant objectives, policies, rules, definitions, schedules and maps of the Proposed Porirua District Plan (PDP) as they apply to Ecosystems and Indigenous Biodiversity. The report outlines recommendations in response to the key issues that have emerged from these submissions.
2. There were many submissions and further submissions received on the topic. The submissions received were diverse and sought a range of outcomes. The following are considered to be the key issues in contention in the chapter:
  - Rules having legal effect
  - Overall policy framework
  - Giving effect to the National Policy Statement for Indigenous Biodiversity
  - Alignment with Plan Change 18 (Plimmerton Farm)
  - Wetlands
  - Taupō Swamp Catchment
  - Identification of additional SNA
  - Use of the term “identified values”
  - SNA mapping process
  - Planting exotic trees
  - Cat free zones
  - Protection of SNA as a receiving environment
  - Fire risk and management
  - Tree trimming
  - Non-endemic vegetation removal
  - Non-indigenous vegetation removal
  - Effects management hierarchy
  - Non-regulatory methods
  - Non-regulatory approach rather than regulation
  - Addition, amendment or removal of mapped SNA as they relate to individual properties.
3. This report addresses each of these key issues, as well as any other issues raised by submissions.
4. This topic is also subject to a number of consequential amendments arising from submissions to the whole of the PDP and other chapters.

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5. I have recommended changes to the PDP provisions to address matters raised in submissions and are summarised below:
- New definitions for 'pest' and 'vegetation removal', and amendments to the definitions 'biodiversity compensation', 'biodiversity offset' and 'restoration';
  - Changes to the introduction of the Ecosystems and Indigenous Biodiversity Chapter, including a statement about the NPS-FM and NES-FW;
  - A small change to the objectives to remove of the qualifier "identified" values (which is recommended throughout the chapter);
  - Amendment to ECO-P2 to include an additional step in the effects management hierarchy relating to adverse effects to be avoided (to align with the Proposed NPS-IB);
  - Changes to ECO-P3 and ECO-R1 to enable trimming and pruning as a permitted activity within an SNA, subject to new standard ECO-S2;
  - Changes to policy ECO-P4 to remove duplication and better cross-reference to other policies;
  - Changes to ECO-P6 and ECO-P10 to remove criteria around avoiding highest identified biodiversity values;
  - Broadening of policy ECO-P7 relating to restoration and maintenance initiatives;
  - Changes to ECO-P11 and ECO-R4 to manage earthworks in sensitive lizard habitats;
  - Amending ECO-P12 to better align with the NZCPS;
  - A new policy ECO-P13 to recognise the issue of wild fire management;
  - Changes to ECO-R2 to limit removal of non-indigenous vegetation to pest plants, and limit the removal of larger trees that provide habitat for indigenous fauna;
  - Removal of references to wetlands within rules to avoid duplication with NES-FW, including the non-complying activity rule for earthworks in wetlands to align with the NPS-FM and NES-FW;
  - Removal of ECO-R7 as it duplicates ECO-R1-2;
  - Amendments to ECO-S1 to align with Notable Trees chapter, and definition of a suitably qualified arborist;
  - Various changes to SCHED7, SCHED8, and planning maps in response to submissions seeking addition, amendment or removal of SNA as it relates to individual properties.
6. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PDP should be amended as set out in section Appendix A of this report.
7. For the reasons set out in the Section 32AA evaluation and included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:

- achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
- achieve the relevant objectives of the PDP, in respect to the proposed provisions.

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## Interpretation

8. Parts A and B of the Officers' reports utilise a number of abbreviations for brevity as set out in Table 1 below:

**Table 1: Abbreviations**

Abbreviation	Means
the Act / the RMA	Resource Management Act 1991
the Council	Porirua City Council
the Operative Plan	Operative Porirua District Plan 1999
the Proposed Plan	Proposed Porirua District Plan 2020
GWRC	GWRC
NES	National Environmental Standard
NESAQ	National Environmental Standards for Air Quality
NESCS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health
NESETA	National Environmental Standards for Electricity Transmission Activities
NESFW	National Environmental Standards for Freshwater
NESMA	National Environmental Standards for Marine Aquaculture
NESPF	National Environmental Standards for Plantation Forestry
NESSDW	National Environmental Standards for Sources of Drinking Water
NESTF	National Environmental Standards for Telecommunication Facilities
NPS	National Policy Statement
NPSET	National Policy Statement on Electricity Transmission
NPSFM	National Policy Statement for Freshwater Management
NPSUD	National Policy Statement on Urban Development
NPSREG	National Policy Statement for Renewable Electricity Generation
NZCPS	New Zealand Coastal Policy Statement
ODP	Operative Porirua District Plan 1999
PDP	Proposed Porirua District Plan 2020
PNRP	Proposed Natural Resources Plan <sup>1</sup>
RMA	Resource Management Act 1991
RPS	Wellington Regional Policy Statement

**Table 2: Abbreviations of Submitters' Names**

Abbreviation	Means
DOC	Department of Conservation Te Papa Atawhai
FENZ	Fire and Emergency New Zealand
Forest and Bird	Royal Forest and Bird Protection Society
GWRC	GWRC
Kāinga Ora	Kāinga Ora – Homes and Communities
KiwiRail	KiwiRail Holdings Limited
QEII	Queen Elizabeth the Second National Trust

<sup>1</sup> The version of the PNRP at the time of writing is Appeals version 2019 updated for consent order 25 May 2021



RNZ	Radio New Zealand
Telco	Spark New Zealand Trading Limited, Chorus New Zealand Limited, Vodafone New Zealand Limited
Transpower	Transpower
TROTR	Te Rūnanga o Toa Rangatira
Waka Kotahi	Waka Kotahi

# 1 Introduction

## 1.1 Purpose

9. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on the topic and to recommend possible amendments to the PDP in response to those submissions.
10. This report is prepared under section 42A of the RMA. It considers submissions received by the Council in relation to the relevant objectives, policies, rules, definitions, appendices and maps as they apply to the topic in the PDP. The report outlines recommendations in response to the key issues that have emerged from these submissions.
11. This report discusses general issues, the original and further submissions received following notification of the PDP, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the PDP provisions or maps based on the preceding discussion in the report.
12. The recommendations are informed by both the technical information provided by Wildlands Ecological Consultants which are attached at Appendix E, and the evaluation undertaken by the author. In preparing this report the author has had regard to the section 42A report on Strategic Objectives prepared by Gina Sweetman and the Overview section 42A report that addresses the higher order statutory planning and legal context, as well as other related s42A reports.
13. This report is provided to assist the Hearings Panel in their role as Independent Commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report, and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.
14. This report is intended to be read in conjunction with Officers' Report: Part A – Overview which contains factual background information, statutory context and administrative matters pertaining to the district plan review and PDP.

## 1.2 Author

15. My name is Torrey James McDonnell. My qualifications and experience are set out in Appendix D of this report.
16. My role in preparing this report is that of an expert planner.
17. I was involved in the preparation of the PDP and authored the Section 32 Evaluation Reports for: Hongoeka and Papakāinga; Open Space and Recreation Zones, Rural Zones; Special Purpose Zone (BRANZ) and Hospital Zone; and the Overview to s32 Evaluation. I contributed to the s32 evaluation on Ecosystems and Indigenous Biodiversity, leading much of the pre-notification consultation and SNA identification and mapping process. I did not draft the ECO chapter itself, but was involved in its preparation as a member of the District Plan Oversight Group.
18. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court December 2014. I have

complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.

19. The scope of my evidence relates to Ecosystems and Indigenous Biodiversity, I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.
20. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
21. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### 1.3 Supporting Evidence

22. The expert evidence, literature, legal cases or other material which I have used or relied upon in support of the opinions expressed in this report includes the following:
  - Expert evidence provided by Wildlands Ecological Consultants<sup>2</sup>.

### 1.4 Key Issues in Contention

23. 146 submission points and 138 further submission points were received on the provisions relating to this topic, as well as supporting schedules (SCHED7 and SCHED8) and appendices (APP8 and APP9). The submissions received were diverse and sought a range of outcomes.
24. The following are considered to be the key issues in contention in the chapter:
  - Rules having legal effect
  - Overall policy framework
  - Giving effect to the National Policy Statement for Indigenous Biodiversity
  - Alignment with Plan Change 18 (Plimmerton Farm)
  - Wetlands
  - Taupō Swamp Catchment
  - Identification of additional SNA
  - Use of the term “identified values”
  - SNA mapping process
  - Planting exotic trees

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<sup>2</sup> Available on the PDP web portal under Hearing Stream 2: <https://pdpportal.porirua.govt.nz/>

- Cat free zones
  - Protection of SNA as a receiving environment
  - Fire risk and management
  - Tree trimming
  - Non-endemic vegetation removal
  - Non-indigenous vegetation removal
  - Effects management hierarchy
  - Non-regulatory methods
  - Non-regulatory approach rather than regulation
  - Addition, amendment or removal of mapped SNA as they relate to individual properties.
25. This report addresses each of these key issues, as well as any other issues raised by submissions.
26. The following issues raised in relation to this topic are being addressed in other reports:
- Part B strategic objectives on Natural Environment:
    - Protection of indigenous biodiversity outside SNA;
    - Open space zoning for s6(a), s6(b) and s6(c) matters.
  - Part B Infrastructure s42A report:
    - Construction, maintenance, and upgrading walkways, cycleways and shared paths within SNA;
    - National grid provisions.

## 1.5 Procedural Matters

27. At the time of writing this report there has not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this chapter. Discussions have been held with submitters where necessary to better understand their submission points. There have been numerous site visits undertaken by Council's expert ecology advisors Wildlands to help understand and respond to submitter points, and these are covered in their expert evidence, as well as the body of this report

## 2 Statutory Considerations

### 2.1 Resource Management Act 1991

28. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
- section 74 Matters to be considered by territorial authority, and
  - section 75 Contents of district plans,
29. As set out in Section 32 Evaluation Report Part 1 - Overview to s32 Evaluation, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents are discussed in detail within the Section 32 Evaluation Report Part 2: Ecosystems and Indigenous Biodiversity. There is further discussion in the Section 32 Evaluation Report Part 1 – Overview to the s32 Evaluation on the approach the Council has taken to giving effect to the NPSUD and NPSFM. This is also discussed in the Officer's Report: Part A.

### 2.2 Section 32AA

30. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

***32AA Requirements for undertaking and publishing further evaluations***

*(1) A further evaluation required under this Act—*

*(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*

*(b) must be undertaken in accordance with section 32(1) to (4); and*

*(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*

*(d) must—*

*(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*

*(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

*(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

31. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to this topic is appended to this report, as required by s32AA(1)(d)(ii).

### **2.3 Trade Competition**

32. Trade competition is not considered relevant to this topic within the PDP.
33. There are no known trade competition issues raised within the submissions.

### 3 Consideration of Submissions and Further Submissions

#### 3.1 Overview

34. This topic consists of a number of chapters, appendices and schedules. There were approximately:
- 46 original submission points received on the ECO chapter and 130 further submission points;
  - 90 original submissions points received on SCHED7 - Significant Natural Areas and seven further submission points;
  - Two original submission points received on SCHED8 - Urban Environment Allotments and no further submissions;
  - Five original submission points on APP8 - Biodiversity Offsetting and no further submissions; and
  - Three original submission points on APP9 - Biodiversity Compensation and one further submission point.

##### 3.1.1 Report Structure

35. Submissions on this topic raised a number of issues which have been grouped into sub-topics within this report. Some of the submissions are addressed under a number of topic headings based on the topics contained in the submission. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submissions to which they relate.
36. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission by submission approach. I have organised the evaluation in accordance with the layout of chapters of the PDP as notified.
37. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission / further submission point are contained in Appendix B.
38. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in Appendix B. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the Chapter with recommended amendments in response to submissions as Appendix A.
39. This report only addresses definitions that are specific to this topic. Definitions that relate to more than one topic have been addressed in Hearing Stream 1.

### 3.1.2 *Format for Consideration of Submissions*

40. For each identified topic, the consideration of submissions has been undertaken in the following format:
  - Matters raised by submitters;
  - Assessment; and
  - Recommendations.
41. The recommended amendments to the relevant parts of the PDP are set out in in section Appendix A of this report where all text changes are shown in a consolidated manner.
42. Note that there are further submissions that support submissions in their entirety:
  - the further submission from QEII [FS06.1] supports the submission from Forest and Bird in its entirety; and
  - the further submission from QEII [FS06.2] supports the submission from DOC in its entirety
43. In these cases, recommendations in relation to these further submissions reflect the recommendations on the relevant primary submission.
44. I have undertaken the s32AA evaluation in a consolidated manner following the assessment and recommendations on submissions in this section, which is attached at Appendix B.

## 3.2 General Submissions

### 3.2.1 *Matters raised by submitters*

45. Murray Cave [173.2] submits in opposition to the entire proposal, and contends that the whole proposal is contrary to regional policy frameworks, and ultra vires under s85 of the RMA and considers:

*...adoption of SNAs over urban allotments is not a process that has been contemplated by any other territorial authority within New Zealand and has not been considered in the draft National Policy Statement for Indigenous Biodiversity.*

### 3.2.2 *Assessment*

46. Identification and protection of significant natural areas is required by s6(c) of the RMA, and by policies 23 and 24 of the RPS. Therefore, the PDP must identify and protect these areas, and this must be done through an Ecosystems and Indigenous Biodiversity chapter and associated schedule and maps under the National Planning Standards.
47. The proposed approach is not ultra vires as contended by the submitter, and it does not make land incapable of reasonable use. For example, the PDP ensures that all land that is zoned residential is able to be used for residential purposes. Where a vacant but residentially zoned lot exists, the provisions allow for a house to be built as of right as a controlled activity under ECO-R4.



48. I have reviewed the Proposed NPS-IB and note there is no exemption for urban allotments in regards to SNA identification and protection.
49. 61% of territorial authorities in NZ have mapped SNA<sup>3</sup>, and many have mapped SNA on urban allotments including Auckland, Hamilton and New Plymouth. Section 76 of the RMA specifically provides for this, and SCHED8 was created to comply with this section.

### **3.2.3 Recommendations**

50. I recommend that the submission from Murray Cave [173.2], be **rejected**.

## **3.3 Rules having legal effect**

### **3.3.1 Matters raised by submitters**

51. Cassandra Pierce (Nee Solomon) [239.2] submits, in relation to Pukerua 3A5B2C2, Pukerua Bay, "rules with immediate legal effect should be void". This is because the Council letter regarding the mapping of SNA dated 2 September 2020 did not specify the exact land affected.

### **3.3.2 Assessment**

52. Letters regarding notification of the PDP were sent out to all ratepayers in Porirua as required by Schedule 1, Clause 5 of the RMA. Letters were also sent to all occupiers of homes if they were rentals. This mail out consisted of 20,000 individual letters. While it would have been helpful, particularly to people who own multiple properties, it was not feasible to provide a breakdown of the legal description(s) on each letter with a mailout of this size.
53. In addition, approximately 1,500 property owners with an SNA on their property were written to separately with clear instructions on how to access the online PDP planning maps to view their SNA, and how to get help with doing this.
54. Letters were not the only channel of communication used to engage with the community. Council also used social and print media to make the public aware of notification. The mapping of SNA also had its own substantial pre-notification consultation programme as outlined in the s32 evaluation report.
55. Section 86B states that a rule in a proposed plan has immediate legal effect from public notification if it protects or relates to significant indigenous vegetation, significant habitats of indigenous fauna or historic heritage.
56. There is no requirement to reference the legal description(s) of the properties affected under either Schedule 1 or s86B.

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<sup>3</sup> Ministry for the Environment (2019) He Kura Koiora i hokia: A discussion document on a proposed National Policy Statement for Indigenous Biodiversity. Wellington: Ministry for the Environment.

### 3.3.3 Recommendations

57. I recommend that the submission from Cassandra Pierce (Nee Solomon) [239.2], be **rejected**.

## 3.4 Overall policy framework

### 3.4.1 Matters raised by submitters

58. Hamish Tunley [52.1] submits on a range of matters and seeks that Council:

*employ the right resources so landowners can have an open dialogue without forcing landowners down a costly path of employing experts and resource consent.*

59. Jean and Simon Jones [182.3, 182.4] submit on a range of matters, including that Council needs to “do more than just send out a letter when such huge changes for individual owners are being contemplated”, as well as:

- An opportunity to further review properties which were not visited in the first round of ecological site inspections to allow for a fairer assessment of the extent of any SNA
- PCC to investigate how it can amend policies to include those mechanisms that will encourage co-operation from affected landowners – eg rewarding landowners who protect and develop areas of SNA through rates relief
- support through a PCC contestable fund for fencing, pest control, and replanting (as is done by Auckland City Council)
- working with the QEII National Trust to establish covenants over SNAs (thereby achieving the goal of protecting for perpetuity those areas of interest at lower cost to PCC)

60. Pat and Julie Buckley [55.1] seek a more collaborative approach between the Council and landowners with SNA, and give the Hawke's Bay as an example to follow. They seek A more equitable approach to the quantity of SNA on to the property such as a maximum percentage of encroachment, where there is an SNA with strict rules with resource consent necessary clearly marked on a plan, and then an area marked as discretionary which is maintained by the landowner without the need for resource consent for trimming.

61. Rates reduction on SNA proportion of the property.

62. Milmac Homes Limited [258.5] requests the removal of SNA from the property, or:

*the incorporation of a policy framework and associated rules that enable appropriate development within Significant Natural Areas, with provisions to not be overlay prescriptive or constraining”.*

### 3.4.2 Assessment

63. In response to Hamish Tunley [52.1], the submitter's point is addressed in section 8 of the s32 evaluation report for this topic and the submitter has not provided any evidence or evaluation that their requested amendment would be more appropriate.

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64. There are a couple of additional points raised in submission 52.1 that the Panel may wish to clarify with the submitter at the hearing. The submitter considers that “restrictions should be removed for existing landowners” and that “there should be consideration for existing landowners where a different set of relaxed rules apply”. It is unclear what is meant by “existing landowners”, as all land has some form of existing ownership.
65. In regards to the submission from Jean and Simon Jones and Pat and Juloe Buckley, I consider that Council undertook extensive pre-notification engagement with landowners over a number of years in relation to SNA as outlined in the s32 for this topic (see section 5 of the s32 report). I agree with the Jean and Simon Jones regarding the opportunity for site visits. Further site visits have been undertaken where requested, or where considered necessary to inform preparation of this report. Table B1 contains a record of site visits that took place (under the sub-heading Schedule 7).
66. The submitters also raise issues with regards to rates relief, contestable funding opportunities, and working with QEII trust to establish covenants over SNA.
67. Identification and protection of SNA is required by higher order direction, including s6(c) of the RMA, and policies 23 and 24 of the RPS. The primary driver for protection of SNA is the existential threat to indigenous biodiversity from subdivision, land use and development rather than for the maintenance of public amenity. In this context, I do not agree that the wider base of ratepayers should have to compensate individual landowners through rates remissions or direct compensation where Council is undertaking its statutory planning functions to protect the intrinsic values of these areas. I note that no compensation is contemplated for any other planning matters in the PDP. I have carefully contemplated the application of s85 of the RMA in addition. Having done so, I am of the view that the SNA provisions do not render any land incapable of reasonable use, which reinforces my position that no direct compensation should be payable.
68. However, Council does have a broader role to encourage enhancement of these areas through activities such as fencing, planting and pest control as set out in Te Awarua-o-Porirua Harbour and Catchment Strategy and Action Plan<sup>4</sup>. Council has several programmes in this regard, including riparian planting projects, and providing funding to pest free groups around Porirua. Again, any increase in funding would be a matter for the Long Term Plan, and the expenditure would have to be weighed up against other Council priorities. There is nothing in the ECO chapter preventing landowners working with QEII Trust to establish covenants over SNA. In fact, this would be a good way for landowners to access funding and support for management for these areas including initiatives such as fencing. The use of covenants can be considered under the subdivision chapter for any subdivision consent as well under ECO-P4-2.b.
69. In response to Milmac Homes Limited, I consider that policy framework does enable appropriate development within SNA through a permitted activity rule which allows for reasonable maintenance of vegetation, including allowing for pruning and removal around homes, powerlines, and driveways. However, overall the provisions are “constraining” by design as the protection of these areas is required by s6(c) of the RMA, and by policies 23 and 24 of the RPS.
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<sup>4</sup> Porirua City Council (2015) Te Awarua-o-Porirua Harbour and Catchment Strategy and Action Plan

### **3.4.3 Recommendations**

70. I recommend that the submission from Pat and Julie Buckley [55.1] and Jean and Simon Jones [182.3, 182.4], be **accepted in part**.
71. I recommend that the submissions from Hamish Tunley [52.1] and Milmac Homes Limited [258.5], be **rejected**.
72. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

## **3.5 Giving effect to the National Policy Statement for Indigenous Biodiversity**

### **3.5.1 Matters raised by submitters**

73. Forest and Bird [225.39, 225.27] seeks that there should be scope in decision making to have regard to the NSP-IB should it come into force during the District Plan Review process.

### **3.5.2 Assessment**

74. The NPS-IB has been under development since 2007. It was consulted on in 2019, and the latest indication from the Government is that it could be gazetted some time in 2022.
75. Local authorities must give effect to national policy statements in accordance with s55 of the RMA. Under s55, amendments to the plan should be made either as soon as practicable, or within the time specified in the national policy statement.
76. Similar to other recent national policy statements, it is highly likely that the NPS-IB, if gazetted in 2022, will provide implementation timeframes for local authorities to undertake the necessary policy work to give effect to it. In the case of the NPS-IB, this will involve significant time and cost to undertake further ecological assessments, mapping, landowner consultation and provision drafting. From an administrative perspective, and in the interests of natural justice for affected landowners, I consider that the NPS-IB would likely need to be substantially addressed as a later plan change if gazetted during the hearings.

### **3.5.3 Recommendations**

77. I recommend that the submission from Forest and Bird [225.39, 225.27], be **accepted in part**.

### 3.6 Alignment with Plan Change 18 (Plimmerton Farm)

#### 3.6.1 Matters raised by submitters

78. QEII [216.14] submits that the ECO chapter be aligned with the objectives, policies and rules in PC18, and where those provisions are stricter regarding protection of ecological values, the PDP should align with them.

#### 3.6.2 Assessment

79. PC18 and the PDP have some similarities and differences in respect to their respective Ecosystems and Indigenous Biodiversity chapters. The variation is due to a number of factors, these include:

- Timing: PC18 was notified on 20 May 2020 and the PDP was notified on 28 August 2020. The NES-FW and the updated NPS-FM came into force on 3 September 2020.
- Process: PC18 is now operative and was subject to its own submissions and hearings process where the provisions evolved in this context to the version that exists now. They underwent expert conferencing and scrutiny by an independent hearings panel.
- Scale: where the PDP is a full city-wide review, Plimmerton Farms is a single site with single ownership that has been comprehensively structure planned. It also has some complex connections to a particular receiving environment – Te Ara Harakeke (Taupō Swamp). These factors resulted in PC18 incorporating some bespoke site-specific provisions.

80. The major similarities are that both PC18 and the PDP apply the Policy 23 of the RPS for identification of SNA, and they both use the effects management hierarchy as the primary policy framework to protect these areas. Other major similarities include:

- similar permitted baseline (e.g. 3m permitted vegetation clearance from buildings, maintaining private driveways, undertaking natural hazard mitigation activities, customary harvesting etc);
- restricted discretionary activity status for most other vegetation clearance with the same information requirements for applications, including application of the effects management hierarchy by a suitably qualified ecologist;
- restoration and maintenance activities are permitted where eco-sourced vegetation is used, or if activities are in accordance with reserve management plans etc; and
- new plantation forestry is a non-complying activity.

81. Appendix E broadly outlines how PC18 differs from the PDP. The table includes analysis as to the degree in which they vary and why.

82. I consider that here are several provisions where it would be appropriate for the PDP to align, including:

- Amending ECO-P2 to include an additional step in effects management hierarchy. This would better align with the Proposed NPS-IB, and would give greater protection to the

matters (i) to (iv) (see further analysis of the effects management hierarchy in section 3.19 of this report).

- Removal of qualifier “identified”. This better aligns with Policy 24 of the RPS (see further analysis in section 3.10 of this report).
- The addition of a definition for pest plants would add clarity to the interpretation of ECO-R3.

### 3.6.3 Recommendations

83. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** ECO-P2 to include an additional step at the start of the effects management hierarchy:

#### ECO-P2 Protection of Significant Natural Areas

Protect the biodiversity values of Significant Natural Areas identified within SCHED7 - Significant Natural Areas, by requiring subdivision, use and development to:

1. Avoid the following adverse effects on indigenous biodiversity values:
  - (i) Loss of ecosystem representation and extent;
  - (ii) Disruption to sequences, mosaics or ecosystem function;
  - (iii) Fragmentation or loss of buffering or connectivity within the SNA and between other indigenous habitats and ecosystems; and
  - (iv) A reduction in population size or occupancy of threatened species using the SNA for any part of their life cycle;<sup>5</sup>
2. Avoid other<sup>6</sup> adverse effects on identified<sup>7</sup> indigenous biodiversity values where possible;
3. Minimise other adverse effects on the identified indigenous biodiversity values where avoidance is not possible;
4. Remedy other adverse effects on the identified indigenous biodiversity values where they cannot be avoided or minimised;
5. Only consider biodiversity offsetting for any residual adverse effects that cannot otherwise be avoided, minimised or remedied and where the principles of APP8 - Biodiversity Offsetting are met; and
6. Only consider biodiversity compensation after first considering biodiversity offsetting and where the principles of APP9 - Biodiversity Compensation are met.

- b. **Add** a definition of pest as follows and set out in Appendix A:

<b><u>Pest</u></b>	<p><u>means any species that is:</u></p> <ol style="list-style-type: none"> <li>a. <u>A pest or unwanted organism as defined in the Biosecurity Act 1993,</u></li> <li>b. <u>Listed in the Greater Wellington Regional Pest Management Plan 2019-2039; or</u></li> <li>c. <u>Listed in Howell, C (2008) Consolidated List of Environmental Weeds in New Zealand, Science &amp; Technical Publishing, New Zealand Department of Conservation.</u></li> </ol>
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<sup>5</sup> Forest and Bird [225.36, 225.151], QEII [216.14]

<sup>6</sup> Forest and Bird [225.36, 225.151], QEII [216.14]

<sup>7</sup> Removal of qualifier “identified” throughout chapter recommended in response to GWRC [137.45, 137.72, 137.45, 137.46, 137.47, 137.49, 137.50], and QEII [216.16], Forest and Bird [225.146, 225.178, 225.246]

- c. **Remove** the qualifier “identified” throughout the ECO chapter as set out in Appendix A.
84. It is recommended, for the reasons given above, that the submission from QEII [216.14], be **accepted in part**.

### 3.7 Wetlands

#### 3.7.1 Matters raised by submitters

85. Submissions from DOC [126.69], GWRC [137.89], Robyn Smith [168.30, 168.37, 168.39, 168.69], Friends of Taupo Swamp [178.22], QEII [216.11], and Forest and Bird [225.35, 225.157] seek that the PDP identify and protect wetlands.
86. Forest and Bird [225.22, 225.128, 225.129, 225.130, 225.133, 225.137, 225.216] seeks a 15m setback for activities from wetlands.
87. QEII [216.47] seeks that works in wetlands be non-complying.
88. Robyn Smith [168.58] also seeks that earthworks within 20m of a natural wetland be non-complying.

#### 3.7.2 Assessment

89. The responsibilities of both regional and territorial authorities under the RMA and RPS are set out in section 4 of the s32 evaluation for this topic.
90. Policy 61(b) of the RPS states that management of biodiversity within wetlands is GWRC's responsibility, although 61(c) does not specifically exclude city and district councils from managing wetlands.
91. The NPS-FM and NES-FW 2020 came into force after notification of the PDP. These documents provide a direction that regional councils must map wetlands within 10 years. These documents clarify that wetland identification and protection is the responsibility of regional councils, as Clause 5 of the NES-FW requires regional councils to regulate activities in or near wetlands.
92. However, there are many wetlands that form part of a wider area of significant terrestrial indigenous biodiversity. I consider that this is where PCC does have a role in terms of integrated management.
93. For example, there are nine SNA listed in SCHED7 with wetland in their title. All of these SNA have wider areas of terrestrial biodiversity surrounding them meaning they fall within Council's s31 jurisdiction. This is the same for streams where the riparian vegetation meets criteria for identification as an SNA, but the streams themselves are otherwise managed under the s30 functions of GWRC.
94. Muri Road Wetland for example, is not purely a wetland, but a raupō reedland gully system surrounded by native bush.



**Figure 1: SNA010 Muri Road Wetland**

95. There are many SNAs that have wetland(s) contained somewhere within them. Where these wetlands are known they are referenced in the site summary in SCHED7.
96. ECO-P5 provides additional policy guidance for the management of wetlands within SNA listed in SCHED7 (noting recommendation in section 3.23 of this report that the introduction to the chapter should have a statement regarding the NPS-FM and NES-FW).
97. I consider that this approach is consistent with integrated management of wetlands, whereby these important features are suitably identified in the PDP, although not directly regulated by PCC. Any activities in or near wetlands within the SNA will be regulated under the PNRP and the NES-FW.
98. I do not agree with submissions seeking setbacks of activities from wetlands. Under the NES-FW, earthworks within a wetland is prohibited under clause 53 of the NES, and vegetation clearance or earthworks within 10m of a wetland are non-complying under clause 54. Only a regional council can enforce these rules under clause 5. No reasoning is provided by the submitters justifying why these matters should be regulated by a territorial authority, or why the PDP should have more stringent rules for activities near a wetland than the NES-FW.



### 3.7.3 Recommendations

99. I recommend that the submissions from DOC [126.69], GWRC [137.89], Robyn Smith [168.30, 168.37, 168.39, 168.69], Friends of Taupo Swamp [178.22], QEII [216.11], and Forest and Bird [225.35, 225.157], be **accepted in part**.
100. I recommend that the submissions from Robyn Smith [168.58], QEII [216.47] and Forest and Bird [225.22, 225.128, 225.129, 225.130, 225.133, 225.137, 225.216], be **rejected**.
101. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

## 3.8 Taupō Swamp Catchment

### 3.8.1 Matters raised by submitters

102. Submissions from Robyn Smith [168.16, 168.28] and Friends of Taupo Swamp & Catchment Inc [178.9, 178.19] seek that all provisions of the PDP be amended “so they are consistent with the obligation under Policy P39 of the pNRP to avoid effects on the Taupō Swamp Complex”, and that:
- It includes sufficient provisions to ensure adverse effects on Taupō Swamp from land development within the catchment are avoided, and therefore to ensure that the PDP is not inconsistent with the pNRP.
  - It includes sufficient provisions to ensure all natural wetlands and areas with indigenous vegetation are retained.
  - It prevents natural wetlands being used to filter sediments or nutrients. Buffer areas around wetlands must be established to provide the filters needed.
  - It ensures that all hydrological functionality of wetlands and drainage topography contributing to Taupō Swamp is retained including base, average, total and peak flows.
  - It includes policies requiring all landscaping or gardens within the Northern Growth Strategy area to use only eco-sourced locally appropriate indigenous plants. Refer section 75(4)(b) of the RMA and Policy P39 of the pNRP.
  - It includes policies to ensure that all new subdivisions within the Northern Growth Strategy area will be cat free.
  - Addresses that it anticipates new development but currently Porirua's infrastructure is unable to accommodate it.
103. The submitters reasons include reference to specific reports in relation to the pNRP including:
- The GWRC section 32 report - regarding wetlands and specific content on wetland degradation and loss.
  - The GWRC officer's section 42A report in relation to Taupō Swamp and the recommended change from 'Significant Natural Wetland' to an 'Outstanding Natural Wetland', as confirmed in decisions on submissions.

104. The submitters also consider that parts of Taupō Swamp catchment have been identified as the 'Northern Growth Area'. The submitters consider that this area surrounds Taupō Swamp and if developed without strict conditions to contain sediments and nutrients on-site, and to prevent hydrological changes to Taupō Swamp, they will have a detrimental effect on the wetland. Development could also provide new weed species which can have an adverse effect on the swamp.

### **3.8.2 Assessment**

105. I consider that the PDP does contain sufficient provisions to ensure adverse effects on Taupo Swamp are avoided, within Council's s31 functions under the RMA (subject to amendments made in response to other submissions). These provisions are located throughout the PDP including chapters such as: Earthworks, Natural Features and Landscapes, Natural Character, Subdivision and Three Waters. The latter chapter specifically address to the latter point raised by submitters around infrastructure capacity issues.
106. However, as outlined above in this report, the NES-FW and PNRP largely address the matters raised by these submitters. They manage the effects of activities within wetlands as well as effects on wetlands as receiving environments. Chapter 5 of the PNRP manages discharges to land where they may enter water, including livestock access to waterbodies and animal effluent, as well as the discharge of contaminants such as nutrients, sediment, wastewater and stormwater.
107. While the ECO chapter limits planting within SNA to eco-sourced indigenous plants, I consider that it is inappropriate to extend this to all gardens and landscaping. People grow plants for a variety of reasons, such as growing their own food in garden beds or by planting fruit trees, or to landscape their gardens with hedges or flowers. I consider that this decision requested would be contrary to s85 of the RMA for land zoned for residential use.
108. I also consider it is inappropriate to use the PDP as a mechanism to ban domestic cats as outlined in section 3.13 of this report.

### **3.8.3 Recommendations**

109. I recommend that the submissions from Robyn Smith [168.16, 168.28] and Friends of Taupo Swamp & Catchment Inc [178.9, 178.19] be **accepted in part**.
110. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

## **3.9 Identification of additional SNA**

### **3.9.1 Matters raised by submitters**

111. Submissions from QEII [216.12] and Forest and Bird [225.33, 225.150] seek that the PDP identify additional SNAs that may not be listed in SCHED7.

### 3.9.2 Assessment

112. In developing the PDP, every effort has been made to comprehensively identify all significant natural areas within the district under Policy 23 of the RPS.
113. These submissions provide no evidence that there are any areas that meet this criteria that have been missed. I note that only one new potential SNA is being sought by another submitter and that Wildlands advise in their expert evidence for Council that this areas does not meet the criteria in Policy 23 [see submission 147.1 in section 3.28].
114. However, the significance that can be attributed to various indigenous terrestrial biodiversity is dynamic, especially as regeneration vegetation grows over time or where the threat classification of any particular indigenous species or habitat changes. There are areas of indigenous biodiversity in Porirua that will one day meet the threshold for inclusion in SCHED7 that are not currently listed.
115. The RMA provides several mechanisms for updating district plans with new ecological information including district plan reviews, changes and variations. These mechanisms provide future opportunities to engage with landowners on identification and mapping of any additional SNA.
116. Furthermore, as outlined above in section 3.5 of this report, it is highly likely that the new NPS-IB requirements will require Council to undertake a plan change prior to the next full review of the District Plan.

### 3.9.3 Recommendations

117. I recommend that the submissions from QEII [216.12] and Forest and Bird [225.33, 225.150], be **rejected**.
118. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

## 3.10 Use of the term “identified values”

### 3.10.1 Matters raised by submitters

119. Submissions from GWRC [137.45, 137.46, 137.47, 137.49, 137.50, 137.72] and QEII [216.16] seek removal of the qualifier of ‘identified values’. The reason given by GWRC is:

*...to ensure that the full range of values contained within SNAs are protected, not just those that were identified at the time of plan notification. This requires a detailed assessment of values undertaken at the time of applying for consent as already specified in the proposed rule framework.*

120. Forest and Bird [225.178, 225.246] seek a change that is similar to the above, with some additional requested changes (see Table B1). Their reason also slightly differs for seeking this change similar to the assertion outlined in the above section that there are “missing” SNAs:

*If definition of SNA is not amended to include all areas that meet Policy 23 RPS criteria, this policy (and further provisions in this chapter) will require amendment to specifically refer to those further areas.*

121. Forest and Bird [225.146] also submits s6(c) of the RMA does not include the term “from inappropriate use and development”, and that ECO-O1 be changed as follows:

*The ~~identified~~ values of significant natural areas are protected from ~~inappropriate use and development~~, and where appropriate, restored.*

### 3.10.2 Assessment

122. Policy 24 of the RPS directs councils to protect indigenous ecosystems and habitats with significant indigenous biodiversity values. The qualifier “identified” limits protection to the values identified within an SNA at the time of mapping. I agree with the above submissions that this is inappropriate, as it is possible that further values within an SNA may be identified during the ecological assessment needed for obtaining resource consent under ECO-R1.2.1.
123. However, Forest and Bird submit that the qualifier “identified” should not only be removed in regard to values, but also to areas. I consider the latter is inappropriate as I consider that extensive efforts have been made to give effect to Policy 23 (see assessment above in section 3.9 of this report).
124. I consider that it is appropriate to include the term ‘*inappropriate subdivision, use and development*’ to be consistent with Policy 24 of the RPS:

*District and regional plans shall include policies, rules and methods to protect indigenous ecosystems and habitats with significant indigenous biodiversity values from inappropriate subdivision, use and development.*

### 3.10.3 Recommendations

125. I recommend for the reasons given in the assessment, that the Hearings Panel:
- a. **Amend** ECO to remove the qualifier “identified” throughout the chapter as outlined in Appendix A.
126. I recommend that the submissions from GWRC [137.45, 137.46, 137.47, 137.49, 137.50, 137.72], and QEII [216.16], be **accepted**.
127. I recommend that the submission from Forest and Bird [225.146, 225.178, 225.246], be **accepted in part**.
128. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

### 3.11 SNA mapping process

#### 3.11.1 Matters raised by submitters

129. Robyn Smith [168.62, 168.63] requests section 32 documentation be amended to include information about site visits, including all reductions in mapped area.
130. Forest and Bird [225.251] consider the scope of the Natural Character Chapter is unclear and submits that provisions are added to "recognise riparian margins within the earthworks and biodiversity chapters and other chapters as appropriate".
131. Progeni Limited [271.2] submits that the "The degree of value implied by the rules should be reflected in the value of the areas protected". The submitter considers that while the notified provisions are appropriate for extremely valuable to almost irreplaceable ecosystems, they are not suitable for lesser quality ecosystems.

#### 3.11.2 Assessment

132. In regard to the submission from Robyn Smith, this information cannot be reasonably be provided as part of the s32 analysis. While there is a recorded reason for each property specific amendment, these are catalogued across hundreds of site visit records. Furthermore, each relevant site visit record would need to be assessed to ascertain which species were present in the removed area. There was no reduction in the extent of SNA simply because landowners objected to it.
133. There were also a large number of amendments made in the last two years. For many individual SNAs there was a reduction in one area and an increase in another. So while there was a general net decrease in area across the City, it would take a substantial amount of geospatial analysis to calculate which individual SNAs had a net decrease.
134. There are a variety of reasons why Wildlands' ecologists visited and/or made changes to mapped boundaries in the pre-notification engagement on SNA including:
  - responding to landowner requested site visits;
  - undertaking site visits where existing information held by Council was insufficient;
  - investigating clearance due to consented subdivision or development;
  - investigating clearance identified on the most recent February 2020 aerial photographs; and
  - investigating obvious mapping errors.
135. In regard to the submission from Forest and Bird, riparian margins were mapped as SNA where they met the criteria in Policy 23 and are therefore subject to the provisions in this Chapter. In addition to NATC-S1, ECO-R5 is relevant to earthworks within riparian areas mapped in SCHED7. I consider that these provisions appropriately address adverse effects of activities within riparian margins.
136. In regard to the submission from Progeni Limited, SNA were identified in accordance with Policy 23 of the RMA. These criteria specify the level of significance required to be an SNA. I consider

that the notified provisions are the most appropriate means to protect areas that meet these criteria, subject to recommended amendments in Appendix A of this report.

### **3.11.3 Summary of recommendations**

137. I recommend that the submissions from Robyn Smith [168.62, 168.63], Forest and Bird [225.251], and Progeni Limited [271.2], be **rejected**.

## **3.12 Planting exotic trees**

### **3.12.1 Matters raised by submitters**

138. The Ryan Family Trust [138.1] submits that the planting of exotic trees for slope stability should be allowed within SNA.

### **3.12.2 Assessment**

139. Allowing the planting of exotic trees may have an adverse impact on the ecological value of SNA. ECO-R3-2 provides a consenting pathway through a restricted discretionary activity status for planting of exotic trees where the effects management hierarchy can be applied.

140. Otherwise, there are a variety of native tree species that evolved to survive with New Zealand's climate and topography and are adept at providing slope stability. ECO-R3 provides for planting eco-sourced local indigenous vegetation.

### **3.12.3 Recommendations**

141. I recommend that the submission from the Ryan Family Trust [138.1], be **rejected**.

## **3.13 Cat free zones**

### **3.13.1 Matters raised by submitters**

142. Marilyn Wallace [229.3] submits that the PDP include cat free zones adjacent to areas of significant biodiversity.

### 3.13.2 Assessment

143. This issue was discussed in some detail at the Plan Change 18 hearings for Plimmerton Farm. It was accepted by Council's expert ecologist that cat populations near areas habitats of indigenous fauna can have adverse impacts on those populations<sup>8</sup>.
144. The ecologist also argued that he would not support the suggestions from some submitters for bans on cat ownership in the proposed Plimmerton Farm Zone. This was because, to his knowledge, effective cat-free subdivisions of this size are unknown in New Zealand in spite of numerous attempts. He said that this is because these initiatives do not attract enough resident support to be enduring. In his view, pest management strategies done in collaboration with Government agencies, mana whenua, stakeholders and community representatives are more effective than bans on cats. He said that the experience in Wellington City and other districts shows this approach can lead to reductions in cat predation<sup>9</sup>.
145. The final recommendation from the Hearing Panel was that the management of cats is a matter more appropriately addressed through the subdivision process, including consents and covenants linked to pest management strategies. However, it should be noted that as outlined in section 3.6 above, this policy approach was very much designed around a site-specific issue for a particular rezoning.
146. I agree with the views of the expert ecologist and Hearing Panel that both domestic and feral cat management is best achieved through a community-based pest management approach. In some instances, it could be required through consent conditions and covenants for individual developments through application of the effects management hierarchy under ECO-P2.

### 3.13.3 Recommendations

147. I recommend that the submission from Marilyn Wallace [229.3], be **rejected**.

## 3.14 Protection of SNA as a receiving environment

### 3.14.1 Matters raised by submitters

148. A number of submissions seeking additional provisions to protect SNA from "nuisance values" from nearby activities such as quarrying and mining, including submissions from Stephen Smith [1.3], Lyle and Tracey Davies [10.3], Nadine Steffens [14.3], Jennifer Blake [17.3], and Judgeford Environmental Protection Society Incorporated [246.2].
149. Robyn Smith [168.77] seeks that the PDP be amended so that:

*development controls applicable to land adjacent to SNA/ONFL, or land in the same catchment as SNA/ONFL, are included that acknowledge that development on other*

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<sup>8</sup> Statement of evidence of Paul Michael Blaschke for the Porirua City Council 21 August 2020 for the independent hearing panel on Plan Change 18 to the Porirua District Plan

<sup>9</sup> Ibid

*land (e.g. changes to landforms as they may relate to drainage patterns) is able to significantly affect the values of those areas.*

150. QEII [216.13] submits that the PDP does not currently offer appropriate protection for sites with ecological values (especially wetlands) from activities outside of those sites that will impact them.
151. Forest and Bird [225.260] seeks that the PDP "Require conditions and standards so that activities adjacent to SNAs do not have adverse effects on them".

### **3.14.2 Assessment**

152. Wildlands have provided some commentary in their expert evidence on the potential impacts of quarrying activities on SNA adjacent to these activities. They conclude that there are a range of potential effects on SNA, and a range of potential management techniques. Of the potential effects, they consider noise and vibration caused during blasting has the potential to impact on SNA if there are birds breeding and nesting nearby. Sediment from quarries can also have an impact if deposited in waterways. Day to day operational noise, dust and vibration from quarries is unlikely to have much of an impact on adjacent SNA.
153. Wildlands discusses this issue in relation to the Willowbank quarry in Judgeford as the only operational quarry in Porirua. They conclude that existing SNA160 and SNA151 are sufficiently separated from the quarry, and that effects on these SNA are negligible.
154. Based on this evidence, I do not consider that any amendments are required to SNA provisions in regard to nearby quarrying activities. I consider that the zone-based provisions relating to quarries sufficiently seek to manage the range of potential adverse effects outlined by Wildlands (see GRUZ-P5 and GRUZ-P6).
155. In regard to the other submissions outlined above, I consider that the NES-FW and PNRP are the appropriate documents to manage the effects of activities on SNA as receiving environments. Chapter 5 of the PNRP manages discharges to land where it may enter water, including livestock access to waterbodies and animal effluent, as well as the discharge of contaminants such as nutrients, sediment, wastewater and stormwater.

### **3.14.3 Recommendations**

156. I recommend that the submissions from Stephen Smith [1.3], Lyle and Tracey Davies [10.3], Nadine Steffens [14.3], Jennifer Blake [17.3], and Judgeford Environmental Protection Society Incorporated [246.2], Robyn Smith [168.77], and QEII [216.13], Forest and Bird [225.260] and Judgeford Environmental Protection Society Incorporated [246.2], be **rejected**.
157. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.



### 3.15 Fire risk and management

#### 3.15.1 Matters raised by submitters

158. Numerous submitters seek amendments to provide for vegetation clearance to enable compliance with FENZ guidance for vegetation clearance around houses including Pauatahanui Residents Association [74.3], Andrea & Karl Simonlehner [110.3], Ryan Family Trust [138.2, 138.3, 138.8], Ian and Helen Gear [193.8], Sheryn and David Harpham [202.1], Tiaki and Amanda Pritchard [220.4], and Frances McNamara [259.3].
159. Submitters are seeking that vegetation clearance from anywhere up to 10 to 30m from a building be enabled. Tiaki and Amanda Pritchard [220.4] for example explain their position as:

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

#### 3.15.2 Assessment

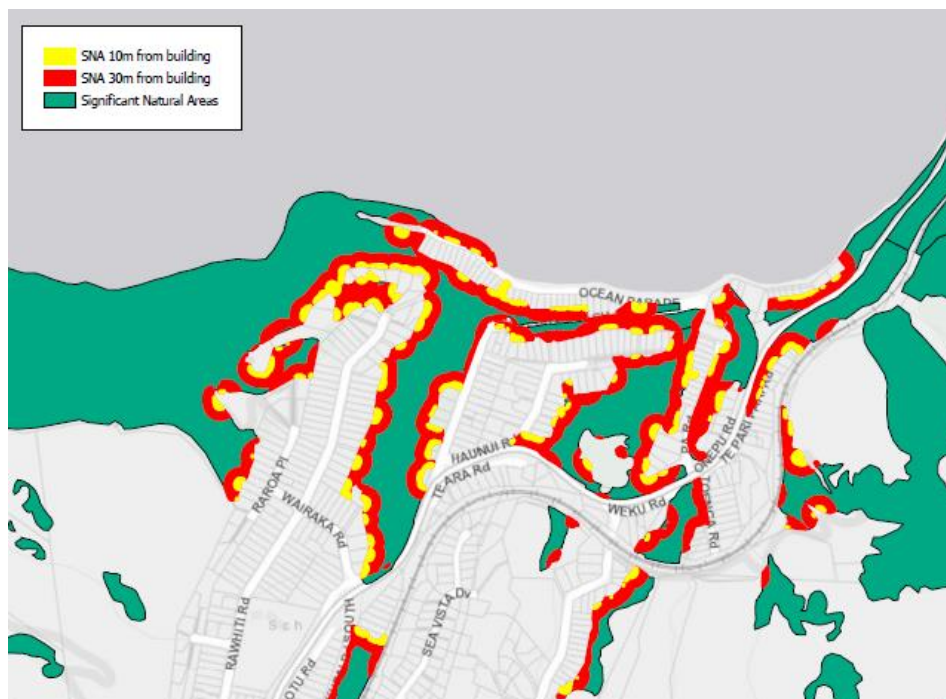
160. ECO-R1 as notified allows for vegetation clearance of 3m around buildings. Vegetation clearance greater than this for a fire break is a restricted discretionary activity under ECO-R1-2.
161. FENZ guidance documents<sup>10</sup> recommend creating a defensible space around houses by clearing flammable materials including vegetation. This includes:
- a zone 10m from homes where vegetation should be removed, lawns should be kept mown and watered, gravel and rock should be used rather than mulch, and low-flammable species should be planted; and
  - a zone out to 30m from homes where trees should be thinned, and clusters of highly-flammable plants should be avoided.
162. Another fire management guidance document from Scion<sup>11</sup> recommends a defensible space around houses of 30 to 50m. This guidance recommends replacing high flammability native species like manuka and kanuka with low flammability species like kawakawa and karamu.
163. Manuka and kanuka are common throughout the City, particularly in older suburbs. While the above guidance has been publicly available for some time, it is unknown how well they are adhered to in Porirua. It would not seem as though they have been followed by many landowners judging by the spatial extent of mapped SNA around the City, particularly urban areas.

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<sup>10</sup> Fire and Emergency New Zealand (2006) Fire Smart home owner's manual;  
Fire and Emergency New Zealand (2018) Get fire safe at the interface brochure;  
Fire and Emergency New Zealand website webpage – Protect your home from outdoor fires

<sup>11</sup> Scion Research (2018) Flammability of native plant species brochure

164. In Porirua, Kohekohe-tawa broadleaf forest was cleared through much of the catchment in the 1800s for pasture and forestry. The presence of manuka and kanuka indicates that parts of the catchment's forests are moving through the stages of natural regeneration. Native forest typically regenerates from pasture to gorse to manuka/kanuka to mahoe to tall growth forest canopy<sup>12</sup>. Therefore, the manuka/kanuka dominated stage could be considered as a high-risk period on the journey of a forest maturing into a tall growth forest. Once mature, tall growth native forests have lower flammability<sup>13</sup>.
165. The most recent significant wildfire in Porirua was the Whitireia Park fire in February 2010, that burned through 30 ha of pasture and scrub and required hundreds to be evacuated from nearby suburban homes<sup>14</sup>. FENZ guidance says that this type of fire risk is the greatest in rural and peri-urban areas like Whitireia Peninsula, this is because the consequences are greater because fires are detected later and the emergency response takes longer<sup>15</sup>. Urban bush fires are generally less severe likely due to the number of people to raise the alarm, and proximity to fire stations and hydrants.
166. Permitting 10-30m vegetation clearance, whether or not it was limited to manuka and kanuka, could have a significant adverse ecological effect on an SNA. The below diagrams show the extent of 10m and 30m clearance permitted activity rules. Some SNA could disappear entirely if landowners followed FENZ guidance.



**Figure 2: The potential impact of 10 and 30m setbacks on SNA (Pukerua Bay)**

<sup>12</sup> GWRC (2018) Key Native Ecosystem Plan for Porirua Western Forests 2018-2021

<sup>13</sup> Scion Research (2018) Flammability of native plant species brochure

<sup>14</sup> <https://www.stuff.co.nz/dominion-post/news/local-papers/kapi-mana-news/78583923/whitireia-park-fire-flashback>

<sup>15</sup> [National Rural Fire Authority \(2011\) Farm Fire Safe Brochure](#)

167. There are a range of possible options available for consideration as outlined in the below table:

Options	Benefits	Costs
Option 1: Retain the approach in the PDP	Clearance of flammable vegetation up to 10m or 30m is possible through a resource consent, and this would ensure oversight through consent conditions of planting and maintenance of these areas so they achieve their intended outcome through the effects management hierarchy, which would include low flammability, eco-sourced planting.	This option would be more expensive for landowners in terms of consent processing fees and requirement for ecological advice. It is also considered by some submitters as not being enabling enough of the FENZ guidance.
Option 2: Permit vegetation clearance 10 to 30m from houses	This would allow landowners to comply with FENZ guidelines without the expense of a resource consent.  The success of the 10-30m firebreak would depend on landowners' ability to maintain this defensible area including watering grass, planting low flammable species, and controlling regrowth of other flammable species such as grass and gorse.	This option would potentially have a significant adverse ecological impact including a loss of indigenous vegetation and habitats for fauna, whether the threshold was 10m or 30m. With a 30m threshold, some SNA could be almost cleared in their entirety as a permitted activity.  Council would not be meeting the requirement of Policy 24 to protect indigenous biodiversity.  In many urban areas, vegetation removal could have the unintended outcome of increasing the risk of land slips.
Option 3: Permit clearance of manuka and kanuka 10 to 30m from houses	This would allow landowners to comply with FENZ guidelines without the expense of a resource consent, while ensuring lower flammability species are retained.  This would result in better environmental outcomes than Option 2 as the range of species that could be removed would be limited to these two species.	This option would still potentially have a significant negative ecological impact, considering the prominence of manuka and kanuka in Porirua, and the national threat status of these species.  Removal of manuka and kanuka would also prevent forests from regenerating into tall growth forest canopy, with lower flammability.

168. Based on the assessment above, I consider that Option 1 on is the best option. The potential adverse ecological impacts of Options 2 and 3 outweigh the benefits. Option 1 still allows a consenting pathway for compliance with FENZ guidance, and would ensure oversight of replanting low flammable, ecologically appropriate species.

169. However, I consider that submitters are correct in that this issue needs to be better addressed by the PDP. I consider that this could be achieved through a specific policy that would specifically provide guidance for plan users in relation to the issue.

### 3.15.3 Recommendations

170. I recommend for the reasons given in the assessment, that the Hearings Panel:

- **Add** a new ECO-P13 as follows and set out in Appendix A:

#### **ECO-P13 Wild fire management**

Provide for the replacement of high-flammability vegetation with low-flammability vegetation near to residential units where:

1. the works are to protect residential units from a demonstrated wild fire risk; and
2. ECO-P2 is applied, including the use of eco-sourced local indigenous vegetation to replace high-flammability vegetation.<sup>16</sup>

171. I recommended that the submissions from Pauatahanui Residents Association [74.3], Andrea & Karl Simonlehner [110.3], Ryan Family Trust [138.2, 138.3, 138.8], Ian and Helen Gear [193.8], Sheryn and David Harpham [202.1], Tiaki and Amanda Pritchard [220.4], and Frances McNamara [259.3], be **accepted in part**.

172. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

## 3.16 Tree trimming

### 3.16.1 Matters raised by submitters

173. Several submitters including Ryan Family Trust [138.4], Lee and Andrew Shippam [212.1], Grant Abdee [238.7] and Frances McNamara [259.4, 259.5] raise various concerns including access to sunlight and the ability to trim trees within an SNA.

174. Frances McNamara also raises issues around changes in vegetation between the aerials used to map SNAs to when the PDP was notified, and questions what is the status of branches that overhang outside into areas not mapped as a SNA.

### 3.16.2 Assessment

175. ECO-R1 allows for permitted vegetation clearance in various circumstances, including within 3m of a building which would provide for maintenance of sunlight. For trimming outside this permitted baseline, ECO-R1-2 would apply and a restricted discretionary consent would be required.

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<sup>16</sup> Pauatahanui Residents Association [74.3], Andrea & Karl Simonlehner [110.3], Ryan Family Trust [138.2, 138.3, 138.8], Ian and Helen Gear [193.8], Sheryn and David Harpham [202.1], Tiaki and Amanda Pritchard [220.4], and Frances McNamara [259.3]

176. It is likely that some homes will lose direct sunlight over time as trees within SNA mature, particularly those on south and east facing slopes. Much of Porirua's forest is regenerating, and will still have a few decades to reach maturity. Access to sunlight is important for wellbeing and maintaining warm homes. Residential zone rules require outdoor living space that is orientated towards the sun, and good practice urban design is to orientate living areas in homes towards the sun.
177. Having considered the points raised by these submitters, I agree that requiring a resource consent for trimming including the application of the effects management hierarchy an ecological assessment is onerous. Any resource consent would likely require that the trimming is undertaken by an arborist anyway.
178. I consider that ECO-P3 and ECO-R1 be amended so that tree trimming is enabled as a permitted activity in order to enable landowners to maintain reasonable access to sunlight within their homes. However, in my view this would need to be done by a suitably qualified arborist to ensure that any tree is not terminally damaged.
179. Accordingly, I consider that a new standard needs to be added to ensure that the trimming and pruning is: completed by a suitably qualified arborist, does not affect the health of the tree, and Council is notified so that this information can be stored on the relevant property file.
180. In regard to the submission from Frances McNamara, SNAs were mapped using the best information available. The latest aerial photographs available prior to notification of the PDP in August 2020 were those taken in February 2020. Aerial photography was a key tool used by ecologists, but not the only tool used as outlined in their methodology report<sup>17</sup>. Aerials are generally flown in the summer due to more favourable weather conditions. While there were some changes in vegetation cover over this period, there were few significant changes over this particular period due to the national lockdown which halted work on nearly all construction sites. Wildlands have assessed sites where submitters have outlined changes or errors in mapping (the submitter's site has been assessed - see 259.5 in table relating to SCHED7 in Appendix B).
181. In regard to the second point, ECO-R1 as notified relates to removal or trimming within a significant natural area. If a branch was hanging outside a mapped area of SNA it could arguably be considered to be outside an SNA and therefore could be trimmed without any resource consent. Caution should be exercised however, as any works that terminally affect the health of the tree would equate to removal of vegetation within a SNA.
182. In summary, I recommend an additional criterion is added to ECO-P3 and ECO-R1 to allow for trimming and pruning, subject to a new standard ECO-S2 that sets some parameters around this activity to manage potential adverse effects.

### **3.16.3 Recommendations**

183. I recommend for the reasons given in the assessment, that the Hearings Panel:
- 

<sup>17</sup> Wildlands (2018) Methodology for the Assessment of Ecological Site Significance in Porirua City

- Amend ECO-P3 and ECO-R1 as outlined below and in Appendix A.

### ECO-P3 Appropriate use and development in Significant Natural Areas

Enable vegetation removal within Significant Natural Areas identified within SCHED7 - Significant Natural Areas where it is of a scale and nature that maintains the **identified** biodiversity values, including;

1. Trimming and pruning to maintain access to sunlight.<sup>18</sup>
2. Maintenance around existing buildings;
3. Safe operation of roads, tracks and accesses ways.<sup>19</sup>;
4. Restoration and conservation activities; and
5. Opportunities to enable tangata whenua to exercise hauhake customary harvesting practices.<sup>20</sup>

### ECO-R1 Removal, Trimming, pruning and removal<sup>21</sup> of **indigenous**<sup>22</sup> vegetation within a Significant Natural Area

#### 1. Activity status: **Permitted**

Where:

- a. The trimming, pruning<sup>23</sup> or removal of **indigenous**<sup>24</sup> vegetation is to:
  - i. Address an imminent threat to people or property represented by deadwood, diseased or dying vegetation and ECO-S1 is complied with;
  - ii. Ensure the safe and efficient operation of any formed public road, rail corridor or access, where removal is limited to within the formed width of the road, rail corridor or access;
  - iii. Enable the maintenance of buildings and outdoor living space<sup>25</sup> where the removal of **indigenous**<sup>26</sup> vegetation is limited to within 3m from the external wall or roof or deck<sup>27</sup> of a building, or within 3m of any outdoor living space required by this Plan<sup>28</sup>;
  - iv. ~~Maintain, upgrade or create new public walking or cycling tracks up to 2.5m in width undertaken by Porirua City Council or its approved contractor in accordance with the Porirua City Council Track Standards Manual (Version 1.2, 2014) and where no tree with a trunk greater than 15cm in diameter (measured 1.4m above ground) is removed;~~<sup>29</sup>
  - v. Construct new perimeter fences for stock or pest animal exclusion from areas or maintenance of existing fences provided the area of trimming or removal of any vegetation does not exceed 2m in width;
  - vi. Enable necessary flood protection or natural hazard control where undertaken by a Statutory Agency or their nominated contractors or agents on their behalf as part of natural hazard mitigation works;
  - vii. Comply with section 43 of the Fire and Emergency Act 2017; or
  - viii. Enable tangata whenua to exercise hauhake customary harvesting.<sup>30</sup>; or
- b. The trimming or pruning is necessary to maintain sunlight access to residential units and any outdoor living space required by this Plan where ECO-S2 is complied with.<sup>31</sup>

<sup>18</sup> Ryan Family Trust [138.4], Lee and Andrew Shippam [212.1], Grant Abdee [238.7] and Frances McNamara [259.4, 259.5]

<sup>19</sup> Correction of minor error under clause 16

<sup>20</sup> TROTR [264.89] – see Part A s42A overview report

<sup>21</sup> Porirua City [11.40, 11.41]

<sup>22</sup> GWRC [137.73, 137.54, 137.55, 137.53], DOC [126.19], Forest and Bird [225.168], and QEII [216.30]

<sup>23</sup> Ibid

<sup>24</sup> GWRC [137.73, 137.54, 137.55, 137.53], DOC [126.19], Forest and Bird [225.168], and QEII [216.30]

<sup>25</sup> Ryan Family Trust [138.4], Lee and Andrew Shippam [212.1], Grant Abdee [238.7] and Frances McNamara [259.4]

<sup>26</sup> GWRC [137.73, 137.54, 137.55, 137.53], DOC [126.19], Forest and Bird [225.168], and QEII [216.30]

<sup>27</sup> Grant Abdee [238.2]

<sup>28</sup> Ryan Family Trust [138.4], Lee and Andrew Shippam [212.1], Grant Abdee [238.7] and Frances McNamara [259.4]

<sup>29</sup> Porirua City Council [11.42]

<sup>30</sup> TROTR [264.89] – see Part A s42A overview report

<sup>31</sup> Ryan Family Trust [138.4], Lee and Andrew Shippam [212.1], Grant Abdee [238.7] and Frances McNamara [259.4]

(...)

- **Add** a new standard ECO-S2 as outlined in Appendix A.

#### ECO-S2<sup>32</sup>

#### Trimming or pruning to maintain sunlight access

1. All trimming or pruning must be undertaken to a growth point or branch union and in accordance with the New Zealand Arboricultural Association Incorporated Best Practice Guideline 'Amenity Tree Pruning' Version 3 dated April 2011 to avoid irreversible damage to the health of the tree.
2. The works must be undertaken or supervised by a works arborist.
3. Porirua City Council is notified prior to works commencing.

#### Matters of discretion are restricted to:

1. The extent to which the trimming or removal of indigenous vegetation avoids the loss, damage or disruption to the ecological processes, functions and integrity of the Significant Natural Area; and
2. The effect of the vegetation removal on indigenous biodiversity values.

184. I recommend that the submissions from Ryan Family Trust [138.4], Lee and Andrew Shippam [212.1], Grant Abdee [238.7] and Frances McNamara [259.4], be **accepted**.
185. I recommend that the submission from Frances McNamara [259.5], be **accepted in part**.
186. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

### 3.17 Non-endemic vegetation removal

#### 3.17.1 Matters raised by submitters

187. Robyn Smith [168.72] seeks the amendment of ECO-R1 to include the removal of indigenous, but non-endemic, vegetation for any reason. Examples are given including species such as karaka (*Corynocarpus laevigatus*) and karo (*Pittosporum crassifolium*) "which [are] dominating many reserves in Porirua, causing these reserves to lose their natural character and diversity".

#### 3.17.2 Assessment

188. ECO-R3 provides for restoration and maintenance of SNA, including removal of pest plants, and carrying out activities in accordance with a Reserve Management Plan.
189. For example, the Whitireia Park Management Plan<sup>33</sup> was developed under the Reserves Act 1977. This plan specifically allows for the removal of non-local native plants such as karo, karaka

<sup>32</sup> Ryan Family Trust [138.4], Lee and Andrew Shippam [212.1] Grant Abdee [238.7] and Frances McNamara [259.4, 259.5]

<sup>33</sup> Whitireia Park Board (2015) Whitireia Park Management Plan

and pohutukawa within the park (see Policy 10 on page 36). Removal of these species would therefore be a permitted activity under ECO-R3 in this reserve.

190. Otherwise, removal of non-endemic indigenous species would require a consent under ECO-R1-2. I consider that this is appropriate as some of these species have ecological value for individual SNA, and it is appropriate that the effects management hierarchy is applied.
191. Furthermore, Ngāti Toa provided advice during development of the SNA provisions that some non-endemic indigenous plants could potentially have cultural value. Some species were specifically planted by Māori as resources, such as karaka.

### 3.17.3 Recommendations

192. I recommend that the submissions from Robyn Smith [168.72], be **accepted in part**.

## 3.18 Non-indigenous vegetation removal

### 3.18.1 Matters raised by submitters

193. GWRC [137.53, 137.54, 137.55, 137.73], DOC [126.19], Forest and Bird [225.168], and QEII [216.30] seek that the same rules apply for indigenous and non-indigenous vegetation removal i.e. the term used through the chapter 'indigenous vegetation' is changed to 'vegetation'.
194. DOC also seeks that the:

*Rule needs to be more specific to recognise that in SNA's classified for values relating to fauna that exotic species may be providing significant habitat. Suggest removal of low value exotic vegetation is enabled by ECO-R3.*

### 3.18.2 Assessment

195. In their expert evidence, Wildlands outline their agreement with these submitters regarding the value of non-indigenous vegetation to indigenous fauna, and the potential adverse effects when it is removed. Examples given include long-tailed bats (which have a conservation status of Threatened – Nationally Critical) roosting in exotic trees such as pine, willow and eucalyptus; skink species residing in rank exotic grassland.
196. Wildlands considers that removal of larger exotic trees has a higher propensity to impact these species, and therefore they recommend a considered approach to the removal of non-indigenous vegetation in SNAs including:
- Requiring removal of exotic trees over 8 metres in height or 50 centimetres in diameter to be a permitted activity subject to standards requiring these are ring-barked or poisoned rather than mechanically removed; and
  - No more than 100m<sup>2</sup> of woody non-indigenous vegetation that exceeds this size threshold in is removed in any 12-month period.



197. I accept the advice provided by Wildlands, and agree with submitters that the chapter should manage the clearance of non-indigenous vegetation. I consider that this would be best achieved not by deleting ECO-R2, but by amending it to set a permitted activity standard for clearance of non-indigenous vegetation in line with the advice provided by Wildlands and add an escalation to restricted activity status with ECO-P2 and ECO-P4 forming matters of discretion.
198. I consider that references to 'indigenous vegetation' elsewhere in the chapter should generally be amended to 'vegetation', except for policies related to restoration including ECO-P7 and ECO-P3.

### 3.18.3 Recommendations

199. I recommend for the reasons given in the assessment, that the Hearings Panel:

- **Amend** ECO-R2 as follows and as outlined in Appendix A:

ECO-R2	Removal of non-indigenous (exotic) vegetation within a Significant Natural Area
All zones	<p>1. Activity status: <b>Permitted</b></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> <li><u>The vegetation is a pest plant;</u></li> <li><u>Any trees over 8m in height or over 500mm measured at diameter breast height are controlled by either ring-barking or poisoning methods; and</u></li> <li><u>No more than 100m<sup>2</sup> of trees that exceed this size threshold is removed in any 12-month period.</u></li> </ol> <p>2. Activity status: <b>Restricted discretionary</b></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> <li><u>Compliance is not achieved with ECO-R2-1.a, ECO-R2-1.b, or ECO-R2-1.c.</u></li> </ol> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>The matters in ECO-P2; and</u></li> <li><u>The matters in ECO-P4.</u></li> </ol> <p><u>Section 88 information requirements for applications:</u></p> <ol style="list-style-type: none"> <li><u>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> <ol style="list-style-type: none"> <li><u>Identifying the biodiversity values and potential impacts from the proposal; and</u></li> <li><u>Demonstrating that the ECO-P2 hierarchy has been applied.<sup>34</sup></u></li> </ol> </li> </ol>

- **Make** consequential changes throughout chapter to amend the term 'indigenous vegetation' to 'vegetation'.

200. I recommend that the submissions from GWRC [137.53, 137.54, 137.55, 137.73], DOC [126.19], Forest and Bird [225.168], and QEII [216.30], be **accepted in part**.

<sup>34</sup> GWRC [137.53, 137.54, 137.55, 137.73], DOC [126.19], Forest and Bird [225.168], and QEII [216.30]

201. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

### 3.19 Effects management hierarchy

#### 3.19.1 Matters raised by submitters

202. Two submitters seek changes to the effects management hierarchy. Ian and Helen Gear [193.5] seek an amendment of policy approach in relation to offsetting to “embrace the concept of a gross SNA coverage over the city”, and to not require landowners with existing SNAs to offset changes within their property.
203. Forest and Bird [225.36] seeks “clear policy direction for adverse effects that are to be avoided”, and [225.254] removal of the concept of biodiversity compensation altogether. They state that they have:

*Significant concerns with the offset and compensation approaches proposed. There are no real limits to ensure the protection of SNAs. Both offsetting and compensation are a step beyond avoid, remedy and mitigate. Offsetting does not necessarily protect as the adverse effects on the matter to be offset have not been avoided, remedied or mitigated. Compensation does not protect the values to be lost or even replace with like for like. This is not appropriate for the significant values to be protected in SNAs. Some adverse effects are not appropriate to be offset and definitely not for compensation. Seeking clear policy direction for adverse effects that are to be avoided to ensure the protection of SNAs.*

#### 3.19.2 Assessment

204. In regard to the submission from Forest and Bird, as outlined in 3.25.2, I consider additional wording is needed as a first step within ECO-P2 to give policy direction about what effects are to be avoided altogether, before the “avoid where possible” step.
205. I do not agree with the latter point raised by the submitter. I consider that the PDP approach to offsetting and compensation gives effect to national and regional policy, and is in line with national best practice.
206. The PDP approach towards the effects management hierarchy is consistent with the NPS-FM (Clause 3.21), the Draft NPS-IB, and the PNRP (Policy 41). Offsetting and compensation is specifically provided for by RMA ss104, 168 and 171.
207. The effects management hierarchy is an internationally accepted approach to managing biodiversity and is considered to be one of the most important procedural instruments for protecting biodiversity from development impacts
208. The order of the hierarchy is important; it starts with avoidance and finishes with compensation. Compensation is at the bottom as the least preferred option for managing biodiversity effects as it does not provide a ‘like-for-like’ outcome.
209. In regard to the submission from Ian and Helen Gear [193.5], Principle 6 in APP8 outlines the preference for offset action to take place on site, then the relevant catchment, then within the

ecological district. Therefore, offsetting can be undertaken off-site in certain circumstances. I consider that no amendment is required to the policy approach in this regard.

### 3.19.3 Recommendations

210. I recommend for the reasons given in the assessment, that the Hearings Panel:

- **Amend** ECO-P2 to include an additional step in the effects management hierarchy as outlined as follows and in Appendix A.

#### ECO-P2 Protection of Significant Natural Areas

Protect the biodiversity values of Significant Natural Areas identified within SCHED7 – Significant Natural Areas, by requiring subdivision, use and development to:

##### 1. Avoid the following adverse effects on indigenous biodiversity values:

- i. Loss of ecosystem representation and extent;
- ii. Disruption to sequences, mosaics or ecosystem function;
- iii. Fragmentation or loss of buffering or connectivity within the SNA and between other indigenous habitats and ecosystems; and
- iv. A reduction in population size or occupancy of threatened species using the SNA for any part of their life cycle;<sup>35</sup>

1. Avoid other<sup>36</sup> adverse effects on identified indigenous biodiversity values where possible;
2. Minimise other adverse effects on the identified indigenous biodiversity values where avoidance is not possible;
3. Remedy other adverse effects on the identified indigenous biodiversity values where they cannot be avoided or minimised;
4. Only consider biodiversity offsetting for any residual adverse effects that cannot otherwise be avoided, minimised or remedied and where the principles of APP8 – Biodiversity Offsetting are met; and
5. Only consider biodiversity compensation after first considering biodiversity offsetting and where the principles of APP9 – Biodiversity Compensation are met.

211. I recommend that the submissions from Ian and Helen Gear [193.5], Forest and Bird [225.36], be **accepted in part**.

212. I recommend that the submission from Forest and Bird [225.254], be **rejected**.

## 3.20 Non-regulatory methods

### 3.20.1 Matters raised by submitters

213. A number of submissions seek some form of compensation or rates relief for landowners with SNA on their property including Craig Parker [35.2], Pauatahanui Residents Association [74.4], Kristiaan Hendrik Justin Coppieters [113.1, 114.1, 115.1], Adrian and Alyson Douglas [169.1], Caryl Fantham [198.2], Natasha Dasyam [213.1], Paul and Julia Botha [118.3], and Jennifer Giller [152.1]. The latter two specifically seek the administration costs of the provisions be provided through general rates, including costs incurred by landowners for arborists and ecologists.

<sup>35</sup> Forest and Bird [225.36, 225.151], QEII [216.14]

<sup>36</sup> Forest and Bird [225.36, 225.151], QEII [216.14]

214. Lyle and Tracey Davies [10.4], Jennifer Giller [152.2], Ian and Helen Gear [193.7, 193.9], Tiaki and Amanda Pritchard [220.3], and the Judgeford Environmental Protection Society Incorporated [246.6] seek Council support for landowners, including for pest control.
215. Heather Phillips and Donald Love [79.7] seek the PDP be amended to "identify risks to the natural environment and develop policies and rules." They consider that "without effective pest plant management on council lands the SNAs are totally useless."

### **3.20.2 Assessment**

216. Identification and protection of significant natural areas is required by s61 of the RMA, and by policies 23 and 24 of the RPS.
217. As outlined in section 3.4 of this report, I do not agree that the wider base of ratepayers should have to compensate individual landowners through rates remissions or direct compensation where Council is undertaking its statutory planning functions to protect the intrinsic values of these areas. I note that no compensation is contemplated for any other planning matters in the PDP. I have carefully contemplated the application of s85 of the RMA in addition. Having done so, I am of the view that the SNA provisions do not render any land incapable of reasonable use, which reinforces my position that no direct compensation should be payable.
218. However, as outlined earlier in this report, I agree to some extent with those submissions seeking support from Council for landowners for conservation activities, insofar as Council having a broader role to encourage enhancement of these areas through activities such as fencing, planting and pest control under Te Awarua-o-Porirua Harbour and Catchment Strategy and Action Plan<sup>37</sup>. Council has several programmes in this regard, including riparian planting projects, and providing funding to pest free groups around Porirua. Any increase in funding would be a matter for the Long Term Plan, and the expenditure would have to be weighed up against other Council priorities.
219. I agree with Heather Phillips and Donald Love that pest management on land adjacent to SNA is important to support their health. There are no provisions in the PDP which prevent this from occurring.
220. Jennifer Giller specifically seeks establishment of a specific fund to support restoration activities. Again, this would be a matter for the Long Term Plan and the expenditure would have to be weighed up against other Council priorities.

### **3.20.3 Recommendations**

221. I recommend that the submissions from Lyle and Tracey Davies [10.4], Heather Phillips and Donald Love [79.7], Jennifer Giller [152.2], Ian and Helen Gear [193.7, 193.9], Tiaki and Amanda Pritchard [220.3], and the Judgeford Environmental Protection Society Incorporated [246.6] be **accepted in part**.

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<sup>37</sup> Porirua City Council (2015) Te Awarua-o-Porirua Harbour and Catchment Strategy and Action Plan

222. I recommend that the submissions from Craig Parker [35.2], Pauatahanui Residents Association [74.4], Kristiaan Hendrik Justin Coppieters [113.1, 114.1, 115.1], Adrian and Alyson Douglas [169.1], Caryl Fantham [198.2], Natasha Dasyam [213.1], Paul and Julia Botha [118.3], and Jennifer Giller [152.1], be **rejected**.
223. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

### 3.21 Non-regulatory approach rather than regulation

#### 3.21.1 Matters raised by submitters

224. Five submitters seek that the PDP does not regulate significant indigenous biodiversity on private land including: Ryan Family Trust [138.9], Chris Foothead [177.1], Ian and Helen Gear [193.2], Sheryn and David Harpham [201.1], and David Thomson [215.2].

#### 3.21.2 Assessment

225. As is addressed in section 8 of the s32 evaluation report for this topic, identification and protection of significant natural areas is required by s6I of the RMA, and by policies 23 and 24 of the RPS, and has been undertaken in accordance with this national and regional direction.
226. Taking a purely non-regulatory approach would be inconsistent with this national and regional direction.

#### 3.21.3 Recommendations

227. I recommend that the submissions from Ryan Family Trust [138.9], Chris Foothead [177.1], Ian and Helen Gear [193.2], Sheryn and David Harpham [201.1], and David Thomson [215.2], be **rejected**.
228. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

### 3.22 Definitions

#### 3.22.1 Matters raised by submitters

229. Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pauatahanui Inlet [77.1] seeks a new definition of natural environment as follows:

*Natural environment means terrestrial, fresh water and marine ecosystems and their constituent parts, particularly native biota (the animal and plant life of a particular habitat) and related amenity values*

230. Robyn Smith [168.38] seeks a definition of 'natural wetland' with the definition to accord with the definition in the NPS-FM.

231. GWRC [137.5] and Forest and Bird [225.67] and both seek a new definition for 'pest' as follows

*means any species that is:*

- a) A pest or unwanted organism as defined in the Biosecurity Act 1993; or*
- b) Any pest species listed in a relevant site-specific restoration plan or land management plan approved by Porirua City Council. [GWRC]*

*means any species that is:*

- a. A pest or unwanted organism as defined in the Biosecurity Act 1993; or*
- b. Identified as a pest species in a regional pest management plan. [Forest and Bird]*

232. QEII [216.4] and Forest and Bird [225.78] seek a new definition for 'vegetation removal'.

233. GWRC [137.4] seeks that the definition of 'biodiversity compensation' is amended, and

234. Forest and Bird [225.53] seeks that the definition is either deleted or amended as the submitter has:

*Concerns with the inclusion of biodiversity compensation. It provides a consenting pathway for adverse effects to be caused on biodiversity values without those effects actually being addressed. Seek the deletion of the compensation provisions, or alternatively, their improvement. Not clear from the definition that compensation or redress is to be an environmental response. Under the proposed definition redress could include a building or other compensation that has no ecological benefits. Reference should be to APP9 which explains biodiversity compensation, not to the policy which directs how it is to be applied. Any explanation in the definition should be clear that the compensation provides an enhancement of indigenous biodiversity but is not restricted to being like for like to the specific values that will be lost as a result of the development.*

235. Forest and Bird [225.54] seeks amendments to the definition for 'biodiversity offset' as they consider it:

*Does not align with the APP8 framework. A positive outcome as stated in the definition is a different test to that required in the APP8 which is no net loss and preferably a net gain. Key distinction from compensation is that offsetting requires like for like redress. This could be stated in the definition. Reference to the Appendix is the clearest way to define the term.*

236. Kainga Ora [81.143] and Forest and Bird [225.70] seek amendments to the definition of 'Restoration'. The former seeks clarification by amending term to 'indigenous biodiversity restoration' as the term restoration is used elsewhere in the plan in different contexts. The latter seeks that the term 'restore' be used in place of 'rehabilitation' and the addition of to a 'former healthier state'.

237. QEII [216.3] and Forest and Bird [225.73, 225.34] seek an amendment to the definition of 'significant natural area'. The submissions give a similar reasons for amending the definition of significant natural area. QEII considers:

*The scope of the definition needs to be widened to cover all indigenous ecosystems and habitats with significant indigenous biodiversity values, not just those already identified and mapped in SCHED7 of the PDP. Amending this definition as suggested will ensure alignment with Policy 23 of the Wellington Regional Policy Statement.*

### 3.22.2 Assessment

238. I consider a definition is not required for 'natural environment' as the term is not used as part of a provision in the PDP, but rather within headings and introductions. I consider the plain English meaning is sufficient in this context.
239. I disagree a definition is required for 'natural wetland' as this term is not used in the PDP.
240. I agree with submitters with regard to defining 'vegetation removal'. I consider that this term could be misinterpreted if not defined. For example, a landowner could spray or otherwise damage vegetation beyond repair and argue in the PDP that it hasn't been removed. The intent of using this term is to cover all forms of removal whether immediate or delayed.
241. I note that the terms 'vegetation removal' and 'removal of indigenous vegetation' are used interchangeably throughout the chapter, but the latter is used much more frequently. Therefore I consider that the term 'removal of vegetation' should be defined, and I broadly agree with the definitions proposed by the submitters.
242. The table below sets out the various definitions for biodiversity offsetting and compensation in draft and proposed planning documents and proposed by submitters:

**Table 3 Comparisons of definitions for biodiversity offsetting and compensation**

	<b>Definition of 'Biodiversity offsetting'</b>	<b>Definition of 'Biodiversity compensation'</b>
PDP	means a measurable positive environmental outcome resulting from actions designed to redress the residual adverse effects on biodiversity arising from activities after appropriate avoidance, minimisation, and remediation measures have been applied. The goal of a biodiversity offset is to achieve no net loss, and preferably a net gain, of indigenous biodiversity values.	means a commitment to redress residual adverse impacts and must only be contemplated after the mitigation hierarchy steps in ECO-P1 have been demonstrated to have been sequentially exhausted and only after biodiversity offsetting has been implemented.
GWRC [137.4]	N/A	A measurable positive environmental outcome resulting from actions designed to redress the residual adverse effects on biodiversity arising from activities after appropriate avoidance, minimisation, remediation and

		biodiversity offsetting measures have been applied. The goal of biodiversity compensation is to achieve an outcome for indigenous biodiversity values that is disproportionately positive relative to the values lost
F&B [225.53, 225.54]	means a measurable like for like redress of residual adverse effects on biodiversity using the framework set out in APP8	means a commitment to redress residual adverse impacts on biodiversity using the framework set out in APP9
PNRP <sup>38</sup>	A measurable positive environmental outcome resulting from actions designed to redress the residual adverse effects on biodiversity arising from activities after appropriate avoidance, minimisation, and remediation measures have been taken applied. The goal of a biodiversity offsets is to achieve no net loss, and preferably a net gain, of indigenous biodiversity values. The principles to be applied when proposing and considering biodiversity offsets are provided in Schedule G2 (biodiversity offsetting).	Means a measurable positive environmental outcome resulting from actions that are designed to compensate for residual adverse biodiversity effects. The principles to be applied when proposing and considering biodiversity compensation are provided in Schedule G3 (biodiversity compensation).
Draft NPS-IB	means a measurable conservation outcome resulting from actions that comply with the principles in Appendix 3 and are designed to: a) compensate for [more than minor residual] adverse biodiversity effects arising from subdivision, use or development after appropriate avoidance, remediation and mitigation measures have been sequentially applied; and b) achieve a no net loss of and preferably a net gain to, indigenous biodiversity values.	means a conservation outcome resulting from actions that comply with the principles in Appendix 4 and compensate for [more than minor] residual, adverse biodiversity effects from subdivision, use or development after all appropriate avoidance, remediation, mitigation and biodiversity offset measures have been sequentially applied

243. I consider that the PDP definitions for both of these terms should align with the PNRP definition now that this has been finalised by consent order, in line with the RMA requirement to have regard to a regional plan under s74.

<sup>38</sup> Appeal version updated for consent order 1 July 2021



244. I agree with Forest and Bird that it would be useful that both definitions be amended to refer to the appendices which set out the principles, but I do not agree that the definition of 'biodiversity compensation' be deleted for the reasons set out in section 3.19 of this report.
245. I agree with GWRC and Forest and Bird that a definition of pest species would assist plan users and increase the certainty of provisions, including both ECO-R3, and the amendments I recommend to ECO-R2 in relation to non-indigenous vegetation. I agree with Forest and Bird that in addition to the Biosecurity Act, that the definition should specifically refer to the Greater Wellington Regional Pest Management Plan 2019-2039 as this document lists species that are a particular threat to this region. However, these documents do not cover all pest species, so I accept the advice of Wildlands as outlined in their expert evidence to include pest plants listed in Howell, C (2008) Consolidated List of Environmental Weeds in New Zealand, Science & Technical Publishing, New Zealand Department of Conservation.
246. However, I do not agree with the inclusion of criterion (b) suggested by GWRC for "restoration plans", this definition was taken from the Plan Change 18 for Plimmerton Farms. This term has a particular meaning in this plan change as restoration plans are required for subdivision within specific mapped areas, including those identified as Biodiversity Offsetting and Restoration Areas (BORA). Restoration plans are not part of the SNA framework in the PDP, unless required as part of a consent.
247. I consider that the term restoration does not need to be preceded by 'indigenous biodiversity' as requested by Kainga Ora. The term is defined by hyperlinked cross-reference to the correct definition in the PDP to assist users if they have any confusion about its meaning.
248. I agree with Forest and Bird that the term 'restore' is better than 'rehabilitation' as it is used in the RMA. However, I disagree with the addition of the phrase 'former healthier state' as this is ambiguous.
249. I consider that the relief sought in submissions seeking amendments to 'significant natural area' is inappropriate and should be rejected for the reasons outlined in section 3.9 of this report relating to additional SNA that may not have been identified.

### 3.22.3 Recommendations

250. I recommend for the reasons given in the assessment, that the Hearings Panel:
- **Add** definitions for 'pest' and 'removal of vegetation' as follows and as outlined in Appendix A.

<b><u>Pest</u></b> <sup>39</sup>	<p><u>means any species that is:</u></p> <ol style="list-style-type: none"> <li><u>A pest or unwanted organism as defined in the Biosecurity Act 1993,</u></li> <li><u>Listed in the Greater Wellington Regional Pest Management Plan 2019-2039; or</u></li> <li><u>Listed in Howell, C (2008) Consolidated List of Environmental Weeds in New Zealand, Science &amp; Technical Publishing, New Zealand Department of Conservation.</u></li> </ol>
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<sup>39</sup> GWRC [137.5] and Forest and Bird [225.67]

<b>Removal of vegetation</b> <sup>40</sup>	means the removal or destruction of vegetation (exotic or indigenous) by mechanical or chemical means, including felling vegetation, spraying of vegetation by hand or aerial means, hand removal, and the burning, smothering or clearance of vegetation by any other means.
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- **Amend** the definition of 'biodiversity offset', 'biodiversity compensation' and 'restoration' as follows and as outlined in Appendix A.

<b>Biodiversity compensation</b>	<p><del>means a commitment to redress residual adverse impacts and must only be contemplated after the mitigation hierarchy steps in ECO-P1 have been demonstrated to have been sequentially exhausted and only after biodiversity offsetting has been implemented.</del></p> <p><u>Means a measurable positive environmental outcome resulting from actions that are designed to compensate for residual adverse biodiversity effects. The principles to be applied when proposing and considering biodiversity compensation are provided in APP9 – Biodiversity Compensation.</u><sup>41</sup></p>
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<b>Biodiversity offset</b>	<p><del>means a measurable positive environmental outcome resulting from actions designed to redress the residual adverse effects on biodiversity arising from activities after appropriate avoidance, minimisation, and remediation measures have been applied. The goal of a biodiversity offset is to achieve no net loss, and preferably a net gain, of indigenous biodiversity values.</del></p> <p><u>Means a measurable positive environmental outcome resulting from actions designed to redress the residual adverse effects on biodiversity arising from activities after appropriate avoidance, minimisation, and remediation measures have been taken applied. The goal of a biodiversity offsets is to achieve no net loss, and preferably a net gain, of indigenous biodiversity values. The principles to be applied when proposing and considering biodiversity offsets are provided in APP 8 – Biodiversity offsetting.</u><sup>42</sup></p>
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<b>Restoration</b>	means the <u>restoration</u> <del>rehabilitation</del> <sup>43</sup> of sites, habitats or ecosystems to support indigenous flora and fauna, ecosystem functions and natural processes that would naturally occur in the ecosystem and locality.
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251. I recommend that the submissions from GWRC [137.4, 137.5], QEII [216.4] Forest and Bird [225.53, 255.54, 225.67, 225.70, 225.78] be **accepted in part**.
252. I recommend that the submissions from Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pauatahanui Inlet [77.1], Kainga Ora [81.143], Robyn Smith [168.38], QEII [216.3] and Forest and Bird [225.34, 225.73], be **rejected**.
253. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

<sup>40</sup> QEII [216.4], Forest and Bird [225.78]

<sup>41</sup> GWRC [137.4], Forest and Bird [225.53]

<sup>42</sup> Forest and Bird [225.54]

<sup>43</sup> Forest and Bird [225.70]

### 3.23 Introduction

#### 3.23.1 Matters raised by submitters

254. Forest and Bird [225.145] seek a number of changes to the Introduction as outlined in Appendix B.

#### 3.23.2 Assessment

255. The submission from Forest and Bird offers useful wording amendments, but the bulk of the changes they request are based on their assertion that there are “missing” SNA.
256. This issue is addressed in section 3.9 where I conclude that there is no evidence that there are any areas that meet the criteria set out in Policy 23 of the RPS that have been missed.
257. I also do not agree the substantial amendments to the first paragraph are required. I am unsure what specific conflicts the submitter is referring to, but if multiple provisions are triggered they would all need to be assessed by the decision maker and the most stringent activity status would apply.

#### 3.23.3 Recommendations

258. I recommend for the reasons given in the assessment, that the Hearings Panel:

- **Amend** the introduction as flows and as outlined in Appendix A.

The Ecosystems and Indigenous Biodiversity chapter comprises identified areas of Significant Natural Areas (“SNAs”). ~~This is a~~ ~~These are~~ district-wide ~~overlay~~ ~~Overlays~~ which ~~apply~~ ~~applies~~ within all zones<sup>44</sup>. ~~SNAs have been identified in accordance with the criteria within Policy 23 of the Regional Policy Statement for the Wellington Region.~~<sup>45</sup>

The objectives, policies and rules provide the framework for managing the effects of activities on significant indigenous biodiversity values ~~maintaining and where appropriate enhancing indigenous biodiversity~~ within the ~~District City~~<sup>46</sup>. The rules recognise some activities can occur with limited impacts on the value of SNAs and as such these are provided for as permitted activities. Other activities could result in a greater level of adverse effect and require assessment against the values of the relevant SNA.

The SNAs that are covered by this chapter are contained in SCHED7 – Significant Natural Areas. Where the SNA is in an urban environment allotment as defined under s76(4C) of the RMA, further detail of the SNA is set out in SCHED8 – Urban Environment Allotments.

[The National Policy Statement on Freshwater Management 2020, the National Environmental Standard for Fresh Water 2020 and the Proposed Natural Resources Plan for the Wellington Region contain specific requirements in respect of natural wetlands.](#)

<sup>44</sup> Forest and Bird [225.145]

<sup>45</sup> Kāinga Ora [81.430]

<sup>46</sup> Forest and Bird [225.145]

Under the National Policy Statement for Freshwater Management 2020, the GWRC must:

1. identify and map natural inland wetlands; and
2. must include a policy and rule framework to avoid the loss of extent of natural inland wetlands, protect their values and promote their restoration.

The National Environmental Standard for Freshwater 2020 contains regulations applying to activities within and near natural wetlands. The Proposed Natural Resources Plan for the Wellington Region contains objectives, policies and rules relating to natural wetlands. Resource consent may be required from the Regional Council for activities within and near wetlands.<sup>47</sup>

259. I recommend that the submission from Forest and Bird [225.145], be **accepted in part**.
260. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

## 3.24 Objectives

### 3.24.1 New objectives

#### 3.24.1.1 Matters raised by submitters

261. The Forest and Bird [225.147, 225.148] seeks two new objectives

*Subdivision, use and development is managed to ensure the ecological function and protective buffering of hydrological and ecological systems are maintained and restored. [225.147]; and*

*The District's indigenous biodiversity is maintained and enhanced. [225.148]*

262. Forest and Bird [225.147] considers the first objective is required as:

*The chapter fails to consider effects of activities within the Council's functions on ecological values beyond SNAs. This is inconsistent with the NPSFM and does not provide for councils integrated management functions.*

#### 3.24.1.2 Assessment

263. As outlined in section 3.14, the NPS-FM, NES-FW and PNRP are the appropriate documents to manage the effects of activities on wetlands as receiving environments. Chapter 5 of the PNRP manages discharges to land where it may enter water, including livestock access to waterbodies and animal effluent, as well as the discharge of contaminants such as nutrients, sediment, wastewater and stormwater.
264. I consider that this objective does not assist in achieving the purpose of the RMA, as they relate to Council's functions under s31 of the RMA.
265. In regard to the second requested objective, I consider that this is addressed by the addition of a new objective at the strategic level rather than within the ECO chapter which is focused on

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<sup>47</sup> Porirua City Council [11.39]

SNA (see Part B s42A Report for Strategic Directions – Natural Environment and related submissions).

### 3.24.1.3 Recommendations

266. I recommend that the submission from Forest and Bird [225.147, 225.148], be **rejected**.
267. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

### 3.24.2 Objective ECO-O1 – Significant Natural Areas<sup>48</sup>

#### 3.24.2.1 Matters raised by submitters

268. Jeremy Collyns [26.1] seeks a minor change to amend the objective so “the restored part is amended to restored removing the part where appropriate”, the submitter considers:

*...there is nothing in the rules stopping a landowner with an SNA from fencing it and grazing it with stock including goats until the biodiversity is lost*

#### 3.24.2.2 Assessment

269. Landowners in the Rural Zone have existing use rights under s10 of the RMA, and as such they cannot be compelled to fence off these areas through the PDP. However, there is opportunity through any proposed use, development or subdivision to apply the effects management hierarchy and require restoration. In this sense, use of the term “where appropriate” is appropriate.
270. I consider that ECO-O1 should remain as notified, subject to amendments made in response to other submissions.

#### 3.24.2.3 Recommendations

271. I recommend that the submission from Jeremy Collyns [26.1], be **rejected**.

### 3.24.3 Objective ECO-O2 – Plantation Forestry

#### 3.24.3.1 Matters raised by submitters

272. DOC [126.9] seeks changes to ECO-O2 to list adverse effects of forests as well as forestry activities.

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<sup>48</sup> Note that other changes sought to ECO-O1 are addressed in section 3.10 of this report including the removal of the qualified “identified values”

273. QEII [216.17] and Forest and Bird [225.149] seek deletion of the objective altogether. The latter says in their submission:

*Supports the intent of this objective. It is not appropriate to set the objective out as if it is for plantation forestry. This is not a plantation forestry chapter. Considers that the direction in this objective should be captured within the policies.*

### 3.24.3.2 Assessment

274. In regard to the submission from DOC, I consider that there are too many potential adverse effects to be exhaustively listed in this objective. Furthermore, listing a subset will not enhance the intent of the objective where all adverse effects need to be considered through the effects management hierarchy.
275. The s6(2) of the NES-PF provides for district plans to be more stringent than the NES in relation to SNA. As outlined in the s32 report, the effect of new forestry within an SNA would be significant given the scope of land disturbance at planting and harvesting times. The PDP is therefore more stringent than the NES-PF in relation to this activity within SNA. It is appropriate that there is a line of sight for plan users and decision makers from objectives through to rules (in this case through ECO-O2, ECO-P8, ECO-P9 and ECO-R8).
276. I consider that ECO-O2 should remain as notified, subject to amendments made in response to other submissions.

### 3.24.3.3 Recommendations

277. I recommend that the submissions from DOC [126.9], QEII [216.17], Forest and Bird [225.149], be **rejected**.
278. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

## 3.25 Policies

### 3.25.1 New Policy

#### 3.25.1.1 Matters raised by submitters

279. Forest and Bird [225.153] seeks a new policy:

Information Collection:

To gather and record information on the Districts biodiversity resources and the effects of activities, pests and climate change on indigenous ecosystems to assist with the sustainable management of the resource and the ongoing development and implementation of appropriate management regimes.

### 3.25.1.2 Assessment

280. I consider that this requested addition reads as a non-regulatory method not a policy. Regardless, I think neither a policy or method is required, as monitoring of biodiversity is provided for in the monitoring strategy outlined in the s32 evaluation report for this topic, and will be done in accordance with s35 of the RMA.

### 3.25.1.3 Recommendations

281. I recommend that the submission from Forest and Bird [225.153], be **rejected**.

282. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

## 3.25.2 Policy ECO-P2 – Protection of Significant Natural Areas

### 3.25.2.1 Matters raised by submitters

283. QEII [216.19] seeks that ECO-P2 clause 5 relating to biodiversity compensation be removed entirely.

284. Forest and Bird [225.151] seeks that the policy be rewritten in its entirety as outlined in Appendix B.

285. Robyn Smith [168.65, 168.66] seeks the removal of the qualifier “where possible”. The submitter also seeks ECO-P2 be amended to

*...provide for the avoidance required by Policy 39 of the pNRP as far as it relates to Taupō Swamp Complex and Te Awarua o Porirua Harbour, and in the case of all other SNAs provide the protection required by section 61 of the RMA.*

### 3.25.2.2 Assessment

286. Of the three submissions seeking amendment, the submission from Forest and Bird is the most extensive in that they have rewritten the policy entirely. It appears as if the submitter's policy is a combination of:

- NZCPS Policy 11 (Clause 1(a) and 1 (b) in the submitter's policy)
- PNRP Policy 39A (Clause 1(a) in the submitter's policy)
- NPS-IB clause 3.9 (Clause 2(a) in the submitter's policy)
- 2(b) to 2(d) in the submitter's policy has possibly been drafted by the submitter.

287. The wording proposed by the submitter in 1(a) is from the NZCPS Policy 11, and this is addressed by ECO-P12 which is consistent with the NZCPS.

288. I consider that the proposed wording of ECO-P2 as notified is:

- consistent with the effects management hierarchy as set out in the NPS-FM (clause 3.21)

- largely consistent with PNRP Policy P41 (the difference being that it uses some different terminology e.g. “avoid more than minor adverse effects”)
  - largely consistent with effects management hierarchy in Proposed NPS-IB (the difference being that it does not seek avoid adverse effects on matters listed NPS-IB clause 3.9(1)(a) i to iv)
289. I consider that the latter is a gap that needs to be addressed. Avoid adverse effects on matters listed in clause 3.9(1)(a) i to iv of the Proposed NPS-IB could be added to the policy. This would also better align with ECOPFZ-P5-1 from PC18.
290. I consider that the wording proposed by the submitter in 2(a) should be adopted to be consistent with the Proposed NPS-IB. Nothing that it is possible that the wording will change in the gazetted version of the NPS-IB, and this policy will need to be reviewed through a wider plan change to give effect to the NPS-IB.
291. However, I consider that the wording in Clause 2(b) to 2(d) of the submitter's policy is inconsistent with Proposed NPS-IB clause 3.9(1)(b) which states that the effects management hierarchy should be applied to all other effects not listed in Clause 3.9(1)(a) i to iv.
292. In regard to the submission from Robyn Smith, I consider that the qualifier “where possible” should not be removed, as the effects management hierarchy would not be a hierarchy if all adverse effects were to be avoided. An assessment of effects could not get past the first step in the hierarchy. Furthermore, use of the qualifier “where possible” is consistent with the effects management hierarchy in the Proposed NPS-IB (as defined in clause 1.8), as well as the NPS-FM Clause 3.21(1)(a) (although the term “where practicable” is used).
293. Te Awarua o Porirua Harbour is outside PCC's jurisdiction and is not identified as an SNA. Effects of activities within the CMA, or on land where it will impact the harbour is a regional council function under s30 of the RMA. While Taupo Swamp is mapped as an SNA, as it is a wetland complex it is almost entirely regulated under the PNRP and NES-FW, including both activities within the wetland, and activities on adjacent land that may impact the wetland (note commentary in section 3.7 on the regulation of wetlands).
294. I consider that the submitter's requested amendments should be rejected for these reasons.
295. In regard to the submission from QEII, I consider that providing for biodiversity compensation is consistent with NPS-FM, Proposed NPS-IB, PNRP and national best practice. Offsetting and compensation is provided for by RMA ss104, 168 and 171. I have addressed the removal of the qualifier “identified” in section 3.10 of this report.

### 3.25.2.3 Recommendations

296. I recommend that the submissions from KiwiRail [86.47], Transpower [60.71], DOC [126.11], and Forest and Bird [225.151], and QEII [216.19] be **accepted in part**<sup>49</sup>.

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<sup>49</sup> I consider these submissions should be accepted in part as I recommend ECO-P2 be amended as recommended in sections section 3.6, 3.10 and 3.19 of this report.



297. I recommend that the submission from Robyn Smith [168.65, 168.66], be **rejected**.
298. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

### **3.25.3 Policy ECO-P3 – Appropriate use and development in Significant Natural Areas**

#### *3.25.3.1 Matters raised by submitters*

299. Four submitters seek amendments to the policy: Jeremy Collyns [30.1], DOC [126.12], QEII [216.20], and Forest and Bird [225.154].

300. Jeremy Collyns [30.1] seeks ECO-P3 be amended to:

*recognise that QEII convented areas are already covered by their own set of conditions and these will become the conditions under which they are managed under this policy.*

301. DOC [126.12] seeks that the term “including” at the end of the chapeau be amended to “limited to”.

302. Forest and Bird [225.154] and QEII [216.20] both seek the same change to the chapeau as follows:

*Consider allowing for ~~Enable~~ **Enable** vegetation removal within SCHED7 – Significant Natural Areas SNAs for the following activities where the vegetation removal ~~where it is of a scale and nature that maintains the identified~~ biodiversity values including:*

#### *3.25.3.2 Assessment*

303. I consider that the addition sought by Jeremy Collyns [30.1] is unnecessary. This issue is already covered by ECO-P3(3), and ECO-R3 which permits restoration activities in accordance with a registered protective covenant.

304. In regard to the submission from DOC [126.12], I consider that “including” is a better term than “limited to” in this context as this list is not exhaustive, the rules provide an exhaustive list of permitted activities in line with ECO-P3.

305. In regards to the submissions from Forest and Bird [225.154] and QEII [216.20], I have addressed the removal of the qualifier “identified” in section 3.10 of this report. Otherwise I consider the other changes are unnecessary. The term “enable” is appropriate as it is linked to permitted activity standards in ECO-R1 and ECO-R3. These activities are permitted as they provide for the reasonable maintenance of buildings and infrastructure, for customary practices, and for conservation.

306. I consider that it is also appropriate to reference SCHED7 for the reasons outlined in section 3.9 of this report. I also consider that the repetition of term “vegetation removal” in the requested amendments is not in line with concise policy drafting.

### 3.25.3.3 Recommendations

307. I recommend that the submissions from Forest and Bird [225.154] and QEII [216.20], be **accepted in part**<sup>50</sup>.
308. I recommend that the submission from Jeremy Collyns [30.1] and DOC [126.12] be **rejected**.
309. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

### 3.25.4 Policy ECO-P4 – Other subdivision, use and development in Significant Natural Areas

#### 3.25.4.1 Matters raised by submitters

310. Transpower [60.73] seeks the policy be amended by deleting clause (a), the submitter states that they are not opposed to the general nature of the policy, but opposes the directive nature of criterion 'a.', given the requirement for an ecological assessment would apply to any resource consent application regardless of scale.
311. Forest and Bird [225.155] and QEII [216.21] seek the policy be deleted in its entirety. DOC [126.13] seeks either the policy be deleted, or its relationship with ECO-P2 be clarified.
312. These submitters list several reasons including that it potentially undermines ECO-P2 by starting at "minimising" when the effects management hierarchy requires avoidance as a first step. They generally see it being too enabling, and not protective enough of biodiversity values.
313. Hamish Tunley [52.2] opposes the policy and seeks that: "If future development was to take place put some parameters around this, e.g subdivide into more than two lots."

#### 3.25.4.2 Assessment

314. In regards to Transpower [60.73], I consider that it is appropriate that an ecological assessment is required for any activity that requires resource consent, as activities outside the permitted baseline potentially have more than minor adverse effects that need to be managed following expert ecological advice.
315. However, I consider that criterion 'a.' is unnecessary. It duplicates ECO-P2, as well as s88 requirements that are detailed under most rules that require resource consent. Therefore I recommend that this submission be accepted and criterion 'a.' deleted.
316. I agree with Forest and Bird [225.155], QEII [216.21], and DOC [126.13] to a certain extent, in that criteria 'e.' through 'g.' of ECO-P4 duplicate the requirements of ECO-P2 and should be deleted. However, I consider that 'b' through 'd' should be retained as these provide additional guidance to plan-users on appropriate subdivision, use and development.

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<sup>50</sup> I agree with the removal of the qualifier "identified" as outlined in section 3.10 of this report.

317. In regard to the submission from Hamish Tunley [52.2], I consider that no changes to the policy are necessary. All subdivision of lots containing an SNA is a restricted discretionary activity under SUB-R12. The overall policy framework of the PDP does not limit the number of lots for subdivision for sites with an SNA. This policy addresses the issue by requiring consideration of future building platforms and accessways before the new allotment design and areas are finalised.

#### 3.25.4.3 Recommendations

318. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** ECO-P4 by deleting criterion 'a.' and criteria 'e.' through 'g.' as follows and as outlined in Appendix A.

#### **ECO-P4 Other subdivision, use and development in Significant Natural Areas**

Only allow subdivision, use and development in Significant Natural Areas listed in SCHED7 – Significant Natural Areas where it:

1. Applies the effects management hierarchy approach in ECO-P2; and
2. Can demonstrate that it is appropriate by taking into account:
  - a. ~~The findings of an ecological assessment from a suitably qualified and experienced ecologist that determines the significance of the indigenous biodiversity values and the impact of the activity on the identified values in order to support the application of the effects management hierarchy in ECO-P2;~~<sup>51</sup>
  - b. The provision of any protective covenants of the Significant Natural Area as part of the subdivision, use or development;
  - c. Whether the fragmentation of the Significant Natural Area is minimised, including connectivity with other Significant Natural Areas;
  - d. The extent to which building platforms and vehicle accessways are proposed to locate outside the Significant Natural Area;
  - e. ~~The extent to which the trimming or removal of indigenous vegetation avoids the loss, damage or disruption to the ecological processes, functions and integrity of the Significant Natural Area;~~
  - f. ~~The extent to which earthworks are minimised within Significant Natural Areas; and~~
  - g. ~~The potential cumulative effects of activities and the extent to which any adverse effect on the values of the Significant Natural Area are minimised.~~<sup>52</sup>

319. I recommend that the submission from Transpower [60.73], be **accepted**.

320. I recommend that the submissions from Forest and Bird [225.155], QEII [216.21] and DOC [126.13], be **accepted in part**.

321. I recommend that the submission from Hamish Tunley [52.2], be **rejected**.

322. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

<sup>51</sup> Transpower [60.73]

<sup>52</sup> Forest and Bird [225.155], QEII [216.21], DOC [126.13]

### **3.25.5 Policy ECO-P5 – Protection of wetlands**

#### *3.25.5.1 Matters raised by submitters*

323. QEII [216.22] seeks widening of the scope of the policy to all natural wetlands “including those identified as SNAs”. They also seek inclusion of an advice note for readers clarifying the identification and management of natural wetlands is a regional council function.
324. Forest and Bird [225.156] seek a number of changes, as well as the addition of a new policy for integrated management of wetlands.

#### *3.25.5.2 Assessment*

325. In regards to the submission from QEII [216.22], I agree with inclusion of an advice note as outlined in section 3.23 of this report, but disagree with widening the scope of the policy to wetlands for the reasons listed in section 3.7 of this report.
326. I consider that another policy relating to integrated management of wetlands is unnecessary, as is the removal of reference to ECO-P7 from this policy. I consider that the approach towards wetlands in this chapter strikes a balance between jurisdictional issues and integrated management of wetlands as outlined in section 3.7 of this report. I also consider removal of reference to SCHED7 is inappropriate as outlined in section 3.9 of this report.

#### *3.25.5.3 Recommendations*

327. I recommend that the submissions from Forest and Bird [225.156], and QEII [216.22], be **accepted in part**.
328. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

### **3.25.6 Policy ECO-P6 – Development of existing vacant lots**

#### *3.25.6.1 Matters raised by submitters*

329. QEII [216.23] and Forest and Bird [225.158] seek that ECO-P6 be deleted in its entirety.
330. The submitters consider there is sufficient policy guidance for assessing effects of activities on SNA, including ECO-P2.
331. Forest and Bird [225.158] also state that they are:

*Concerned with the approach where by the “highest” values are protected when there is no direction from higher order documents to support such an approach.*

#### *3.25.6.2 Assessment*

332. As outlined in the s32 evaluation, I consider that this policy and the associated controlled activity rule appropriately provides for the development of a small number of residentially

zoned lots in the City that are vacant. Ensuring that every existing residentially zoned allotment is able to be used for residential purposes is necessary to provide for reasonable use as per s85 of the RMA.

333. I agree that avoiding adverse effects on the “highest identified biodiversity values” is inconsistent with the effects management hierarchy and should be removed. The first step of hierarchy is to avoid adverse effects where possible. Avoiding effects on the most significant elements of an SNA is inherent in this assessment and these areas will be identified by ecologists for complete protection under the s88 reporting requirement. The residual effects will be addressed by the remaining steps of the hierarchy.

### 3.25.6.3 Recommendations

334. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** ECO-P6 to remove ECO-P6-2 as follows and as outlined in Appendix A:

#### ECO-P6 Development of existing vacant lots

Provide for the development of existing vacant, serviced residential lots established prior to August 2020 where there is no suitable building platform available outside of a Significant Natural Area identified in SCHED7 – Significant Natural Areas, having regard to:

1. The location of the building platform and the extent of associated vegetation removal;
2. ~~The avoidance of adverse effects on the highest identified biodiversity values in SCHED7 – Significant Natural Areas;~~<sup>53</sup>
3. The location of the access or driveway to the building platform to reduce further loss of vegetation or fragmentation of the Significant Natural Area; and
4. The location of lateral service connections to public wastewater, sewer and water supply network, electricity and telephone cables.

335. I recommend that the submission from Forest and Bird [225.158], be **accepted in part**.

336. I recommend that the submission from QEII [216.23], be **rejected**.

### 3.25.7 Policy ECO-P7 – Protection and restoration initiatives

#### 3.25.7.1 Matters raised by submitters

337. Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pauatahanui Inlet [77.12] seeks ECO-P7 be amended by addition of “especially riparian areas and wetlands, including contributing seeps to wetlands.” At the end of the policy.
338. QEII [216.24] and Forest and Bird [225.159] seek that ECO-P7 be deleted in its entirety and replaced by several new policies related to restoration initiatives. The new policies are outlined in Table B1.

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<sup>53</sup> Forest and Bird [225.158]

### 3.25.7.2 Assessment

339. I consider that the amendment requested by Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pauatahanui Inlet [77.12] improves the policy, as it focusses on the areas where restoration activities are most critical in the catchment: riparian areas and in and around wetlands<sup>54</sup>. This would give useful guidance to plan-users on priority areas for restoration, without limiting it to these areas. Although the PDP does not regulate activities in wetlands, many SNA in SCHED7 have wetlands within them, and these often have some of the highest biodiversity value being an ecosystem type that has become uncommon due to human activity<sup>55</sup>.
340. I agree that this policy should be broadened out to be more specific and directive as suggested by the submitters. It could also be better aligned with ECO-O1 and ECO-R3. I consider that this could be achieved more concisely through amending this policy rather than creating three sperate restoration policies.
341. I consider that the submitters' suggested additions for policies related to planting and pest control could be included within ECO-P7, this would give a better policy "line of sight" to the matters outlined in ECO-R3. I consider the terminology "restoration and maintenance" should be used instead of "protection and restoration". ECO-P2 focusses on protection, where this policy should focus on restoration and maintenance similar to ECO-R3.
342. I do not agree with the additional policies suggested by the submitters titled "other legislation" and "biodiversity restoration initiatives". I consider the former is inappropriate, and the latter is unnecessary. With the exception of QEII covenants, I am unsure what is meant by "use, and promote the use of" any other legislation in a District Plan context. Policy ECO-P4 already references protective covenants as a tool that can be used in addition to ECO-P2. These need to be entered into voluntarily by the landowners and QEII. As outlined earlier in the report, they are an important tool in biodiversity protection and restoration on private land.
343. ECO-R3 does reference other legislation including the Reserves Act 1977 and the Conservation Act 1987. The purpose of this is not to "promote the use" of them, as they have their own statutory purposes and drivers. Rather, the purpose of referencing them is to align with them, and not be inconsistent or in conflict with them.
344. The requested policy "biodiversity restoration initiatives" simply lists a range of indigenous habitats. While I do not disagree that these habitats should be restored and enhanced, it would lengthen the chapter without adding any particular value.

### 3.25.7.3 Recommendations

345. I recommend for the reasons given in the assessment, that the Hearings Panel:

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<sup>54</sup> Porirua City Council (2015) Harbour Strategy and Action Plan

<sup>55</sup> Statement of National Priorities for Protecting rare and Threatened Species on Private Land, Department of Conservation (2007)

- Amend ECO-P7 as outlined below and in Appendix A.

#### ECO-P7 ~~Protection and restoration~~ **Restoration and maintenance**<sup>56</sup> initiatives

Encourage the ~~protection and~~ restoration ~~and maintenance~~<sup>57</sup> of indigenous biodiversity, especially riparian areas and wetlands and their seeps<sup>58</sup>, by:

1. supporting initiatives by landowners, community groups and others to protect, restore and maintain areas of indigenous vegetation;
2. promoting the use of locally sourced indigenous vegetation as part of any restorative planting, and
3. promoting best practice pest animal and plant control.<sup>59</sup>

346. I recommend that the submission from Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pauatahanui Inlet [77.12], be **accepted**.

347. I recommend that the submissions from QEII [216.24] and Forest and Bird [225.159] be **accepted in part**.

### 3.25.8 Policy ECO-P8 – New plantation forestry

#### 3.25.8.1 Matters raised by submitters

348. Forest and Bird [225.160] seeks substantial changes to this policy as outlined in Appendix B, the summary of their reasons for these changes are:

*Considers that policy direction and a corresponding rule is needed for new plantation forestry to be considered in terms of the maintenance of indigenous biodiversity which is not an SNA.*

*Considers that policy direction should address potential for wilding pine spread, require set backs and buffers for new plantation forestry and for replanting of existing forestry and for the protection of buffers from harvesting activities.*

*The NES specifically provides that rules in a plan can be more stringent with respect to protection of SNAs. It does not require that the SNA is identified on map and allows for identification by assessment applying significance criteria as per the amendments proposed to ECO-P1 above.*

#### 3.25.8.2 Assessment

349. The last point is incorrect, the NES-PF does require SNA to be identified in planning maps:

***significant natural area*** means an area of significant indigenous vegetation or significant habitat of indigenous fauna that—

<sup>56</sup> QEII (QEII) [216.24] and Forest and Bird [225.159]

<sup>57</sup> Ibid

<sup>58</sup> Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pauatahanui Inlet [77.12]

<sup>59</sup> QEII (QEII) [216.24] and Forest and Bird [225.159]

*(a) is identified in a regional policy statement or a regional or district plan as significant, however described; and*

*(b) is identified in the policy statement or plan, including by a map, a schedule, or a description of the area or by using significance criteria*

350. The PDP as notified is more stringent than the NES-PF. Afforestation within a significant natural area is a restricted discretionary activity in the NES-PF (Clause 16(1)), whereas afforestation within an SNA is a non-complying activity in the PDP under ECO-R8.
351. The NES-PF also contains a range of provisions that protect SNA from adjacent plantation forestry activities including:
- a 10m setback from SNA under Clause 14(1)(d)
  - setbacks for replanting from SNA under Clause 78(1)
  - a wilding pine risk assessment under Clause 11 and provisions relating to their management, including a requirement to eradicate any wilding conifers should they enter an SNA under Clause 11(5) and Clause 79(6).
352. I consider that the provisions in the NES-PF that address wilding pine risk, setbacks and replanting appropriately manage adverse effects for forestry outside SNA, and no evidence has been provided to the contrary.
353. I consider that it is appropriate that the activity status for afforestation is more stringent than the NES-PF as outlined in the section 32 evaluation report.

### 3.25.8.3 Recommendations

354. I recommend that the submission from Forest and Bird [225.160], be **rejected**.

### 3.25.9 Policy ECO-P9 – Existing plantation forestry

#### 3.25.9.1 Matters raised by submitters

355. QEII [216.26] considers that the two intentions of this policy (providing for existing forestry and maintaining/restoring biodiversity values) do not align. They consider that existing plantation forestry within SNAs should be allowed to continue where there are no adverse effects on the area's biodiversity values, and seeks ECO-P9 be amended as follows:

*Allow for existing plantation forestry and associated activities within Significant Natural Areas where there are no adverse effects on the area's biodiversity values.*

356. Forest and Bird [225.161] seeks ECO-P9 be deleted in its entirety as the submitter is "Not clear how retaining plantation forestry in an SNA would be consistent with maintaining the values of the SNA. Harvesting would surely result in a loss of values."



### 3.25.9.2 Assessment

357. Unlike ECO-P8, ECO-P9 is not directly linked to a rule in this chapter. Its purpose was to provide a policy guidance for any relevant consents required under the NES-PF since there is no policy guidance in these regulations
358. I have reviewed aerial photography and SNA site descriptions and there are very few examples of plantation forestry activities taking place within a SNA. The ones I can find appear to be limited to wilding pines that have spread into an SNA, and where edges of forestry block canopies border SNA.
359. This policy is therefore unlikely to be relevant to many proposals, except possibly for where foresters are seeking to eradicate wilding conifers as required under Clause 11(5) and Clause 79(6) of the NES-PF. Removal of these trees is required by the NES-PF.
360. In this context, I consider that this policy is useful and should not be deleted as requested by Forest and Bird.
361. I also disagree with the relief sought by QEII and consider the policy should remain focused on the maintenance and restoration of SNA.

### 3.25.9.3 Recommendations

362. I recommend for the reasons given in the assessment, that the Hearings Panel:
- **Make** consequential amendments to ECO-P9 to reflect the outcomes sought elsewhere in this report as outlined in Appendix A (removal of qualifier “identified”).
363. I recommend that the submission from QEII [216.26] and Forest and Bird [225.161], be **rejected**.
364. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

## 3.25.10 Policy ECO-P10 – Māori Purpose Zone (Hongoeka) and Takapūwāhia Precinct

### 3.25.10.1 Matters raised by submitters

365. Forest and Bird [225.162] seeks that ECO-10 be amended, and moved into the Māori Purpose Zone (Hongoeka) and Takapūwāhia Precinct chapters. The submitter also proposes a new policy for the ECO chapter:

Tangata Whenua:

To recognise the role of tangata whenua as kaitiaki, and provide for:

1. Tangata whenua values and interests to be incorporated into the management of biodiversity;

2. Consultation with tangata whenua regarding the means of maintaining and restoring areas and habitats that have particular significance to tangata whenua;

3. Active involvement of tangata whenua in the protection of cultural values associated with indigenous biodiversity;

4. Customary use of indigenous biodiversity according to tikanga.

366. Forest and Bird [225.162] also seeks that ECO-P10 be moved to the Māori Purpose Zone (Hongoeka) and Takapūwāhia Precinct chapters as “A policy applying to a specific zone and precinct does not fit within the district wide ECO chapter.”
367. GWRC [137.51] and Forest and Bird [225.162] seek that the qualifier “highest identified” be removed from ECO-P10 as:

*is not consistent with clause 1 which requires adherence to ECO-P2. ECO-P2 requires consideration of avoidance for all identified indigenous biodiversity values, not just the highest ones. Unclear what the ‘highest values’ constitutes as such values were not identified at the time of SNA mapping. Unclear what the threshold would be for such values. All significant biodiversity values of SNAs must be protected, including through the consideration of avoidance actions, regardless of any assigned level of importance.*

### 3.25.10.2 Assessment

368. I agree that the criteria ECO-P10-2 is inconsistent with the effects management hierarchy and should be removed. The first step of hierarchy is to avoid adverse effects where possible. Avoiding effects on the most significant elements of an SNA is inherent in this assessment and these areas will be identified by ecologists for complete protection under the s88 reporting requirement. The residual effects will be addressed by the remaining steps of the hierarchy.
369. I consider that ECO-P10 should remain in this chapter. The PDP is structured so that all overlay provisions sit in district-wide chapters. ECO-P10 applies to multiple zones so it is appropriate that it sits at a district-wide level to avoid repetition.
370. The new provision requested by Forest and Bird does not appear to have been consulted on with Ngāti Toa, nor was it supported by TROTR through further submissions, I therefore consider that the existing policy framework suitably recognises the role of tangata whenua in relation to this topic.

### 3.25.10.3 Recommendations

371. I recommend for the reasons given in the assessment, that the Hearings Panel:

- **Amend ECO-P10** by as follows and as outlined in Appendix A:

#### **ECO-P10 Māori Purpose Zone (Hongoeka) and Takapūwāhia Precinct**

Recognise and provide for papakāinga activities by Ngāti Toa whānau within the Māori Purpose Zone (Hongoeka) and Takapūwāhia, and for residential activities in the Takapūwāhia Precinct where:

1. Kaitiakitanga is exercised to protect ~~identified~~ Significant Natural Areas in accordance with the effects management hierarchy in ECO-P2;
2. ~~The design of the papakāinga and/or residential development avoids adverse effects on the highest identified biodiversity values within a Significant Natural Area listed in SCHED7 – Significant Natural Areas; and~~<sup>60</sup>
3. Any activities are located outside the coastal environment.

<sup>60</sup> GWRC [137.51] and Forest and Bird [225.162]

372. I recommend that the submissions from GWRC [137.51] and Forest and Bird [225.162], be **accepted in part**.

### **3.25.11 Policy ECO-P11 – Earthworks within Significant Natural Areas**

#### **3.25.11.1 Matters raised by submitters**

373. Transpower [60.75] seeks either the deletion of Policy ECO-P11 as it applies to the National Grid, or deletion the reference to ECO-P11 from Policy INF-P7.

374. Te Awarua-o-Porirua Harbour & Catchments Community Trust and Guardians of Pauatahanui Inlet [77.13] seeks ECO-P11-3 is amended as follows: “Any earthworks within a wetland, or that adversely affect riparian areas or contributing seeps to a wetland, are avoided.”

375. Waka Kotahi seeks ECO-P11-3 is amended as follows: Any earthworks within a wetland are avoided except for works associated with the safe and efficient operation of the transport network”.

376. DOC [126.17] seeks that the policy is amended to read: “Any earthworks within, or within a 10m setback from a wetland are avoided.”

377. QEII [216.27] seek a number of other changes as outlined in Table B1. They seek:

- Removal of references to ECO-P4 and ECO-P12 from ECO-P11(1) as “these may unduly restrict consideration of adverse effects of earthworks on SNA, when there will be other policies that need to be considered”
- Deletion of ECO-P11(2) in its entirety as it duplicates ECO-P2(4).

378. Forest and Bird [225.163] seeks that the start of the policy be amended to “Only consider allowing...”.

#### **3.25.11.2 Assessment**

379. In regard to the submission from Transpower, the national grid is addressed in the Infrastructure Chapter so I consider no changes are required to the provision in response to this submission. Part B Infrastructure s42A report addresses the substance of this submission point in relation to INF-P7.

380. I do not agree with the changes requested by submitters to ECO-P11-3, in fact I consider that ECO-P11-3 should be removed altogether following gazettal of the NPS-FM and NES-FW, as outlined in section 3.7 of this report. It is now redundant as it duplicates clause 54 of the NES-FW. Clause 54 also requires a 10m setback from wetlands for both earthworks and vegetation removal. To provide scope for this recommended amendment, I rely on submissions from GWRC [137.69] and Forest and Bird [225.21] seeking that the PDP needs to align with the NES-FW 2020.

381. I agree with QEII that ECO-P11-2 duplicates ECO-P2-4, and it should be deleted to remove repetition. However, I do not follow the logic that requiring decision makers to consider ECO-

P4 and ECO-P12 in addition to ECO-P2 restricts consideration of effects, rather I consider that it does the opposite and requires more matters to be considered.

382. In regard to the submission from Forest and Bird, I consider that insertion of the word "consider" does not add anything to the policy, and is inconsistent with the drafting style of other similar policies in the PDP.

### 3.25.11.3 Recommendations

383. I recommend for the reasons given in the assessment, that the Hearings Panel:

- **Amend** ECO-P11 as follows and as outlined in Appendix A:

#### **ECO-P11 Earthworks within Significant Natural Areas**

Only allow earthworks within a Significant Natural Area where it can be demonstrated that:

1. Any adverse effects on ~~identified~~ indigenous biodiversity values of a Significant Natural Area listed in SCHED7 – Significant Natural Areas are addressed in accordance with ECO-P2 and the matters in ECO-P4 and ECO-P12;
2. ~~Any biodiversity offsetting proposed is in accordance with APP8 – Biodiversity Offsetting; and~~<sup>61</sup>
3. ~~Any earthworks within a wetland are avoided.~~<sup>62</sup>

384. I recommend that the submission from QEII [216.27], be **accepted in part**.

385. I recommend that the submissions from Transpower [60.75], Te Awarua-o-Porirua Harbour & Catchments Community Trust and Guardians of Pauatahanui Inlet [77.13], Waka Kotahi [82.117], DOC [126.17], QEII [216.27] and Forest and Bird [225.163], be **rejected**.

386. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

### **3.25.12 Policy ECO-P12 – Significant Natural Areas within the coastal environment**

#### **3.25.12.1 Matters raised by submitters**

387. Transpower [60.76] seeks that either ECO-P12 be deleted as it applies to the National Grid, or delete the reference to ECO-P12 from Policy INF-P7, as follows

388. Forest and Bird [225.164] seeks that ECO-P12 be deleted in its entirety. The submitter states that they support the intent to give effect to NZCPS but consider that this policy fails to give effect to Policy 11(b) of the NZCPS. They consider that their changes they seek to ECO-P2 would be more appropriate.

<sup>61</sup> QEII [216.27]

<sup>62</sup> GWRC [137.69] and Forest and Bird [225.21]

### 3.25.12.2 Assessment

389. In regard to the submission from Transpower, the National Grid is addressed in the Infrastructure chapter so I consider no changes are required to the provision in response to this submission. Part B Infrastructure s42A report addresses the substance of this submission point in relation to INF-P7.
390. I agree with Forest and Bird that ECO-P12 should be expanded to “avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities” on the matters in Policy 11(b). Noting that I do not agree with the amendments sought by the submitter to ECO-P2 as outlined in section 3.25.2 of this report [225.151].

### 3.25.12.3 Recommendations

391. I recommend for the reasons given in the assessment, that the Hearings Panel:

- **Amend** ECO-P12 as follows and as outlined in Appendix A:

#### **ECO-P12 Significant Natural Areas within the coastal environment**

Only allow activities within an identified Significant Natural Area in the coastal environment where it can be demonstrated that they;

1. Avoid adverse effects on the matters in Policy 11(a) of the New Zealand Coastal Policy Statement 2010, and avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities” on the matters in Policy 11(b) of the New Zealand Coastal Policy Statement 2010<sup>63</sup>; and
2. Protect ~~the identified indigenous biodiversity values in SCHED7 – Significant Natural Areas~~ in accordance with ECO-P2 and ECO-P4.

392. I recommend that the submission from Forest and Bird [225.164], be **accepted in part**.
393. I recommend that the submission from Transpower [60.76], be **rejected**.
394. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

## 3.26 Rules

### **3.26.1 Rule ECO-R1 – Removal of indigenous vegetation within a Significant Natural Area**

#### **3.26.1.1 Matters raised by submitters**

395. Robyn Smith [168.73] seeks policies, rules and standards be amended so that:

- The clearance of indigenous and endemic vegetation within SNAs categorised as a permitted activity is limited to that required for the maintenance of an existing lawful activity or required to protect people’s health and safety.
- All other clearance of indigenous and endemic vegetation within SNAs, and regardless of scale or purposes, is categorised as a non-complying activity.

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<sup>63</sup> Forest and Bird [225.164]

396. Forest and Bird [225.167] seek extensive amendments to this rule as outlined in Appendix B. Their submission says they support the rule in principle in that it seeks to provide for health and safety and enable maintenance of lawful structures and infrastructure where this is within limits and of a scale to ensure effects would be no more than minor.
397. Grant Abdee [238.2] seeks ECO-R1 should "include 'other structures' e.g. consented decks."
398. Michael Wood [25.2] seeks a 4m permitted distance for clearing vegetation. The submission raises a number of issues including the general stringency of the rule, need to access to natural light, and fire risk.
399. Ryan Family Trust [138.4] seeks that the rules must be modified to allow adequate tree trimming beyond the 3m dimension at the discretion of the owner.
400. Gail Mosey [260.1] seeks substantial changes to ECO-R1 in line with the Kapiti Coast District Plan. The submitter considers:
- ECO-R1 requires a complete rewrite, in line with ECO-P3, permitting indigenous vegetation removal within Significant Natural Areas identified within SCHED7 where it is of a scale and nature that maintains the identified biodiversity values, at least for SNAs on private land.*
401. Three submitters seek changes to ECO-R1-1.a.iv for tracks: Waka Kotahi [82.118], DOC [126.18], and GWRC [137.52].

### 3.26.1.2 Assessment

402. I do not consider any amendments are required in relation to the submission made by Robyn Smith. As outlined in the s32 evaluation for this topic, I consider that it is appropriate to permit activities that have little or no material effect on the biodiversity values of SNAs and as such do not require assessment against the mitigation hierarchy. This reduces the demand and cost on consent processing and provides for ongoing maintenance of existing activities with little impact on biodiversity values. When the standards are not met then the activities elevate to a restricted discretionary status. I consider that this activity status is appropriate as it enables the effect of the activity to be assessed against the mitigation hierarchy.
403. I do not agree that it is necessary to add "lawfully established" as anything that is legally established has existing use rights under s10 of the RMA, and if something is not legally established it would be a matter for compliance and enforcement officers to investigate and address.
404. The amendments sought by Forest and Bird are extensive. I consider that the following amendments requested in their submission should be rejected as I consider:
- There is no need to add the word 'minor' in the rule title as the rule escalates to restricted discretionary to cover all trimming, pruning and removal;
  - ECO-R1-1.a.iv should be deleted rather than amended as rules relating to infrastructure are addressed in the Infrastructure Chapter (Part B Infrastructure s42A report addresses the substance of this submission point);

- It is necessary to add “lawfully established” as anything that is legally established has existing use rights, and if something is not legally established it would be a matter for compliance and enforcement officers to investigate and address;
  - It is appropriate to permit the construction of pest and stock perimeter fences, as these are complimentary to the sustainable management of SNA;
  - It is appropriate to permit the construction of flood protection works, as these are necessary to protect life and property;
  - It is inappropriate to address vegetation clearance in natural wetlands as this activity is now regulated by clause 54 of the NES-FW;
  - It is inappropriate to add the qualifier ‘traditional’ before customary harvesting, as while the term ‘customary’ practices imply that they are traditional, it is inappropriate to limit to past practices as mātauranga Māori is an evolving concept;
  - It is appropriate to reference ECO-P2 and ECO-P4 as matters of discretion, application of the effects management hierarchy is consistent with NPS-FM, Draft NPS-IB, PNRP and national best practice. Offsetting and compensation is provided for by RMA ss104, 168 and 171.
405. However, I agree with the submitter that the term ‘indigenous vegetation’ should be amended to ‘vegetation’ as outlined in section 3.17 of this report.
406. I agree with Grant Abdee [238.2] that it is appropriate to allow for the maintenance of outdoor space required by the plan for wellbeing of residents (e.g. access to sunlight and daylight). I consider that ECO-R1-1.a.iii should be expanded to allow for trimming, pruning and removal within 3m of outdoor living space required by the PDP or through resource consent, as well as decks attached to buildings.
407. In regards to the submission from Michael Wood [25.2], I consider that 3m clearance is sufficient for the maintenance of buildings considering the other amendments recommended in this report including:
- Expanding the 3m rule to include decks and outdoor living spaces (as above)
  - Addition of a new policy around wildfire risk (see section 3.15)
  - Amending ECO-R1 to make trimming and pruning a permitted activity to maintain access to sunlight to homes (see section 3.16).
408. I agree with the relief sought by the Ryan Family Trust [138.4] for the reasons outlined in section 3.15 of this report.
409. In regards to the submission from Gail Mosey [260.1], I consider that the PDP approach of specifying particular permitted activities, and assessing any other through the effects management hierarchy is the most efficient and effective way to achieve the objectives as outlined in the s32 report. Many of the points raised by the submitter are provided for including:
- The first two bullet points are covered by ECO-P1 and associated rules.
  - The fourth bullet point has been addressed by including a definition of pest species that can be removed using ECO-R3.

410. I disagree with the submitter that a permitted activity threshold should be incorporated based on a gross area of vegetation that can be removed. I consider it is inappropriate to specify a gross area of vegetation that can be removed as there could be valuable indigenous species within that area, and it is appropriate that this is managed through application of the effects management hierarchy. I note that KCDC<sup>64</sup> does not provide for this as a permitted activity within an SNA as suggested by the submitter, rather they provide for clearance of 100m<sup>2</sup> of indigenous vegetation outside of an SNA.
411. I also disagree with the submitter that a permitted vegetation clearance rule for creating firebreaks is appropriate as outlined in section 3.15.
412. In regards to the submissions from Waka Kotahi [82.118], DOC [126.18], and GWRC [137.52], I consider that ECO-R1-1.a.iv should be deleted in line with relief sought by Porirua City Council [11.42] as rules relating to infrastructure are addressed in the Infrastructure Chapter (See Part B Infrastructure s42A report which addresses the substance of these submission points).

### 3.26.1.3 Recommendations

413. I recommend for the reasons given in the assessment, that the Hearings Panel:

- **Amend ECO-R1 as outlined below and in Appendix A.**

#### ECO-R1 ~~Removal~~ Trimming, pruning and removal<sup>65</sup> of ~~indigenous~~<sup>66</sup> vegetation within a Significant Natural Area

##### All zones

1. Activity status: **Permitted**

Where:

- a. The trimming, pruning<sup>67</sup> or removal of ~~indigenous~~<sup>68</sup> vegetation is to:
- Address an imminent threat to people or property represented by deadwood, diseased or dying vegetation and ECO-S1 is complied with;
  - Ensure the safe and efficient operation of any formed public road, rail corridor or access, where removal is limited to within the formed width of the road, rail corridor or access;
  - Enable the maintenance of buildings and outdoor living space<sup>69</sup> where the removal of ~~indigenous~~<sup>70</sup> vegetation is limited to within 3m from the external wall ~~or~~, roof or deck<sup>71</sup> of a building, or within 3m of any outdoor living space required by this Plan<sup>72</sup>;
  - ~~Maintain, upgrade or create new public walking or cycling tracks up to 2.5m in width undertaken by Porirua City Council or its approved contractor in accordance with the Porirua City Council Track Standards Manual (Version 1.2, 2014) and where no tree with a trunk greater than 15cm in diameter (measured 1.4m above ground) is removed;~~<sup>73</sup>

<sup>64</sup> Proposed Kapiti Coast District Plan - Full Proposed District Plan Appeals Version 2018 (published 30 Apr 2021)

<sup>65</sup> Porirua City [11.40, 11.41]

<sup>66</sup> GWRC [137.73, 137.54, 137.55, 137.53], DOC [126.19], Forest and Bird [225.168], and QEII [216.30]

<sup>67</sup> Ibid

<sup>68</sup> GWRC [137.73, 137.54, 137.55, 137.53], DOC [126.19], Forest and Bird [225.168], and QEII [216.30]

<sup>69</sup> Ryan Family Trust [138.4], Lee and Andrew Shippam [212.1], Grant Abdee [238.7] and Frances McNamara [259.4]

<sup>70</sup> GWRC [137.73, 137.54, 137.55, 137.53], DOC [126.19], Forest and Bird [225.168], and QEII [216.30]

<sup>71</sup> Grant Abdee [238.2]

<sup>72</sup> Ryan Family Trust [138.4], Lee and Andrew Shippam [212.1], Grant Abdee [238.7] and Frances McNamara [259.4]

<sup>73</sup> Porirua City Council [11.42]



- v. Construct new perimeter fences for stock or pest animal exclusion from areas or maintenance of existing fences provided the area of trimming or removal of any vegetation does not exceed 2m in width;
- vi. Enable necessary flood protection or natural hazard control where undertaken by a Statutory Agency or their nominated contractors or agents on their behalf as part of natural hazard mitigation works;
- vii. Comply with section 43 of the Fire and Emergency Act 2017; or
- viii. Enable tangata whenua to exercise hauhake customary harvesting.<sup>74</sup>; or
- ix. The trimming or pruning is necessary to maintain sunlight access to residential units and any outdoor living space required by this Plan where ECO-S2 is complied with.<sup>75</sup>

414. I recommend that the submissions from Ryan Family Trust [138.4], and Grant Abdee [238.2], be **accepted**.
415. I recommend that the submission from Gail Mosey [260.1] and Forest and Bird [225.167], be **accepted in part**.
416. I recommend that the submissions from Michael Wood [25.2], Robyn Smith [168.73], Waka Kotahi [82.118], DOC [126.18], and GWRC [137.52], be **rejected**.
417. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

### 3.26.2 Rule ECO-R3

#### 3.26.2.1 Matters raised by submitters

418. QEII [216.31] and Forest and Bird [225.169] both seek that matters of discretion which refer back to ECO-P2 and ECO-P4 be replaced new matters of discretion they have provided. The QEII trust states their position as such:

*Activities under this rule should be subject to standards that would apply different levels of control to different levels of effects. The matters of discretion should not be limited to specific ECO policies, instead we submit this should simply canvas all effects on the SNA.*

419. Forest and Bird [225.169] seeks a number of changes, most of which have been raised and addressed in earlier submission points. They request the additional criteria:
- Limiting the removal of vegetation to 100m<sup>2</sup>;
  - Limiting earthworks to those undertaken using non-mechanical hand held tools.
420. Forest and Bird [225.41] seeks the inclusion of additional provisions for pest control measures.

<sup>74</sup> TROTR [264.89] – see Part A s42A overview report

<sup>75</sup> Ryan Family Trust [138.4], Lee and Andrew Shippam [212.1], Grant Abdee [238.7] and Frances McNamara [259.4]

### 3.26.2.2 Assessment

421. I consider that it is appropriate to reference ECO-P2 and ECO-P4 as matters of discretion. I am unsure what effects exist that could not be addressed by these policies. Furthermore, application of the effects management hierarchy is consistent with NPS-FM, Proposed NPS-IB, PNRP and national best practice. Offsetting and compensation is provided for by RMA ss104, 168 and 171.
422. Forest and Bird [225.169] have not provided any reasoning or cost benefit analysis for the insertion of their requested additional criteria. I consider that activities listed in 'i' through 'iv' are quite narrow in focus, and assist in achieving the purpose of ECO-P7 and the conservation drivers in these acts. I consider that the use of machinery and earthworks could be necessary to achieve the outcomes being sought.
423. I consider that ECO-R3 provides appropriate permitted framework for restoration and maintenance of SNA, including removal of pest plants.
424. In regard to the submitters request to include additional provisions for pest control measures, I consider that the rule already provides for these activities.

### 3.26.2.3 Recommendations

425. I recommend for the reasons given in the assessment, that the Hearings Panel:
- **Make** consequential amendments to ECO-R3 to reflect the outcomes sought elsewhere in this report as outlined in Appendix A (removal of qualifier "identified").
426. I recommend that the submission from QEII [216.31] and Forest and Bird [225.41, 225.169], be **rejected**.
427. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

## 3.26.3 Rule ECO-R4

### 3.26.3.1 Matters raised by submitters

428. Four submitters seek amendments to ECO-R4: Waka Kotahi [82.120], DOC [126.21], Robyn Smith [168.71, 168.70], and QEII [216.32].
429. DOC [126.21] seeks a 10m setback for earthworks from wetlands, as well as addition of a new criteria to be consistent with the NES-FW: "The earthworks do not occur within any area previously identified as significant habitats of indigenous fauna."
430. Robyn Smith [168.71, 168.70] supports ECO-R4-1 and ECO-R4-3, but seeks an amendment to ECO-R4-1.b to include a 20m setback for earthworks form all natural wetlands.
431. QEII [216.32] seeks the additional qualifier for both ECO-R4-1.a.i and ECO-R4-1.b of vegetation removal and earthworks not having a "detrimental effect".

### 3.26.3.2 Assessment

432. Waka Kotahi [82.120] seeks an amendment to ECO-R4-1.a.ii, however I consider this criterion should be deleted as requested by Porirua City Council [11.43] as rules relating to infrastructure are addressed in the infrastructure chapter (Part B Infrastructure s42A report addresses the substance of this submission point).
433. In regard to the submissions from DOC [126.21] and Robyn Smith [168.71, 168.70], I consider that being consistent with national direction does not mean duplicating it in planning documents. The addition of a 10m setback is an unnecessary duplication of clause 54 of the NES-FW. Clause 54 requires a 10m setback from wetlands for both earthworks and vegetation removal. I also consider that ECO-R4-3.a should be deleted. It is ultra vires as it is less stringent than the NES-FW where earthworks within a wetland are a prohibited activity under Clause 53.
434. I consider that the additional criterion suggested by DOC [126.21] should be incorporated into criteria for both ECO-P11 and ECO-R4-1.a as it would address the risk to habitats of indigenous fauna such as geckos and skinks that are particularly vulnerable to earthworks in addition to vegetation clearance.
435. This would require that these habitats are clearly identified either in the provisions or in SCHED7 so that they can be clearly applied by plan users. Otherwise, the criteria as suggested by the submitter could apply to every SNA in SCHED7 and there would be no earthworks possible as a permitted activity.
436. Wildlands have assessed SCHED7 and consider that there are 21 SNA that are known as important habitats for lizards. I consider that all earthworks within these SNA earthworks should be elevated to a restricted discretionary activity status in ECO-R4. This is so that the effects management hierarchy can be applied to SNA that are particularly vulnerable to earthworks.
437. I do not agree with the changes requested by Robyn Smith to ECO-R4-1.b, in fact I consider that ECO-R4-1.b should be removed altogether following gazettal of the NPS-FM and NES-FW, as outlined in section 3.7 of this report. It is now redundant as it duplicates clause 54 of the NES-FW. To provide scope for this change, I rely on submissions from GWRC [137.69] and Forest and Bird [225.21] seeking that the PDP needs to align with the NES-FW 2020.
438. I consider the qualifier sought by QEII [216.32] is not appropriate for a permitted activity standard. It requires a level of assessment that would require specialist ecological advice.

### 3.26.3.3 Recommendations

439. I recommend for the reasons given in the assessment, that the Hearings Panel:

- **Amend** ECO-P11 and ECO-R4 as outlined in Appendix A including:

#### **ECO-P11 Earthworks within Significant Natural Areas**

Only allow earthworks within a Significant Natural Area where it can be demonstrated that:

1. Any adverse effects on **identified** indigenous biodiversity values of a Significant Natural Area listed in SCHED7 – Significant Natural Areas are addressed in accordance with ECO-P2 and the matters in ECO-P4 and ECO-P12;

2. ~~Any biodiversity offsetting proposed is in accordance with APP8—Biodiversity Offsetting; and~~<sup>76</sup>
3. ~~Any earthworks within a wetland are avoided.~~<sup>77</sup>
4. ~~Any adverse effects on areas identified as a significant habitat for lizards are avoided, remedied or mitigated.~~<sup>78</sup>

ECO-R4	Earthworks within a Significant Natural Area
All zones	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. The earthworks:</p> <ol style="list-style-type: none"> <li>i. Do not involve the removal of any indigenous vegetation; or</li> <li>ii. <u>Do not take place within a Significant Natural Area identified in SCHED7 as a significant habitat for lizards.</u><sup>79</sup></li> <li>i. <del>Are for the maintenance of existing public walking or cycling access tracks, as carried out by Porirua City Council, GWRC or their nominated contractor or agent; and</del><sup>80</sup></li> </ol> <p><del>b. The earthworks do not occur within any wetland.</del><sup>81</sup></p>
All zones	<p>2. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <p>a. Compliance is not achieved with ECO-R4-1.a.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>i. The matters in ECO-P11.</li> </ol> <p>Section 88 information requirements for applications:</p> <ol style="list-style-type: none"> <li>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: <ol style="list-style-type: none"> <li>a. Identifying the biodiversity values and <del>and</del><sup>82</sup> potential impacts from the proposal; and</li> <li>b. Demonstrating that the ECO-P2 hierarchy has been applied.</li> </ol> </li> </ol>
<del>All zones</del>	<p><del>2. ——— Activity status: <b>Non-complying</b></del></p> <p><del>Where:</del></p> <p><del>a. — Compliance is not achieved with ECO-R4-1.b.</del><sup>83</sup></p>

440. I recommend that the submissions from DOC [126.21] and Robyn Smith [168.70], be **accepted in part**.
441. I recommend that the submissions from Waka Kotahi [82.120], Robyn Smith [168.71], and QEII [216.32], be **rejected**.
442. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

<sup>76</sup> QEII [216.27]

<sup>77</sup> GWRC [137.69] and Forest and Bird [225.21]

<sup>78</sup> DOC [126.21]

<sup>79</sup> DOC [126.21]

<sup>80</sup> Porirua City Council [11.43]

<sup>81</sup> Robyn Smith [168.71, 168.70]

<sup>82</sup> Correction to minor error under Clause 16

<sup>83</sup> GWRC [137.69] and Forest and Bird [225.21]

### 3.26.4 Rule ECO-R5

#### 3.26.4.1 Matters raised by submitters

443. Three submitters seek amendment to ECO-R5: DOC [126.22], QEII [216.33], and Forest and Bird [225.171].
444. DOC [126.22] considers construction of a residential unit within a SNA should be accompanied by an ecological assessment to allow for suitable measures to be taken under the effects hierarchy.
445. QEII [216.33] and Forest and Bird [225.171] seek a reframing of the rule to specifically refer to vegetation clearance and provide specific limits on acceptable levels of effects.
446. QEII seeks a non-complying activity status where compliance is not achieved with ECO-R4 (which I assume is a typo and the submitter means ECO-R5).
447. Forest and Bird [225.171] seeks a starting point of restricted discretionary for the rule rather than controlled, and suggests a new matter of discretion to replace the reference to ECO-P6.

#### 3.26.4.2 Assessment

448. I agree with DOC [126.22] that an ecological assessment should be required to ensure adverse effects are appropriately addressed following ecological advice. This could be achieved by the reference to ECO-P2 as a matter of discretion, and insertion of a s88 requirement. This would be consistent with the similar ECO-R6 controlled activity rule.
449. I agree with QEII [216.33] and Forest and Bird [225.171] that the rule needs to be reframed, as any "associated vegetation clearance" could be widely interpreted. This rule could be narrowed to the building platform, access, services and outdoor space required by the zone. I consider that it would be a reasonable expectation that any residential unit should be able to be accessed and serviced, and there should be outdoor living space to provide for the wellbeing of the inhabitants. Narrowing this rule would reduce the ability for the rule to be used for other non-essential works such as clearing trees to enhance views from the building.
450. I consider a controlled activity status is appropriate as a starting point for this rule, as this provides for a residential unit to be constructed as-of-right on a residentially zoned lot which satisfies the reasonable use requirement of s85 of the RMA. I consider that ECO-P6 provides appropriate matters of control. I consider that the escalation to restricted discretionary activity status is appropriate to be consistent with ECO-R1.
451. The submitters also oppose applications under this rule being precluded from being publicly or limited notified. I consider that it is generally inappropriate to notify controlled activities, as resource consent must be granted by Council where the activity standards are complied with.
452. I also consider that ECO-R5-1.a.ii should also be removed as vegetation clearance and earthworks within wetlands are now regulated by the NES-FW (Clause 54). Furthermore, escalation to restricted discretionary, or non-complying for that matter would be ultra vires as these activities are now prohibited under Clause 53 of the NES-FW. To provide scope for this change, I rely on submissions from GWRC [137.69] and Forest and Bird [225.21] seeking that the PDP needs to align with the NES-FW 2020.

453. Forest and Bird [225.171] considers the rule heading should be clarified to reflect the activity which is being provided for in this rule, which is "vegetation removal". I agree the rule title should be amended, as this is the effect that the rules seeks to manage.
454. Forest and Bird [225.171] questions whether this rule should also apply to rural lifestyle and mixed use zones. There is no reasoning or evidence provided for this requested amendment. ECO-R6 provides a specific policy response for a very limited number of lots in the city that are covered by SNA but have not yet been built on.

### 3.26.4.3 Recommendations

455. I recommend for the reasons given in the assessment, that the Hearings Panel:

- **Amend ECO-R5 as outlined below and in Appendix A.**

#### ECO-R5 **Cvegetation clearance for the c<sup>84</sup>onstruction of a residential unit on a vacant allotment within a Significant Natural Area**

##### General Residential Zone

##### Medium Density Residential Zone

1. Activity status: **Controlled**

Where:

- The lot:
  - Is held in a freehold title that existed at 28 August 2020;
  - Is vacant and does not contain any residential unit or other building; and
  - Has existing service connections to the public wastewater, sewer and water supply network.
- The proposed residential unit ~~and any associated vegetation clearance: LC~~ complies with the permitted building site coverage standard and earthworks standards for the underlying zone and is unable to locate outside the Significant Natural area within the site;
- Any associated vegetation clearance is the minimum required for the construction of an access, services and outdoor living space that is required within the lot by the permitted standards for that zone.**
  - ~~Is not located within a wetland.~~<sup>85</sup>

Matters of control are restricted to:

- The matters in ECO-P2; and<sup>86</sup>
- The matters in ECO-P6.

##### Section 88 information requirements for applications:

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:

- Identifying the biodiversity values and potential impacts from the proposal; and
- Demonstrating that the ECO-P2 hierarchy has been applied.<sup>87</sup>

##### **Notification:**

An application under this rule is precluded from being publicly or limited notified in accordance with sections 95A and 95B of the RMA.

2. Activity status: **Restricted discretionary**

<sup>84</sup> QEII [216.33] and Forest and Bird [225.171]

<sup>85</sup> GWRC [137.69] and Forest and Bird [225.21]

<sup>86</sup> DOC[126.22]

<sup>87</sup> Ibid

Where:

a. Compliance is not achieved with standards ~~ECO-R5-1.a or ECO-R5-1.b ECO-R4-1.a or ECO-R4-1.b.~~<sup>88</sup>

Matters of discretion are restricted

to:

1. The matters in ECO-P2; and
2. The matters in ECO-P4.

Section 88 information requirements for applications:

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:
  - a. Identifying the biodiversity values and ~~and~~<sup>89</sup> potential impacts from the proposal; and
  - b. Demonstrating that the ECO-P2 hierarchy has been applied.

456. I recommend that the submission from DOC [126.22], be **accepted**.
457. I recommend that the submission from QEII [216.33] and Forest and Bird [225.171], be **accepted in part**.
458. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

### 3.26.5 Rule ECO-R6

#### 3.26.5.1 Matters raised by submitters

459. Porirua City Council [11.44] seeks a change to the rule title to provide more clarity for plan user of where it applies.
460. Forest and Bird [225.172] seeks that the rule be moved to zone and precincts, and suggests matters in ECO-P10 be replaced as matters of discretion by new matter provided by the submitter.

#### 3.26.5.2 Assessment

461. I agree with the submission from Porirua City Council [11.44] for the same reason stated by the submitter. As notified ECO-R1, ECO-R6 and ECO-R7 are all titled "Removal of indigenous vegetation within Significant Natural Areas". This could be confusing for plan users, and the title of ECO-R6 should be differentiated following the amendment provided by the submitter.
462. I disagree with Forest and Bird [225.172] on both counts as outlined in section 3.25.10 of this report.

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<sup>88</sup> Correction to minor error under Clause 16

<sup>89</sup> Correction to minor error under Clause 16

### 3.26.5.3 Recommendations

463. I recommend for the reasons given in the assessment, that the Hearings Panel:

- **Amend** ECO-R6 as follows and as outlined in Appendix A.

<b>ECO-R6</b> 	<b>Removal of indigenous vegetation within a Significant Natural Area <u>within the Māori Purpose Zone (Hongoeke) and the General Residential Zone within the Takapuwhia precinct</u><sup>90</sup></b>
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464. I recommend that the submission from Porirua City Council [11.44], be **accepted**.

465. I recommend that the submission from Forest and Bird [225.172], be **rejected**.

466. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

### 3.26.6 Rule ECO-R7

#### 3.26.6.1 Matters raised by submitters

467. Five submitters seek ECO-R7 be amended: Porirua City Council [11.45], Hamish Tunley [52.1], Andrea & Karl Simonlehner [110.2], Robyn Smith [168.74, 168.75], Waka Kotahi [82.121]

468. Three submissions seek that ECO-R7 be deleted: DOC [126.23], Forest and Bird [225.173], and QEII [216.34].

#### 3.26.6.2 Assessment

469. The three submissions that seek deletion of this rule do so because it duplicates ECO-R1-2, and any other activities are captured by catch-all rule ECO-R9. I agree that the rule should be deleted for these reasons.

#### 3.26.6.3 Recommendations

470. I recommend for the reasons given in the assessment, that the Hearings Panel:

- **Delete** ECO-R7 as outlined in Appendix A.

471. I recommend that the submission from DOC [126.23], Forest and Bird [225.173], QEII [216.34], be **accepted**.

472. I recommend that the submission from Porirua City Council [11.45], Hamish Tunley [52.1], Andrea & Karl Simonlehner [110.2], Robyn Smith [168.74, 168.75], Waka Kotahi [82.121], be **rejected**.

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<sup>90</sup> Porirua City Council [11.44]



473. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

### **3.26.7 Rule ECO-R8**

#### *3.26.7.1 Matters raised by submitters*

474. Forest and Bird [225.174] seeks that ECO-R8 be amended to clarify that the rule applies to the SNA "overlay", as well as within 15m of and SNA overlay and 15 m of a wetland.

#### *3.26.7.2 Assessment*

475. I consider that the addition of "overlay" is unnecessary, as all other rules in this chapter refer to SNA which is defined as areas identified in SCHED7.

476. The NES-PF manages the effects of afforestation outside SNA including requiring a 10m setback from SNA under Clause 14(1)(d). No reasoning or evidence provided demonstrating why an additional setback is required in Porirua.

#### *3.26.7.3 Recommendations*

477. I recommend that the submission from Forest and Bird [225.174], be **rejected**.

478. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

### **3.26.8 Rule ECO-R9**

#### *3.26.8.1 Matters raised by submitters*

479. Porirua City Council [11.46] seeks that the rule be amended to be discretionary rather than non-complying to be consistent with other overlays.

480. Robyn Smith [168.76] supports ECO-R9, and opposes "any lesser activity status, by way of submissions by others, or by council officer evidence and/or recommendations".

481. Forest and Bird [225.176] seeks that the rule is amended to include the term "overlay".

#### *3.26.8.2 Assessment*

482. I consider that "catch-all" rules are applied inconsistently across the plan:

- REG-R6: discretionary
- HH-R13: discretionary
- SASM-R5: discretionary
- NFL: non-complying

- CE: non-complying

483. All of the above are equally matters of national importance under s6 of the RMA. In the case of the ECO chapter, the range of potential effects are well covered by the other rules and the application of the effects management hierarchy. I consider that a discretionary activity status is more appropriate for any activities not anticipated by the chapter.

484. I consider that the addition of the term "overlay" is unnecessary, as all other rules in this chapter refer to SNA which is defined as areas identified in SCHED7.

### 3.26.8.3 Recommendations

485. I recommend for the reasons given in the assessment, that the Hearings Panel:

- **Amend** ECO-R9 as follows and as outlined in Appendix A.

ECO-R9	Any activity within a Significant Natural Area not otherwise listed as permitted, controlled, restricted discretionary, or discretionary
All zones	1.Activity status: <del>Non-complying-Discretionary</del> <sup>91</sup>

486. I recommend that the submission from Porirua City Council [11.46], be **accepted**.

487. I recommend that the submission from Robyn Smith [168.76] and Forest and Bird [225.176], be **rejected**.

488. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

## 3.27 Standards

### 3.27.1 New standard

#### 3.27.1.1 Matters raised by submitters

489. Forest and Bird [225.179] seeks the addition of a new standard: Any machinery or footwear shall be free of pests.

490. The submitter seeks that this is added as a new standard, as well as a condition to all vegetation removal rules.

#### 3.27.1.2 Assessment

491. I consider that this requested requirement, whether required as a standard or a condition, is both unenforceable and unrealistic. SNA cover 17% of Porirua's land area, and some 1500 individual properties. Many are in people's backyards or they must drive through them to reach

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<sup>91</sup> Porirua City Council [11.46]

their houses. It would be impossible for Council to monitor the footwear or machinery of the thousands of people that enter and pass through SNA every day.

### 3.27.1.3 Recommendations

492. I recommend that the submission from Forest and Bird [225.179], be **rejected**.

## 3.27.2 Standard ECO-S1

### 3.27.2.1 Matters raised by submitters

493. Porirua City Council [11.47] requests a number of amendments to ECO-S1 including use of the term “works” rather than pruning and removal, as well as an additional criterion that documentation from an arboricultural expert is provided within 10 working days.

494. Grant Abdee [238.3, 238.4] would like the plan amended to recognise “tree work has been undertaken by an arborist at 153B Rawhiti Road, Pukerua Bay, and that ‘Arboricultural expert’ should be amended to ‘arborist’.

### 3.27.2.2 Assessment

495. I agree with these amendments requested by Porirua City Council [11.47], and I consider that criteria 2 and 3 need to be amended to clarify they relate to all works (trimming, pruning and removal). Semi-colons should be replaced with full stops for consistency with drafting of other standards in the PDP. To enable effective monitoring, ECO-S1 needs to have a fourth criterion to require follow up written documentation be provided to Council. This rule would then be consistent with TREE-R3 and TREE-R4.

496. If tree work has been undertaken at 153B Rawhiti Road, Pukerua Bay prior to 28 August 2020 when the PDP was notified, these rules would have not been applicable. Recording in the PDP which works have taken place on various properties would not be practically possible or appropriate as there would be thousands of instances throughout the City. This is not in line with national best practice for scheduling SNA.

497. In regard to the use of the term “arborist”, I agree and consider that this chapter should align with the TREE chapter and use the term “works arborist” which has a definition.

498. In summary, I consider the rule should be amended as requested by Porirua City Council [11.47], except for the term ‘arboricultural expert’ which should be amended to ‘works arborist’.

### 3.27.2.3 Recommendations

499. I recommend for the reasons given in the assessment, that the Hearings Panel:

- **Amend** ECO-S1 as follows and as outlined in Appendix A.

ECO-S1	Trimming, pruning or removal where there is the imminent threat to the safety of people or property
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<b>All zones</b>	<ol style="list-style-type: none"> <li>1. The works are essential due to the imminent threat to the safety of people or property and Council is advised of this threat as soon as practicable;</li> <li>2. All trimming or pruning must be undertaken to a growth point or branch union and in accordance with the New Zealand Arboricultural Association Incorporated Best Practice Guideline 'Amenity Tree Pruning' Version 3 dated April 2011 to avoid irreversible damage to the health of the tree;</li> <li>3. <del>Any removal is</del> <u>The works must be undertaken or supervised by a works arborist<sup>92</sup> suitably qualified arboricultural expert;</u></li> <li>4. <u>Porirua City Council is provided with written documentation by a works arborist confirming that the works were undertaken in accordance with good arboricultural practice no later than 10 working days after the works have been completed, including why any vegetation was an immediate threat to the safety of people or property.</u><sup>93</sup></li> </ol>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>1. The extent to which the trimming or removal of indigenous vegetation avoids the loss, damage or disruption to the ecological processes, functions and integrity of the Significant Natural Area; and</li> <li>2. The effect of the vegetation removal on <u>indigenous biodiversity values</u> <del>the identified biodiversity values in SCHED7 Significant Natural Areas.</del></li> </ol>
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500. I recommend that the submissions from Porirua City Council [11.47], and Grant Abdee [238.3, 238.4] be **accepted in part**.

501. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

### 3.28 SCHED7

#### 3.28.1 Introductory note for SCHED7

##### 3.28.1.1 Matters raised by submitters

502. Changes to individual scheduled SNA are addressed in the table B1, however Forest and Bird makes a general submission [225.247] seeking:

*Insert an additional note at the top of ECO SCHED7 to explain that other areas not listed in the schedule but meeting the criteria in RPS Policy 23 are also considered SNAs.*

<sup>92</sup> Grant Abdee [238.3, 238.4]

<sup>93</sup> Porirua City Council [11.47]

### 3.28.1.2 Assessment

503. Forest and Bird [225.247] raise an issue on the ECO chapter that there are SNA that have not been identified in SCHED7. As outlined in section 3.9, every effort has been made to comprehensively identify all significant natural areas within the district under Policy 23. This submission provides no evidence that there are any areas that meet this criteria that have been missed.
504. I consider that a number of changes need to be made to individual scheduled items following review by expert ecologists.

### 3.28.1.3 Recommendations

505. I recommend that the submission from Forest and Bird [225.247], be **rejected**.

## 3.28.2 Requests for additional SNA

### 3.28.2.1 Matters raised by submitters

506. Titahi Bay Community Group and Pestfree Titahi Bay [94.5, 94.11] and Luke Davis [226.7] seek that the entirety of Whitireia Park be included as an SNA.
507. Richard Faulkner [147.1] seeks the protection and reinstatement of wetlands on East Porirua's Waitangirua Hill, at 90 Arahura Crescent.

### 3.28.2.2 Assessment

508. Wildlands have identified a number of SNA on Whitireia Peninsula, including a number of requested amendments by submitters to specific SNA. They do not consider that the site as a whole meets the criteria in Policy 23 of the RPS.
509. As outlined in section 3.7 of this report, the mapping and protection of wetlands is a regional council function. I therefore do not consider that the wetlands on Waitangirua should be protected as an SNA. I would note that this area however does have some level of protection as a Special Amenity Landscape.

### 3.28.2.3 Recommendations

510. I recommend that the submissions from Richard Faulkner [147.1], Titahi Bay Community Group and Pestfree Titahi Bay [94.5, 94.11], and Luke Davis [226.7], be **rejected**.

## 3.28.3 SNA223 missing from in SCHED7

### 3.28.3.1 Matters raised by submitters

511. Various submitters [3.6, 80.6, 87.6, 88.7, 105.6, 127.6, 128.6, 129.6, 131.6, 132.6, 133.6, 142.6, 150.6, 166.6, 168.6, 171.6, 178.6, 197.6, 206.6, 208.6, 221.6, 236.6, 243.6, 245.6, 257.6, 268.6,

269.6, 270.6], Titahi Bay Community Group and Pestfree Titahi Bay [94.6], and Porirua City Council [11.74] submit that while SNA223 is mapped in the planning maps, a description is missing from SCHED7.

512. Robyn Smith [168.11] seeks that Transmitter Street Wetland be renamed as "SNA223 – Titahi Creek".

### 3.28.3.2 Assessment

513. This site description was omitted in error, and I consider that the site summary provided in Wildlands' expert evidence should be included in SCHED7.
514. I have consulted with TROTR about the traditional name for the stream at the centre of SNA223. They advise that the correct name for this stream is Te awa ere i Whitireia (the stream that flows from Whitireia). I consider that the SNA should be named as such in SCHED7.

### 3.28.3.3 Recommendations

515. I recommend for the reasons given in the assessment, that the Hearings Panel:

- **Amend SCHED7** as outlined in Appendix A.

<b><u>SNA223</u></b> <sup>94</sup>	<b><u>Te awa ere i Whitireia</u></b> <sup>95</sup>
<b><u>Site Summary</u></b>	<u>A small area of wetland, which is a rare ecosystem type in the wellington region. This site includes indigenous vegetation on an Acutely Threatened land environment and a regionally uncommon species. The wetland vegetation comprises a mosaic of common Yorkshire fog and Isolepis prolifer with frequent Juncus spp. And giant umbrella sedge, and occasional creeping buttercup. Carex 77eminate and spike sedge (Eleocharis acuta) are also likely to be present.</u>
<b><u>Relevant values under Policy 23 of RPS</u></b>	<u>Rarity (RPS23B)</u>

516. I recommend that the submissions from various submitters [3.6, 80.6, 87.6, 88.7, 105.6, 127.6, 128.6, 129.6, 131.6, 132.6, 133.6, 142.6, 150.6, 166.6, 168.6, 171.6, 178.6, 197.6, 206.6, 208.6, 221.6, 236.6, 243.6, 245.6, 257.6, 268.6, 269.6, 270.6], Titahi Bay Community Group and Pestfree Titahi Bay [94.6], be **accepted**.
517. I recommend that the submission from Porirua City Council [11.74] and Robyn Smith [168.11], be **accepted in part**.

<sup>95</sup> various submitters [3.6, 80.6, 87.6, 88.7, 105.6, 127.6, 128.6, 129.6, 131.6, 132.6, 133.6, 142.6, 150.6, 166.6, 168.6, 171.6, 178.6, 197.6, 206.6, 208.6, 221.6, 236.6, 243.6, 245.6, 257.6, 268.6, 269.6, 270.6], Titahi Bay Community Group and Pestfree Titahi Bay [94.6], Porirua City Council [11.74], Robyn Smith [168.11]

### **3.28.4 Amendments sought to SNA names**

#### *3.28.4.1 Matters raised by submitters*

518. Jeremy Collyns [30.1] seeks that SNA201 – Upper Kakaho Treefern Bush be renamed as “DJ Collyns Convent”.

#### *3.28.4.2 Assessment*

519. Most SNA in SCHED7 were named by the ecologists that mapped them through various ecological surveys over the last few decades. Often they are descriptive of the location and type of vegetation, but some are named for the property owners such as “SNA179 – Moonshine Valley North Bush (Phillips Bush)”. I consider that a similar convention could be used in this instance and that the SNA201 could be renamed as “SNA201 – Upper Kakaho Treefern Bush (DJ Collyns Covenant)”. I assume that the amendment requested by the submitter had a typo and they meant ‘covenant’.

#### *3.28.4.3 Recommendations*

520. I recommend for the reasons given in the assessment, that the Hearings Panel:

- **Amend** SCHED7 as outlined in Appendix A.

521. I recommend that the submission Jeremy Collyns [30.1] be **accepted in part**.

### **3.28.5 Amendments sought to site summaries**

#### *3.28.5.1 Matters raised by submitters*

522. Christine and Alan Stanley and Gray [106.4], Hannah Bridget Gray No2 Trust [108.3, 108.5, 108.7, 108.8, 108.10], and Robyn Smith [168.14] seek amendments to site summaries in SCHED7.

#### *3.28.5.2 Assessment*

523. Wildlands have reviewed the amendments sought to site descriptions for SNA062, SNA065, SNA067 and SNA069 and advise:

- The site summaries for SNA062, SNA067 and SNA069 should be amended as per the relief sought by submitters;
- SNA065 does not meet the criteria under Policy 23 so it should be removed from SCHED7<sup>96</sup>.

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<sup>96</sup> Removal of this SNA is also addressed in relation to submission point 108.4

524. Wildlands have reassessed the site description for SNA139 as requested by Robyn Smith and advise:

- The SNA boundary should be amended to include the contiguous area of Coprosma propinqua shrubland.
- The relevant part of the site summary should be amended to remove reference to active sand dunes, and acknowledge that the site supports two communities of pygmy button daisy (*Leptinella nana*).

*Other rare ecosystems include coastal turf (Nationally Critical), ~~active sand dunes (Nationally Endangered)~~, and shingle beaches (Nationally Endangered). This site contains one Threatened and seven At Risk plant species including: pygmy button daisy (*Leptinella nana*; Threatened-Nationally Critical; two known populations)*

### 3.28.5.3 Recommendations

525. I recommend for the reasons given in the assessment, that the Hearings Panel:

- **Amend SCHED7** as outlined in Appendix A.

526. I recommend that the submissions from Christine and Alan Stanley and Gray [106.4], Hannah Bridget Gray No2 Trust [108.5, 108.7, 108.8, 108.10], and Robyn Smith [168.14], be **accepted**.

527. I recommend that the submission from Hannah Bridget Gray No2 Trust [108.3], be **rejected**.

### 3.28.6 Amendments sought to SNA boundaries as they relate to particular sites

#### 3.28.6.1 Matters raised by submitters

528. There are numerous submissions seeking amendments to SNA boundaries. These submissions ranged from requests to simply remove the overlay from the property without any reasoning or evidence, to submissions that provided rationale or even supporting evidence to support a request for removal or amendment.

529. There are 19 submitters seeking amendments to SNA boundaries without providing reasoning or evidence as to how the indigenous biodiversity is not significant, these include: Darien Scott-Hill [16.1], Cassandra Pierce (Nee Solomon) [239.1], Andrew Tierney [18.1], Mary and Philip Major [163.1], Donald Mather [57.1], Trustees of the Blue Cottage Trust [210.2], Glen Mettam [204.1], Brendon Norling [53.1], Hamish Tunley [52.1], Paul Lane [7.1], Lyle and Tracey Davies [10.4], Mark Lyle Phillips [235.1, 235.2, 235.3, 235.4, 235.5], Craig Parker [35.1], Milmac Homes Limited [258.4], Joy Constance Gray [209.3], Trustees of the Ken Gray No. 1 Family Trust & Ken Gray No. 2 Family Trust [211.3], Michael Kenning [186.1, 186.2], Andrea & Karl Simonlehner [110.1], William Mike Arnold [174.1].

530. There are 36 submitters seeking amendments to SNA boundaries that have provided some reasoning or evidence why the assessment of significance is inaccurate in some way including: Pamela Meekings-Stewart [100.1], Gabriel Davidson [37.1], Christopher Paice [5.1], Grant Abdee [238.1, 238.5], Ian and Helen Gear [193.3], Kathleen Ashton [145.2], Murry Cave [173.1], Mark Palmer [4.1], Steve Grant [158.6], Kristiaan Hendrik Justin Coppieters [112.1], Paul and



Julia Botha [118.4], Brendon Blanchard [24.1], Noeline Fowler [176.1], Caryl Fantham [198.1], David Thomson [215.1], Ian Fowler [165.1], Anne Jenkins [227.1], Hannah Bridget Gray No2 Trust [108.4, 108.6], Christine and Alan Stanley and Gray [106.3, 106.6], Glen Mettam [204.1], Frances McNamara [259.1], Progeni Limited – Harpham, David [271.1, 271.3], Sheryn and David Harpham [202.2, 203.1], Kevin Brian Higgins [13.1], Joanna Alderdice [275.1], Linda Southwood [251.1, 251.2], Samantha Montgomery Limited [223.1], Anthony Brandon [28.1], Remi Leblanc [217.2], Ian Wells [272.1], Phyllis Sexton [15.1], Fern Valley Trust – Foothed, Stephen [21.1], Magdalena Conradie [46.1], Steven Kovacs [205.1], William Mike Arnold [174.1] Robyn Smith [168.108, 168.109, 168.110, 168.12], Luke Davia [226.5, 226.6].

531. There were 28 submitters seeking amendments to Whitireia Peninsula including Robyn Smith [168.9, 168.10, 168.12, 168.13, 168.14, 168.15, 168.109, 168.111] and:
- Amend SNA134 [3.5, 80.5, 87.5, 88.6, 105.5, 127.5, 128.5, 129.5, 131.5, 132.5, 133.5, 142.5, 150.5, 166.5, 168.5, 171.5, 178.5, 197.5, 206.5, 208.5, 221.5, 236.5, 243.5, 245.5, 257.5, 268.5, 269.5, 270.5] and [3.8, 80.6, 87.8, 88.9, 105.8, 127.8, 128.8, 129.8, 131.8, 132.8, 133.8, 142.8, 150.8, 166.8, 168.8, 171.8, 178.8, 197.8, 206.8, 208.8, 221.8, 236.8, 243.8, 245.8, 257.8, 268.8, 269.8, 270.8]; and
  - Amend SNA136 [3.7, 80.7, 87.7, 88.8, 105.7, 127.7, 128.7, 129.7, 131.7, 132.7, 133.7, 142.7, 150.7, 166.7, 168.7, 171.7, 178.7, 197.7, 206.7, 208.7, 221.7, 226.5, 236.7, 243.7, 245.7, 257.7, 268.7, 269.7, 270.7]
532. Steve Grant [160.1] in relation to SNA038 and 17 The Track, Plimmerton seeks: “A clear explanation of the rationale and an outline of the proposed zone on the above property compared to the adjacent properties.”
533. Steve Grant [158.6] in relation to SNA042 and 99-109 Saint Andrews Road, Plimmerton seeks: “clear indication of any indigenous vegetation that must be respected within the site”.
534. Two further submitters, Juan Qu [FS02.1] and Sarah Saunders [FS07.1], sought amendments to SNA boundaries relying on scope provided by Jean and Simon Jones [182.3].

### 3.28.6.2 Assessment

535. Where submissions do not provide any reasoning or evidence why the SNA boundary should be amended as it relates to their sites, I consider that the assessment Wildlands has undertaken under Policy 23 is the best information available and that no amendments are required. These submitters may wish to provide expert evidence prior to hearings or otherwise speak to their submission at the hearing.
536. Wildlands have assessed submissions where there is some reasoning or evidence provided by submitters why they consider that the assessment of the significance of the vegetation was incorrect, or that the mapping of the SNA boundary is inaccurate. Their analysis is set out in their expert evidence and summarised in Appendix B.
537. In some cases, Wildlands considered that further site visits needed to be undertaken to better understand submission points. I note that some submitters responded to the offer of a site visit, while others either refused or did not respond. Where submitters did not respond, or declined

a site visit, Wildlands used the best information available including previous reports, recent aerials or viewed the SNA from public places where possible.

538. Wildlands undertook a site visit to Whitireia Peninsula and recommend a variety of changes to boundaries of SNA within the Reserve including SNA134, SNA135, SNA136, SNA138 and SNA129. This includes the removal of SNA135 Whitireia Park Seral Forest in its entirety. Wildlands address this in their expert evidence, where they say that this SNA was likely identified assessing older, lower resolution aerial photography and the vegetation was mapped in error as regenerating indigenous vegetation). Wildlands consider:

*It is recommended that this site is removed from the SNA layer given it dominated by gorse. The existing areas of indigenous vegetation are too small and fragmented to meet any significance criteria.*

539. In regard to the submissions from Steve Grant [160.1] and Steve Grant [158.6], I am not clear what relief the submitters are seeking in terms of mapping or the provisions and they may wish to address this at hearings. The planning maps illustrate how the overlay relates to individual properties, and SCHED7 outlines what significant biodiversity values are relevant within each SNA.
540. I note that a site visit was undertaken in relation to 17 The Track during pre-notification consultation in July 2018 at the request of the landowner. The mapping was amended as a result of this visit. Wildlands have also viewed the property referred to at 99-109 Andrews Road from a public viewpoint, and have recommended amendments to the boundary as outlined in Appendix B.
541. I consider that the planning maps should be amended in line with Wildland's expert evidence<sup>97</sup>, as well as site descriptions in SCHED7 and SCHED8.

### 3.28.6.3 Recommendations

542. I recommend for the reasons given in the assessment, that the Hearings Panel:

- **Amend** SCHED7 as outlined in Appendix A;
- **Amend** SCHED8 as outlined in Appendix A; and
- **Amend** the planning maps as outlined in Wildland's expert evidence.

543. I recommend that the submissions from Anthony Brandon [28.1], Christine and Alan Stanley and Gray [106.3], Kristiaan Hendrik Justin Coppieters [112.1], Kathleen Ashton [145.2], William Mike Arnold [174.1], Ian and Helen Gear [193.3], Joanna Alderdice [275.1], be **accepted**.

544. I recommend that the submissions relating to Whitireia Peninsula from Robyn Smith [168.109, 168.111], be **accepted**.

545. I recommend that the submissions relating to Whitireia Peninsula from Robyn Smith [168.9, 168.10, 168.12, 168.13, 168.14, 168.15], and various submitters [3.5, 80.5, 87.5, 88.5, 105.5,

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<sup>97</sup> Available on the PDP web portal under Hearing Stream 2: <https://pdpportal.porirua.govt.nz/>

127.5, 128.5, 129.5, 131.5, 132.5, 133.5, 142.5, 150.5, 166.5, 168.5, 171.5, 178.5, 197.5, 206.5, 208.5, 221.5, 236.5, 243.5, 245.5, 257.5, 268.5, 269.5, 270.5] and [3.6, 80.6, 87.6, 88.7, 105.6, 127.6, 128.6, 129.6, 131.6, 132.6, 133.6, 142.6, 150.6, 166.6, 168.6, 171.6, 178.6, 197.6, 206.6, 208.6, 221.6, 236.6, 243.6, 245.6, 257.6, 268.6, 269.6, 270.6]; [3.7, 80.7, 87.7, 88.8, 105.7, 127.7, 128.7, 129.7, 131.7, 132.7, 133.7, 142.7, 150.7, 166.7, 168.7, 171.7, 178.7, 197.7, 206.7, 208.7, 221.7, 226.5, 236.7, 243.7, 245.7, 257.7, 268.7, 269.7, 270.7], be **accepted in part**.

546. I recommend that the submissions from Juan Qu [FS02.1], Sarah Saunders [FS07.1], Magdalena Conradie [46.1], Pamela Meekings-Stewart [100.1], Christine and Alan Stanley and Gray [106.5, 106.6], Hannah Bridget Gray No2 Trust [108.4, 108.6], Paul and Julia Botha [118.4], William Mike Arnold [174.1], Caryl Fantham [198.1], Sheryn and David Harpham [202.2, 203.1], Steven Kovacs [205.1], Remi Leblanc [217.2], Samantha Montgomery Limited [223.1], Grant Abdee [238.1, 238.5], Frances McNamara [259.1], Progeni Limited – Harpham, David [271.1, 271.3], be **accepted in part**.

547. I recommend that the submissions from Paul Lane [7.1], Lyle and Tracey Davies [10.4], Phyllis Sexton [15.1], Darien Scott-Hill [16.1], Andrew Tierney [18.1], Craig Parker [35.1], Hamish Tunley [52.1], Brendon Norling [53.1], Donald Mather [57.1], Andrea & Karl Simonlehner [110.1], Mary and Philip Major [163.1], Ian Fowler [165.1], Murry Cave [173.1], Noeline Fowler [176.1], Michael Kenning [186.1, 186.2], Joy Constance Gray [209.3], Trustees of the Blue Cottage Trust [210.2], Trustees of the Ken Gray No. 1 Family Trust & Ken Gray No. 2 Family Trust [211.3], David Thomson [215.1], Fern Valley Trust – Foothed, Stephen [21.1], Mark Lyle Phillips [235.1, 235.2, 235.3, 235.4, 235.5], Cassandra Pierce (Nee Solomon) [239.1], Linda Southwood [251.1, 251.2], Milmac Homes Limited [258.4], Ian Wells [272.1], be **rejected**.

## 3.29 SCHED8

### 3.29.1 Matters raised by submitters

548. Ian and Helen Gear [193.6] submit as follows:

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

### 3.29.2 Assessment

549. While I agree with the statement above, I am unclear exactly what relief is sought in relation to SCHED8. I consider that SCHED8 serves a specific purpose of identifying individual trees in order to comply with s76 of the RMA, and no changes are required apart from amendments made in response to other submissions.

### 3.29.3 Recommendations

550. I recommend that the submission from Ian and Helen Gear [193.6], be **accepted in part**.

### 3.30 APP8 – Biodiversity Offsetting

#### 3.30.1 Matters raised by submitters

551. Diane Strugnell [71.7] seeks that:

*There need to be systems of recording environmental work voluntarily undertaken by landowners so that “credits” can be accumulated and then used for off-setting at a later date, if required.*

552. DOC [126.65] seeks that available guidance<sup>98</sup> be followed where possible on biodiversity offsetting principles for national consistency.

553. Jean and Simon Jones [182.2] seek APP8 – Biodiversity Offsetting Principles 1-11 be amended to “allow for all reasonable approaches”.

554. Forest and Bird [225.220] seeks that APP8: “Include policy direction for the avoidance of certain effects as set out in the policies sought by Forest & Bird above.”

#### 3.30.2 Assessment

555. Diane Strugnell [71.7] seeks a system where landowners are given credit for work already undertaken, and they are able to use this as an offset against a future action.

556. I do not consider that such a system would work in a regulatory sense, as a district plan is not flexible enough to act as a database of action undertaken by various landowners. What the submitter is suggesting looks similar to offsetting schemes used in other countries called “biodiversity banking” or “conservation banking”. The New South Wales Government<sup>99</sup> defines this system as follows:

*BioBanking is a market-based offset scheme that allows developers to buy ‘biodiversity credits’ to counterbalance the loss of biodiversity resulting from their development.*

*‘Biodiversity credits’ are generated by landowners who commit to enhance and protect biodiversity values on their land through a biobanking agreement. These credits can be sold, generating funds to manage the site. Buyers include developers, conservation and philanthropic organisations and government.*

557. While there are international examples, there are no known examples of this in New Zealand under the RMA<sup>100</sup>. Marie Brown (2017) in her paper on the feasibility of Biobanking finds that “our current law and policy on biodiversity impact management is unlikely to provide an adequate basis at this time for a robust biobanking system”.

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<sup>98</sup> This guidance document is referenced in decision sought by submitter:

Department of Conservation et al (2014) Guidance on Good Practice Biodiversity Offsetting in New Zealand

<sup>99</sup> <https://www.environment.nsw.gov.au/questions/biodiversity-banking-and-offsets-scheme-biobanking>

<sup>100</sup> Marie A Brown (2017) Banking on Biodiversity - The feasibility of biodiversity banking in New Zealand. Environmental Defence Society.

558. I consider that setting up any kind of “credit” system is inappropriate due to this regulatory uncertainty. Its use would be better tested through an academic or government lead pilot project where the costs and benefits can be assessed.
559. Jean and Simon Jones [182.2] seek an amendment to APP8 to provide alternative approaches to offsetting, but do not provide specific examples. I consider that the effects management hierarchy and APP8 does provide for all reasonable approaches in regard to offsetting, provided residual adverse effects of activities can be addressed.
560. DOC [126.65] seeks that APP8 be amended in line with best practice, but no examples are given by submitter of how APP8 differs from national best practice. I agree the PDP should follow best practice in biodiversity offsetting, and APP8 was developed in line with it. The section 32 evaluation for this topic outlines best practice guidance documents consulted in developing APP8, including the 2014 guidance referenced by the submitter.
561. Forest and Bird do not seek any specific changes to APP8, but rather a change in policy direction. As outlined in section 3.25.2, additional policy guidance is recommended in ECO-P2 on the avoidance of certain effects.
562. In summary I do not recommend any changes to APP8.

### **3.30.3 Recommendations**

563. I recommend that the submission from Forest and Bird [225.220], be **accepted in part**.
564. I recommend that the submissions from Diane Strugnell [71.7], DOC [126.65], Jean and Simon Jones [182.2], be **rejected**.

## **3.31 APP9 – Biodiversity Compensation**

### **3.31.1 Matters raised by submitters**

565. DOC [126.66] seeks that available guidance<sup>101</sup> be followed where possible on biodiversity compensating principles for national consistency.
566. Forest and Bird [225.221] seeks the deletion of APP9 and removal of provisions for biodiversity compensation from the plan.

### **3.31.2 Assessment**

567. DOC [126.65] seeks that APP9 be amended in line with best practice, but no examples are given by submitter of how APP9 differs from national best practice. I agree the PDP should follow best practice in biodiversity offsetting, and APP9 was developed in line with it. The section 32 evaluation for this topic outlines best practice guidance documents consulted in developing APP9.

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<sup>101</sup> No specific guidance document is referenced by submitter.

568. Forest and Bird [225.221] seeks deletion of APP9 as they consider compensation is not an appropriate way to address effects of proposals. I disagree as outlined in section 3.19.

### **3.31.3 Recommendations**

569. I recommend that the submissions from DOC [126.65] and Forest and Bird [225.221], be **rejected**.

### **3.32 Minor Errors**

570. I recommend that amendments be made to the ECO chapter, SCHED7 and planning maps to fix minor typographical errors. These amendments could have been made after PDP was notified through the RMA clause 16 process to correct minor errors, but I recommend the amendments are made as part of the Hearing Panel's recommendations for completeness and clarity. The recommended amendments are set out in Appendix A.

571. In addition, the SNA mapped on Lot 2 DP 489799, 18 State Highway 1, Plimmerton need to be removed from the planning maps. This is because the PDP does not apply to Lot 2 DP 489799 which was subject to Proposed Plan Change 18 to the Operative Porirua District Plan.

## 4 Conclusions


572. Submissions have been received in support of, and in opposition to the PDP.
573. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PDP should be amended as set out in Appendix A of this report.
574. For the reasons set out in the Section 32AA evaluation attached at Appendix C, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
  - achieve the relevant objectives of the PDP, in respect to the proposed provisions.

### Recommendations:

I recommend that:

1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
2. The PDP is amended in accordance with the changes recommended in Appendix A of this report.

### Signed:

Name and Title		Signature
Report Author	Torrey McDonnell, Principal Policy Planner for Porirua City Council	

## Appendix A. Recommended Amendments to PDP

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the PDP is underlined.
- Text recommended to be deleted from the PDP is ~~struckthrough~~.

### Other notes

- Consequential changes have been made in this chapter in response to:
  - Replacement of the term 'customary harvesting' with 'hauhake' (see Part A s42A overarching report – TRONT [264.89]).

## Definitions

<b>Biodiversity compensation</b>	<p><del>means a commitment to redress residual adverse impacts and must only be contemplated after the mitigation hierarchy steps in <u>ECO-P1</u> have been demonstrated to have been sequentially exhausted and only after biodiversity offsetting has been implemented.</del></p> <p><u>Means a measurable positive environmental outcome resulting from actions that are designed to compensate for residual adverse biodiversity effects. The principles to be applied when proposing and considering biodiversity compensation are provided in APP9 – Biodiversity Compensation.</u><sup>102</sup></p>
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<b>Biodiversity offset</b>	<p><del>means a measurable positive environmental outcome resulting from actions designed to redress the residual adverse effects on biodiversity arising from activities after appropriate avoidance, minimisation, and remediation measures have been applied. The goal of a biodiversity offset is to achieve no net loss, and preferably a net gain, of indigenous biodiversity values.</del></p> <p><u>Means a measurable positive environmental outcome resulting from actions designed to redress the residual adverse effects on biodiversity arising from activities after appropriate avoidance, minimisation, and remediation measures have been taken applied. The goal of a biodiversity offsets is to achieve no net loss, and preferably a net gain, of indigenous biodiversity values. The principles to be applied when proposing and considering biodiversity offsets are provided in APP 8 – Biodiversity offsetting.</u><sup>103</sup></p>
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<b><u>Pest</u></b> <sup>104</sup>	<p><u>means any species that is:</u></p> <ol style="list-style-type: none"> <li><u>A pest or unwanted organism as defined in the Biosecurity Act 1993,</u></li> <li><u>Listed in the Greater Wellington Regional Pest Management Plan 2019-2039; or</u></li> </ol>
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<sup>102</sup> GWRC [137.4], Forest and Bird [225.53]

<sup>103</sup> Forest and Bird [225.54]

<sup>104</sup> GWRC [137.5] and Forest and Bird [225.67]



- c. [Listed in Howell, C \(2008\) Consolidated List of Environmental Weeds in New Zealand, Science & Technical Publishing, New Zealand Department of Conservation.](#)

**Removal of vegetation**<sup>105</sup>

means the removal or destruction of vegetation (exotic or indigenous) by mechanical or chemical means, including felling vegetation, spraying of vegetation by hand or aerial means, hand removal, and the burning, smothering or clearance of vegetation by any other means.

**Restoration**

means the ~~restoration~~ **rehabilitation**<sup>106</sup> of sites, habitats or ecosystems to support indigenous flora and fauna, ecosystem functions and natural processes that would naturally occur in the ecosystem and locality.

## ECO – Ecosystems and Indigenous Biodiversity

This chapter contains provisions that have legal effect. They are identified with a [hammer] to the right hand side of the provision. To see more about what legal effect means please click here.

The Ecosystems and Indigenous Biodiversity chapter comprises identified areas of Significant Natural Areas ("SNAs"). ~~This is a~~ ~~These are~~ district-wide ~~overlay~~ ~~Overlays~~ which ~~apply~~ ~~applies~~ within all zones<sup>107</sup>. ~~SNAs have been identified in accordance with the criteria within Policy 23 of the Regional Policy Statement for the Wellington Region.~~<sup>108</sup>

The objectives, policies and rules provide the framework for managing the effects of activities on significant indigenous biodiversity values ~~maintaining and where appropriate enhancing indigenous biodiversity~~ within the ~~District City~~<sup>109</sup>. The rules recognise some activities can occur with limited impacts on the value of SNAs and as such these are provided for as permitted activities. Other activities could result in a greater level of adverse effect and require assessment against the values of the relevant SNA.

The SNAs that are covered by this chapter are contained in SCHED7 – Significant Natural Areas. Where the SNA is in an urban environment allotment as defined under s76(4C) of the RMA, further detail of the SNA is set out in SCHED8 – Urban Environment Allotments.

~~The National Policy Statement on Freshwater Management 2020, the National Environmental Standard for Fresh Water 2020 and the Proposed Natural Resources Plan for the Wellington Region contain specific requirements in respect of natural wetlands.~~

~~Under the National Policy Statement for Freshwater Management 2020 GWRC must:~~

- ~~1. identify and map natural inland wetlands; and~~
- ~~2. must include a policy and rule framework to avoid the loss of extent of natural inland wetlands, protect their values and promote their restoration.~~

<sup>105</sup> QEII [216.4], Forest and Bird [225.78]

<sup>106</sup> Forest and Bird [225.70]

<sup>107</sup> Forest and Bird [225.145]

<sup>108</sup> Kāinga Ora [81.430]

<sup>109</sup> Forest and Bird [225.145]

The National Environmental Standard for Freshwater 2020 contains regulations applying to activities within and near natural wetlands. The Proposed Natural Resources Plan for the Wellington Region contains objectives, policies and rules relating to natural wetlands. Resource consent may be required from the Regional Council for activities within and near wetlands. <sup>110</sup>

## Objectives

### ECO-01 Significant Natural Areas

The **identified**<sup>111</sup> values of Significant Natural Areas are protected from inappropriate subdivision, use and development and, where appropriate, restored.

### ECO-02 Plantation Forestry

The **identified** values of Significant Natural Areas are protected from the adverse effects of plantation forestry activities.

## Policies

### ECO-P1 Identification of Significant Natural Areas

Identify and list within SCHED7 – Significant Natural Areas **areas**<sup>112</sup> with significant indigenous biodiversity values in accordance with the criteria in Policy 23 of the Regional Policy Statement.

### ECO-P2 Protection of Significant Natural Areas

Protect the biodiversity values of Significant Natural Areas identified within SCHED7 – Significant Natural Areas, by requiring subdivision, use and development to:

#### 1. Avoid the following adverse effects on indigenous biodiversity values:

i. Loss of ecosystem representation and extent;

ii. Disruption to sequences, mosaics or ecosystem function;

iii. Fragmentation or loss of buffering or connectivity within the SNA and between other indigenous habitats and ecosystems; and

iv. A reduction in population size or occupancy of threatened species using the SNA for any part of their life cycle;<sup>113</sup>

1. Avoid **other**<sup>114</sup> adverse effects on **identified** indigenous biodiversity values where possible;
2. Minimise **other** adverse effects on the **identified** indigenous biodiversity values where avoidance is not possible;
3. Remedy **other** adverse effects on the **identified** indigenous biodiversity values where they cannot be avoided or minimised;
4. Only consider biodiversity offsetting for any residual adverse effects that cannot otherwise be avoided, minimised or remedied and where the principles of APP8 – Biodiversity Offsetting are met; and
5. Only consider biodiversity compensation after first considering biodiversity offsetting and where the principles of APP9 – Biodiversity Compensation are met.

<sup>110</sup> Porirua City Council [11.39]

<sup>111</sup> Removal of qualifier “identified” throughout chapter recommended in response to GWRC [137.45, 137.72, 137.45, 137.46, 137.47, 137.49, 137.50], and QEII [216.16], Forest and Bird [225.146, 225.178, 225.246]

<sup>112</sup> Correction of minor error under Clause 16

<sup>113</sup> Forest and Bird [225.36, 225.151], QEII [216.14]

<sup>114</sup> Forest and Bird [225.36, 225.151], QEII [216.14]

**ECO-P3 Appropriate use and development in Significant Natural Areas**

Enable vegetation removal within Significant Natural Areas identified within SCHED7 – Significant Natural Areas where it is of a scale and nature that maintains the ~~identified~~ biodiversity values, including;

1. ~~Trimming and pruning to maintain access to sunlight;~~<sup>115</sup>
2. Maintenance around existing buildings;
3. Safe operation of roads, tracks and access~~es~~ ~~ways~~<sup>116</sup>;
4. Restoration and conservation activities; and
5. Opportunities to enable tangata whenua to exercise ~~hauhake customary harvesting practices.~~<sup>117</sup>

**ECO-P4 Other subdivision, use and development in Significant Natural Areas**

Only allow subdivision, use and development in Significant Natural Areas listed in SCHED7 – Significant Natural Areas where it:

1. Applies the effects management hierarchy approach in ECO-P2; and
2. Can demonstrate that it is appropriate by taking into account:
  - a. ~~The findings of an ecological assessment from a suitably qualified and experienced ecologist that determines the significance of the indigenous biodiversity values and the impact of the activity on the identified values in order to support the application of the effects management hierarchy in ECO-P2;~~<sup>118</sup>
  - b. The provision of any protective covenants of the Significant Natural Area as part of the subdivision, use or development;
  - c. Whether the fragmentation of the Significant Natural Area is minimised, including connectivity with other Significant Natural Areas;
  - d. The extent to which building platforms and vehicle accessways are proposed to locate outside the Significant Natural Area;
  - e. ~~The extent to which the trimming or removal of indigenous vegetation avoids the loss, damage or disruption to the ecological processes, functions and integrity of the Significant Natural Area;~~
  - f. ~~The extent to which earthworks are minimised within Significant Natural Areas; and~~
  - g. ~~The potential cumulative effects of activities and the extent to which any adverse effect on the values of the Significant Natural Area are minimised.~~<sup>119</sup>

**ECO-P5 Protection of wetlands**

Avoid activities that would result in the loss or degradation of the ~~identified~~ indigenous biodiversity values of wetlands within a Significant Natural Area listed in SCHED7 – Significant Natural Areas, while providing for restoration activities in accordance with ECO-P7.

**ECO-P6 Development of existing vacant lots**

Provide for the development of existing vacant, serviced residential lots established prior to 28 August 2020 where there is no suitable building platform available outside of a Significant Natural Area identified in SCHED7 – Significant Natural Areas, having regard to:

1. The location of the building platform and the extent of associated vegetation removal;
2. ~~The avoidance of adverse effects on the highest identified biodiversity values in SCHED7 – Significant Natural Areas;~~<sup>120</sup>
3. The location of the access or driveway to the building platform to reduce further loss of vegetation or fragmentation of the Significant Natural Area; and
4. The location of lateral service connections to public wastewater, sewer and water supply network, electricity and telephone cables.

<sup>115</sup> Ryan Family Trust [138.4], Lee and Andrew Shippam [212.1], Grant Abdee [238.7] and Frances McNamara [259.4, 259.5]

<sup>116</sup> Correction of minor error under clause 16

<sup>117</sup> TROTR [264.89] – see Part A s42A overview report

<sup>118</sup> Transpower [60.73]

<sup>119</sup> Forest and Bird [225.155], QEII [216.21], DOC [126.13]

<sup>120</sup> Forest and Bird [225.158]

**ECO-P7 ~~Protection and restoration~~ Restoration and maintenance<sup>121</sup> initiatives**

Encourage the ~~protection and~~ restoration and maintenance<sup>122</sup> of indigenous biodiversity, especially riparian areas and wetlands and their seeps<sup>123</sup>, by:

1. supporting initiatives by landowners, community groups and others to protect, restore and maintain areas of indigenous vegetation;
2. promoting the use of locally sourced indigenous vegetation as part of any restorative planting, and
3. promoting best practice pest animal and plant control.<sup>124</sup>

**ECO-P8 New plantation forestry**

Avoid the establishment of new plantation forestry within a Significant Natural Area listed in SCHED7 – Significant Natural Areas.

**ECO-P9 Existing plantation forestry**

Provide for existing plantation forestry and associated activities where these maintain or restore the ~~identified~~ biodiversity values within a Significant Natural Area listed in SCHED7 – Significant Natural Areas.

**ECO-P10 Māori Purpose Zone (Hongoeka) and Takapūwāhia Precinct**

Recognise and provide for papakāinga activities by Ngāti Toa whānau within the Māori Purpose Zone (Hongoeka) and Takapūwāhia, and for residential activities in the Takapūwāhia Precinct where:

1. Kaitiakitanga is exercised to protect ~~identified~~ Significant Natural Areas in accordance with the effects management hierarchy in ECO-P2;
2. ~~The design of the papakāinga and/or residential development avoids adverse effects on the highest identified biodiversity values within a Significant Natural Area listed in SCHED7 – Significant Natural Areas; and<sup>125</sup>~~
3. Any activities are located outside the coastal environment.

**ECO-P11 Earthworks within Significant Natural Areas**

Only allow earthworks within a Significant Natural Area where it can be demonstrated that:

1. Any adverse effects on ~~identified~~ indigenous biodiversity values of a Significant Natural Area listed in SCHED7 – Significant Natural Areas are addressed in accordance with ECO-P2 and the matters in ECO-P4 and ECO-P12;
2. ~~Any biodiversity offsetting proposed is in accordance with APP8 – Biodiversity Offsetting; and<sup>126</sup>~~
3. ~~Any earthworks within a wetland are avoided.<sup>127</sup>~~
4. Any adverse effects on areas identified as a significant habitat for lizards are avoided, remedied or mitigated.<sup>128</sup>

**ECO-P12 Significant Natural Areas within the coastal environment**

Only allow activities within an identified Significant Natural Area in the coastal environment where it can be demonstrated that they;

1. Avoid adverse effects on the matters in Policy 11(a) of the New Zealand Coastal Policy Statement 2010, and avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities" on the matters in Policy 11(b) of the New Zealand Coastal Policy Statement 2010<sup>129</sup>; and
2. Protect ~~the identified indigenous biodiversity values in SCHED7 – Significant Natural Areas~~ in accordance with ECO-P2 and ECO-P4.

**ECO-P13 Wild fire management**

<sup>121</sup> QEII [216.24] and Forest and Bird [225.159]

<sup>122</sup> Ibid

<sup>123</sup> Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pauatahanui Inlet [77.12]

<sup>124</sup> QEII [216.24] and Forest and Bird [225.159]

<sup>125</sup> GWRC [137.51] and Forest and Bird [225.162]

<sup>126</sup> QEII [216.27]

<sup>127</sup> GWRC [137.69] and Forest and Bird [225.21]

<sup>128</sup> DOC [126.21]

<sup>129</sup> Forest and Bird [225.164]

Provide for the replacement of high-flammability vegetation with low-flammability vegetation near to residential units where:

1. the works are to protect residential units from a demonstrated wild fire risk; and
2. ECO-P2 is applied, including the use of eco-sourced local indigenous vegetation to replace high-flammability vegetation.<sup>130</sup>

## 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.

### ECO-R1 Removal, Trimming, pruning and removal<sup>131</sup> of indigenous<sup>132</sup> vegetation within a Significant Natural Area

#### All zones

#### 1. Activity status: **Permitted**

#### Where:

- a. The trimming, pruning<sup>133</sup> or removal of indigenous<sup>134</sup> vegetation is to:
  - i. Address an imminent threat to people or property represented by deadwood, diseased or dying vegetation and ECO-S1 is complied with;
  - ii. Ensure the safe and efficient operation of any formed public road, rail corridor or access, where removal is limited to within the formed width of the road, rail corridor or access;
  - iii. Enable the maintenance of buildings and outdoor living space<sup>135</sup> where the removal of indigenous<sup>136</sup> vegetation is limited to within 3m from the external wall ~~or~~, roof or deck<sup>137</sup> of a building, or within 3m of any outdoor living space required by this Plan<sup>138</sup>;
  - iv. ~~Maintain, upgrade or create new public walking or cycling tracks up to 2.5m in width undertaken by Porirua City Council or its approved contractor in accordance with the Porirua City Council Track Standards Manual (Version 1.2, 2014) and where no tree with a trunk greater than 15cm in diameter (measured 1.4m above ground) is removed;~~<sup>139</sup>
  - v. Construct new perimeter fences for stock or pest animal exclusion from areas or maintenance of existing fences provided the area of trimming or removal of any vegetation does not exceed 2m in width;
  - vi. Enable necessary flood protection or natural hazard control where undertaken by a Statutory Agency or their nominated contractors or agents on their behalf as part of natural hazard mitigation works;
  - vii. Comply with section 43 of the Fire and Emergency Act 2017; or
  - viii. Enable tangata whenua to exercise hauhake customary harvesting.<sup>140</sup>; or

<sup>130</sup> Pauatahanui Residents Association [74.3], Andrea & Karl Simonlehner [110.3], Ryan Family Trust [138.2, 138.3, 138.8], Ian and Helen Gear [193.8], Sheryn and David Harpham [202.1], Tiaki and Amanda Pritchard [220.4], and Frances McNamara [259.3]

<sup>131</sup> Porirua City [11.40, 11.41]

<sup>132</sup> GWRC [137.73, 137.54, 137.55, 137.53], DOC [126.19], Forest and Bird [225.168], and QEII [216.30]

<sup>133</sup> Ibid

<sup>134</sup> GWRC [137.73, 137.54, 137.55, 137.53], DOC [126.19], Forest and Bird [225.168], and QEII [216.30]

<sup>135</sup> Ryan Family Trust [138.4], Lee and Andrew Shippam [212.1], Grant Abdee [238.7] and Frances McNamara [259.4]

<sup>136</sup> GWRC [137.73, 137.54, 137.55, 137.53], DOC [126.19], Forest and Bird [225.168], and QEII [216.30]

<sup>137</sup> Grant Abdee [238.2]

<sup>138</sup> Ryan Family Trust [138.4], Lee and Andrew Shippam [212.1], Grant Abdee [238.7] and Frances McNamara [259.4]

<sup>139</sup> Porirua City Council [11.42]

<sup>140</sup> TROTR [264.89] – see Part A s42A overview report

- ix. The trimming or pruning is necessary to maintain sunlight access to residential units and any outdoor living space required by this Plan where ECO-S2 is complied with.<sup>141</sup>

**All zones**

2. Activity status: **Restricted discretionary**

Where:

1. Compliance is not achieved with ECO-R1-1.a.

Matters of discretion are restricted to:

1. The matters in ECO-P2; and
2. The matters in ECO-P4.

Section 88 information requirements for applications:

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:
  - a. Identifying the biodiversity values and **and**<sup>142</sup> potential impacts from the proposal; and
  - b. Demonstrating that the ECO-P2 hierarchy has been applied.

**ECO-R2****Removal of non-indigenous (exotic) vegetation within a Significant Natural Area****All zones**

1. Activity status: **Permitted**

Where:

- a. The vegetation is a pest plant;
- b. Any trees over 8m in height or over 500mm measured at diameter breast height are controlled by either ring-barking or poisoning methods; and
- c. No more than 100m<sup>2</sup> of trees that exceed this size threshold is removed in any 12-month period.

2. Activity status: **Restricted discretionary**

Where:

- a. Compliance is not achieved with ECO-R2-1.a, ECO-R2-1.b, or ECO-R2-1.c.

Matters of discretion are restricted to:

1. The matters in ECO-P2; and
2. The matters in ECO-P4.

Section 88 information requirements for applications:

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:
  - a. Identifying the biodiversity values and potential impacts from the proposal; and
  - b. Demonstrating that the ECO-P2 hierarchy has been applied.<sup>143</sup>

**ECO-R3****Restoration and maintenance of a Significant Natural Area**

<sup>141</sup> Ryan Family Trust [138.4], Lee and Andrew Shippam [212.1], Grant Abdee [238.7] and Frances McNamara [259.4]

<sup>142</sup> Correction to minor error under Clause 16

<sup>143</sup> GWRC [137.53, 137.54, 137.55, 137.73], DOC [126.19], Forest and Bird [225.168], and QEII [216.30]

<b>All zones</b>	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. The works are for the purpose of restoring or maintaining the <u>indigenous biodiversity values identified values in SCHED7 – Significant Natural Areas</u> by:</p> <ol style="list-style-type: none"> <li>Planting eco-sourced local indigenous vegetation;</li> <li>Carrying out animal pest or pest plant control activities;</li> <li>Carrying out activities in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or QEII Act 1977; or</li> <li>Carrying out activities in accordance with a Reserve Management Plan approved under the Reserves Act 1977.</li> </ol>
<b>All zones</b>	<p>2. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <p>a. Compliance is not achieved with ECO-R3-1.a.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>The matters in ECO-P2; and</li> <li>The matters in ECO-P4.</li> </ol> <p>Section 88 information requirements for applications:</p> <ol style="list-style-type: none"> <li>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: <ol style="list-style-type: none"> <li>Identifying the biodiversity values and <del>and</del><sup>144</sup> potential impacts from the proposal; and</li> <li>Demonstrating that the ECO-P2 hierarchy has been applied.</li> </ol> </li> </ol>

<b>ECO-R4</b>	<b>Earthworks within a Significant Natural Area</b>
<b>All zones</b>	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. The earthworks:</p> <ol style="list-style-type: none"> <li>Do not involve the removal of any indigenous vegetation; or</li> <li><u>Do not take place within a Significant Natural Area identified in SCHED7 as a significant habitat for lizards.</u><sup>145</sup></li> <li><del>Are for the maintenance of existing public walking or cycling access tracks, as carried out by Porirua City Council, GWRC or their nominated contractor or agent; and</del><sup>146</sup></li> <li><del>The earthworks do not occur within any wetland.</del><sup>147</sup></li> </ol>
<b>All zones</b>	<p>2. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <p>a. Compliance is not achieved with ECO-R4-1.a.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>The matters in ECO-P11.</li> </ol> <p>Section 88 information requirements for applications:</p> <ol style="list-style-type: none"> <li>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:</li> </ol>

<sup>144</sup> Correction to minor error under Clause 16

<sup>145</sup> DOC [126.21]

<sup>146</sup> Porirua City Council [11.43]

<sup>147</sup> Robyn Smith [168.71, 168.70]

- a. Identifying the biodiversity values and ~~and~~<sup>148</sup> potential impacts from the proposal; and  
b. Demonstrating that the ECO-P2 hierarchy has been applied.

~~All zones~~

~~3. Activity status: Non-complying~~

~~Where:~~

~~a. Compliance is not achieved with ECO-R4 1.b.<sup>149</sup>~~

**ECO-R5 ~~C~~Vegetation clearance for the c<sup>150</sup>onstruction of a residential unit on a vacant allotment within a Significant Natural Area**



**General Residential Zone**

1. Activity status: **Controlled**

**Medium Density Residential Zone**

Where:

- a. The lot:
- i. Is held in a freehold title that existed at 28 August 2020;
  - ii. Is vacant and does not contain any residential unit or other building; and
  - iii. Has existing service connections to the public wastewater, sewer and water supply network.
- b. The proposed residential unit ~~and any associated vegetation clearance: LC~~ complies with the permitted building site coverage standard and earthworks standards for the underlying zone and is unable to locate outside the Significant Natural area within the site;
- c. Any associated vegetation clearance is the minimum required for the construction of an access, services and outdoor living space that is required within the lot by the permitted standards for that zone.
- i. ~~Is not located within a wetland.~~<sup>151</sup>

Matters of control are restricted to:

- i. ~~The matters in ECO-P2; and~~<sup>152</sup>
- ii. The matters in ECO-P6.

Section 88 information requirements for applications:

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:

- a. Identifying the biodiversity values and potential impacts from the proposal; and
- b. Demonstrating that the ECO-P2 hierarchy has been applied.<sup>153</sup>

**Notification:**

An application under this rule is precluded from being publicly or limited notified in accordance with sections 95A and 95B of the RMA.

<sup>148</sup> Correction to minor error under Clause 16

<sup>149</sup> GWRC [137.69] and Forest and Bird [225.21]

<sup>150</sup> QEII [216.33] and Forest and Bird [225.171]

<sup>151</sup> GWRC [137.69] and Forest and Bird [225.21]

<sup>152</sup> DOC [126.22]

<sup>153</sup> Ibid



2. Activity status: **Restricted discretionary**

Where:

- a. Compliance is not achieved with standards ~~ECO-R5-1.a or ECO-R5-1.b ECO-R4-1.a or ECO-R4-1.b.~~<sup>154</sup>

Matters of discretion are restricted to:

1. The matters in ECO-P2; and
2. The matters in ECO-P4.


Section 88 information requirements for applications:


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:
  - a. Identifying the biodiversity values and ~~and~~<sup>155</sup> potential impacts from the proposal; and
  - b. Demonstrating that the ECO-P2 hierarchy has been applied.

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<sup>154</sup> Correction to minor error under Clause 16

<sup>155</sup> Correction to minor error under Clause 16

<b>ECO-R6</b> 	<b>Removal of indigenous vegetation within a Significant Natural Area <u>within the Māori Purpose Zone (Hongoeke) and the General Residential Zone within the Takapūwāhia precinct</u><sup>156</sup></b>
<b>Māori Purpose Zone (Hongoeke)</b>  <b>General Residential Zone within the Takapūwāhia Precinct</b>	<p>1. Activity status: <b>Controlled</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>The removal of vegetation is for;             <ol style="list-style-type: none"> <li>The development of papakāinga within a Significant Natural Area; or</li> <li>A residential development within a Significant Natural Area within the Takapūwāhia Precinct; and</li> </ol> </li> <li>The removal of vegetation is outside the Coastal Environment; and</li> <li>No more than 3000m<sup>2</sup> of indigenous vegetation is removed per existing title that existed at 28 August 2020.</li> </ol> <p>Matters of control are limited to:</p> <ol style="list-style-type: none"> <li>The matters in ECO-P10.</li> </ol> <p>Section 88 information requirements for applications:</p> <ol style="list-style-type: none"> <li>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:             <ol style="list-style-type: none"> <li>Identifying the biodiversity values and potential impacts from the proposal; and</li> <li>Demonstrating that the ECO-P2 hierarchy has been applied.</li> </ol> </li> </ol> <p><b>Notification:</b> An application under this rule is precluded from being publicly or limited notified in accordance with sections 95A and 95B of the RMA.</p>
<b>Māori Purpose Zone (Hongoeke)</b>  <b>General Residential Zone within the Takapūwāhia Precinct</b>	<p>2. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>Compliance is not achieved with ECO-R6-1.a, ECO-R6-1.b or ECO-R6-1.c; or</li> <li>Except as otherwise provided for under;             <ol style="list-style-type: none"> <li>ECO-R1; or</li> <li>ECO-R5.</li> </ol> </li> </ol> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>The matters in ECO-P2; and</li> <li>The matters in ECO-P4.</li> </ol> <p>Section 88 information requirements for applications:</p> <ol style="list-style-type: none"> <li>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:             <ol style="list-style-type: none"> <li>Identifying the biodiversity values and potential impacts from the proposal; and</li> <li>Demonstrating that the ECO-P2 hierarchy has been applied.</li> </ol> </li> </ol>

<b>ECO-R7</b> 	<b>Removal of indigenous vegetation within Significant Natural Areas</b>
<b>All zones</b>	<p>1. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li><del>The indigenous vegetation being removed is within an identified Significant Natural Area, including any tree within an Urban Environment Allotment, except as otherwise provided for under:</del> <ol style="list-style-type: none"> <li><del>ECO-R1;</del></li> <li><del>ECO-R5; or</del></li> <li><del>ECO-R6.</del></li> </ol> </li> </ol>

<sup>156</sup> Porirua City Council [11.44]

~~Matters of discretion are restricted to:~~

- ~~1. The matters in ECO-P2;~~
- ~~2. The matters in ECO-P4; and~~
- ~~3. The matters in ECO-P11.~~

~~Section 88 information requirements for applications:~~

- ~~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:
 
  - ~~a. Identifying the biodiversity values and and potential impacts from the proposal; and~~
  - ~~b. Demonstrating that the ECO-P2 hierarchy has been applied.<sup>157</sup>~~~~

## ECO-R8

## New plantation forestry within a Significant Natural Area



All zones

1. Activity status: **Non-complying**

## ECO-R9

## Any activity within a Significant Natural Area not otherwise listed as permitted, controlled, restricted discretionary, or discretionary



All zones

i Activity status: **Non-complying-Discretionary<sup>158</sup>**

## Standards

## ECO-S1

## Trimming, pruning or removal where there is the imminent threat to the safety of people or property

All zones

1. The works are essential due to the imminent threat to the safety of people or property and Council is advised of this threat as soon as practicable;
2. All trimming or pruning must be undertaken to a growth point or branch union and in accordance with the New Zealand Arboricultural Association Incorporated Best Practice Guideline 'Amenity Tree Pruning' Version 3 dated April 2011 to avoid irreversible damage to the health of the tree;<sub>2</sub>
3. ~~Any removal is~~ The works must be undertaken or supervised by a works arborist<sup>159</sup> suitably qualified arboricultural expert;
4. Porirua City Council is provided with written documentation by a works arborist confirming that the works were undertaken in accordance with good arboricultural practice no later than 10 working days after the works have been completed, including why any vegetation was an immediate threat to the safety of people or property.<sup>160</sup>

Matters of discretion are restricted to:

1. The extent to which the trimming or removal of indigenous vegetation avoids the loss, damage or disruption to the ecological processes, functions and integrity of the Significant Natural Area; and
2. The effect of the vegetation removal on indigenous biodiversity values the identified biodiversity values in SCHED7 Significant Natural Areas.

<sup>157</sup> DOC [126.23], Forest and Bird [225.173], and QEII [216.34]

<sup>158</sup> Porirua City Council [11.46]

<sup>159</sup> Grant Abdee [238.3, 238.4]

<sup>160</sup> Porirua City Council [11.47]

ECO-S2<sup>161</sup>

## Trimming or pruning to maintain sunlight access

1. All trimming or pruning must be undertaken to a growth point or branch union and in accordance with the New Zealand Arboricultural Association Incorporated Best Practice Guideline 'Amenity Tree Pruning' Version 3 dated April 2011 to avoid irreversible damage to the health of the tree.
2. The works must be undertaken or supervised by a works arborist.
3. Porirua City Council is notified prior to works commencing.

Matters of discretion are restricted to:

1. The extent to which the trimming or removal of indigenous vegetation avoids the loss, damage or disruption to the ecological processes, functions and integrity of the Significant Natural Area; and
2. The effect of the vegetation removal on indigenous biodiversity values.

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<sup>161</sup> Ryan Family Trust [138.4], Lee and Andrew Shippam [212.1], Grant Abdee [238.7], Frances McNamara [259.4, 259.5]

# SCHED7 - Significant Natural Areas

[Note to Panel: only items from SCHED7 with recommended amendments listed below]

SNA011 Bell's Bush	
<b>Site Summary</b>	Three small areas containing a diversity of ecosystem types including lowland coastal forest (tawa, kohekohe, māhoe); mixed-hardwood treeland (māhoe, kaikōmako, tōtara (Podocarpus tōtara; of local interest), lancewood, mānuka (Leptospermum scoparium; At Risk-Declining) ngaio); tawa-pukatea forest (emergent kahikatea (Dacrycarpus dacrydioides; of local interest), over a canopy of pukatea, tawa, small-leaved kōwhai, māhoe, five-finger, lancewood, hīnau, pigeonwood, ngaio, red māpou, kōtukutuku, karaka); kahikatea/kānuka forest, and Includes Bell's Bush Wetland Carex coriacea sedgeland (Carex coriacea, Carex solandri, pakau, whekī, harakeke, ongaonga, Juncus effusus), in and around gullies. Supports barking gecko (Naultinus punctatus; At Risk-Declining) and bellbird (Anthornis melanura melanura; regionally scarce). Includes an area protected by the PCC covenant (0858, 64/339, 0490). Kānuka (presumably Kunzea robusta; Threatened-Nationally Vulnerable). Includes indigenous vegetation on Chronically Threatened land environments.
<b>Relevant values under Policy 23 of RPS</b>	Representativeness (RPS23A) Rarity (RPS23B) Diversity (RPS23C) Ecological context (RPS23D)
<b><u>Other information</u></b>	<u>Significant habitat for lizards</u> <sup>162</sup>

SNA018 Pukerua Bay – Wairaka Coastal Fringe	
<b>Site Summary</b>	This large site and two smaller areas, on the coastal scarp between Pukerua Bay and Wairaka Point, protects the Raroa and Wairaka Streams, and contains an ecological gradient from the sea-level beaches and coastal escarpment to more inland coastal forest and consequently contains a range of vegetation types including small areas of coastal saltmarsh and herb field, sparsely vegetated rock and scree slopes, vineland, wharariki (Phormium cookianum subsp. hookeri) flaxland, toetoe-carex wetland, to shrubland, mānuka (Leptospermum scoparium; At Risk-Declining) dominated scrub and then kohekohe and kānuka forest. Coastal cliff vegetation, on mafic rock, comprise a naturally rare ecosystem type at a national scale and are a vulnerable ecosystem type due to the proximity to residential areas and subsequent weed invasion. This site also supports a sponge garden, which is a hotspot of species diversity, density, richness, or endemism, and was identified as an important habitat in the coastal marine area in the Proposed Natural Resources Plan. This plan also identifies this site under Schedule J, as it contains Regionally Significant geological features including extensive greywacke shore platforms, and rock stacks and rare Torlesse Complex fossils (Torlessia mackayi Bather). At Risk flora species include tainui (New Zealand hazel; Pomaderris apetala subsp. maritima; Threatened-Nationally Critical); the Threatened-Nationally Vulnerable coastal pimelea (Pimelea tomentosa), rauwiritoa (Kunzea amathicola) and curly sedge (Carex cirrhosa); the At Risk-Declining woollyhead (Craspedia uniflora), New Zealand sow thistle (Puha; Sonchus kirkii), poroporo (Solanum aviculare), Trisetum antarcticum, thick-leaved

<sup>162</sup> DOC [126.21]

	<p>māhoe (<i>Melicactus crassifolius</i>), and shore spurge (<i>Euphorbia glauca</i>); the At Risk Relict large-Leaved milk tree (Tūrepo; <i>Streblus banksii</i>), and paraparā (<i>Pisonia brunoniana</i>), and the At Risk-Naturally Uncommon New Zealand spinach (Kokihi, <i>Tetragonia tetragonoides</i>), coastal māhoe (<i>Melicactus</i> aff. <i>obovatus</i>), parsley fern (patotara; <i>Botrychium australe</i>); little spotted moa (epiphytic orchid, <i>Drymoanthus flavus</i>); and white fuzzweed (<i>Vittadinia australis</i>, regionally endangered). This site has been identified in the Proposed Natural Resources Plan, as providing important habitat for indigenous birds including grey duck (<i>Anas superciliosa</i>; Threatened-Nationally Critical); the Threatened-Nationally Endangered reef heron (<i>Egretta sacra sacra</i>), and black-fronted tern (<i>Chlidonias albobristatus</i>); the Threatened-Nationally Vulnerable Caspian tern (<i>Hydroprogne caspia</i>), and Fiordland crested penguin (<i>Eudyptes pachyrhynchus</i>); At Risk-Declining New Zealand pipit (<i>Anthus novaeseelandiae</i>), Northern blue penguin (<i>Eudyptula minor iredalei</i>), red-billed gull (<i>Larus novaehollandiae scopulinus</i>), and white-fronted tern (<i>Sterna striata striata</i>); At Risk-Recovering bush falcon (<i>Falco novaeseelandiae ferax</i>), New Zealand dabchick (<i>Polioccephalus rufopectus</i>), North Island kākā (<i>Nestor meridionalis septentrionalis</i>), pied shag (<i>Phalacrocorax varius varius</i>), and variable oystercatcher (<i>Haematopus unicolor</i>); Black shag (<i>Phalacrocorax carbo novaehollandiae</i>; At Risk-Naturally Uncommon); Fluttering shearwater (<i>Puffinus gavia</i>; At Risk-Relict); and bellbird (<i>Anthornis melanura melanura</i>; regionally scarce). Other species include three reptiles with threat rankings including the Whitaker's skink (<i>Oligosoma whitakeri</i>; Threatened-Nationally Endangered), Wellington green gecko (<i>Naultinus punctatus</i>; At Risk-Declining) and glossy brown skink (<i>Oligosoma zelandicum</i>; At Risk-Declining); and one invertebrate species, katipo spider (<i>Latrodectus katipo</i>; At Risk-Declining). Identified as a Key Native Ecosystem and includes an area protected by a PCC covenant (1171) and an area part of the DOC Pukerua Bay Scientific Reserve. Includes indigenous vegetation on Chronically Threatened land environments. A pied shag (<i>Phalacrocorax varius varius</i>; At Risk-Recovering) roost in a macrocarpa is just outside the boundary of this site and should also be protected.</p>
<b>Relevant values under Policy 23 of RPS</b>	<p>Representativeness (RPS23A) Rarity (RPS23B) Diversity (RPS23C) Ecological context (RPS23D) Tangata whenua values (RPS23E)</p>
<b>Other information</b>	<a href="#">Significant habitat for lizards<sup>163</sup></a>

<b>SNA027</b>	<b>Whenua Tapu Highway Forest</b>
<b>Site Summary</b>	<p>A narrow strip of seral broadleaved forest and treeland, in the northern Taupo Stream valley, located mostly between SH1 and the railway, but also includes a small section in the north, to the west of the railway. Comprised of five-finger, māhoe, kānuka (presumably <i>Kunzea robusta</i>; Threatened-Nationally Vulnerable), mānuka (<i>Leptospermum scoparium</i>; At Risk-Declining), wineberry, <i>Coprosma robusta</i>, ngaio, and pigeonwood. Some prominent macrocarpa trees in northern section at entrance to Pukerua Bay. Protects the Taupo Stream riparian area and enhances ecological connectivity along the stream, possibly supporting the At Risk-Declining giant kōkopu (<i>Galaxias argenteus</i>), inanga (<i>Galaxias maculatus</i>), longfin eel (<i>Anguilla dieffenbachii</i>), and redfin bully (<i>Gobiomorphus huttoni</i>). Includes very small areas of raupō reedland, comprised of raupō, watercress, puha (<i>Sonchus kirkii</i>; At Risk-Declining), grey willow, kiokio, <i>Carex coriacea</i> and <i>Carex geminata</i>. Barking gecko (<i>Naultinus punctatus</i>; At Risk-Declining) have been recorded in this site. This site may support bush falcon (<i>Falco novaeseelandiae ferax</i>; At Risk-Recovering) and bellbird (<i>Anthornis melanura melanura</i>; regionally scarce).</p>

<sup>163</sup> DOC [126.21]

<b>Relevant values under Policy 23 of RPS</b>	Representativeness (RPS23A) Rarity (RPS23B) Ecological context (RPS23D)
<b><u>Other information</u></b>	<a href="#"><u>Significant habitat for lizards</u></a> <sup>164</sup>

<b>SNA031</b>	<b>Pukerua Bay South Coastal Scarp</b>
<b>Site Summary</b>	Comprises mostly grazed pasture and scrub. Contains <i>Gonocarpus incanus</i> (regionally sparse) and Wellington green gecko ( <i>Naultinus punctatus</i> ; At Risk-Declining). Supports a diversity of bird species including Reef-Heron ( <i>Egretta sacra</i> ; Threatened-Nationally Endangered); the At Risk-Declining New Zealand Pipit ( <i>Anthus novaeseelandiae</i> ), red-billed gull ( <i>Larus novaehollandiae</i> ), and white-fronted tern ( <i>Sterna striata</i> ); the At Risk-Recovering northern giant-petrel ( <i>Macronectes halli</i> ), pied shag ( <i>Phalacrocorax varius</i> ), and variable oystercatcher ( <i>Haematopus unicolor</i> ); and the fluttering shearwater ( <i>Puffinus gavia</i> ; At Risk-Relict). Includes indigenous vegetation on Acutely Threatened land environments.
<b>Relevant values under Policy 23 of RPS</b>	Rarity (RPS23B) Ecological context (RPS23D)
<b><u>Other information</u></b>	<a href="#"><u>Significant habitat for lizards</u></a> <sup>165</sup>

<b>SNA035</b>	<b>Karehana Bay Bush</b>
<b>Site Summary</b>	This site has been identified as a Key Native Ecosystems and includes areas protected by the PCC covenants (0443,1432, 2444). It contains a sizable area of forest and scrub on the hills, comprising stands of remnant tawa-kohekohe forest with emergent pukatea, hīnau, miro, mātai and rewarewa, which are adjoined and often buffered by areas of kānuka (presumably <i>Kunzea robusta</i> ; Threatened-Nationally Vulnerable) and mānuka ( <i>Leptospermum scoparium</i> ; At Risk-Declining) scrub. A small raupō ( <i>Typha orientalis</i> ) wetland occurs in one gully. More than 150 indigenous plant species are known from the KNE site including the New Zealand carrot ( <i>Daucus glochidiatus</i> ; Threatened-Nationally Vulnerable), large-leaved milk tree (Tūrepo; <i>Streblus banksii</i> ; At Risk-Relict), dwarf mistletoe ( <i>Korthalsella salicornioides</i> ; At Risk-Naturally Uncommon), and willow leaved maire ( <i>Mida salicifolia</i> ; At Risk-Declining). Five podocarp species of local interest occur in this forest, including mātai ( <i>Prumnopitys taxifolia</i> ), miro ( <i>Prumnopitys ferruginea</i> ), tōtara ( <i>Podocarpus tōtara</i> ), rimu ( <i>Dacrydium cupressinum</i> ), kahikatea ( <i>Dacrydium dacrydioides</i> ), as well as northern rātā ( <i>Metrosideros robusta</i> ; Threatened-Nationally Vulnerable), hīnau ( <i>Elaeocarpus dentatus</i> ) and white maire ( <i>Nestegis lanceolata</i> ). This site supports a range of forest birds including the red-crowned parakeet ( <i>Cyanoramphus novaezelandiae</i> ; At Risk-relict), whitehead ( <i>Mohoua albicilla</i> ; At Risk-Declining), and the regionally scarce bellbird ( <i>Anthornis melanura melanura</i> ). The At Risk-Recovering bush falcon ( <i>Falco novaeseelandiae ferox</i> ) and kākā ( <i>Nestor meridionalis septentrionalis</i> ) may also use this site on occasion. This site is also likely to support the Wellington green gecko ( <i>Naultinus punctatus</i> ; At Risk-Declining). This site includes the Karehana Stream, which may contain the At Risk-Declining giant kōkopu ( <i>Galaxias argenteus</i> ), and longfin eel ( <i>Anguilla dieffenbachii</i> ). Includes indigenous vegetation on Acutely Threatened and Chronically Threatened land environments.

<sup>164</sup> DOC [126.21]<sup>165</sup> DOC [126.21]

<b>Relevant values under Policy 23 of RPS</b>	Representativeness (RPS23A) Rarity (RPS23B) Diversity (RPS23C) Ecological context (RPS23D) Tangata whenua values (RPS23E)
<b>Other information</b>	<a href="#">Significant habitat for lizards<sup>166</sup></a>

<b>SNA038 Motuhara Bush</b>	
<b>Site Summary</b>	Two areas comprised of coastal forest (kohekohe, kānuka (presumably <i>Kunzea robusta</i> ; Threatened-Nationally Vulnerable), mānuka ( <i>Leptospermum scoparium</i> ; At Risk-Declining), kōwhai) remnants, coastal escarpment vegetation and ephemeral stream, mostly bound by Motuhara Road, but also includes a forest area to the north of tight bend in Motuhara Road. This site contains indigenous vegetation on Acutely Threatened land environments and includes northern rātā ( <i>Metrosideros robusta</i> ; Threatened-Nationally Vulnerable and of local interest) and a walkway. Supports bellbird ( <i>Anthornis melanura melanura</i> ; regionally scarce), and the At Risk-Declining Mokopirirakau "southern North Island" and barking geckos ( <i>Naultinus punctatus</i> ).
<b>Relevant values under Policy 23 of RPS</b>	Representativeness (RPS23A) Rarity (RPS23B) Diversity (RPS23C) Ecological context (RPS23D)
<b>Other information</b>	<a href="#">Significant habitat for lizards<sup>167</sup></a>

<b>SNA054 Ngāti Toa Domain Dunes</b>	
<b>Site Summary</b>	This site contains one of only two dunes within Porirua City, which is dominated by Marram grass near the harbour and macrocarpa trees in the back dune. Despite being modified this site protects the Porirua harbour and provides habitat for bird species including reef heron ( <i>Egretta sacra sacra</i> ; Threatened-Nationally Endangered); Threatened-Nationally Vulnerable banded dotterel ( <i>Charadrius bicinctus bicinctus</i> ), and Caspian tern ( <i>Hydroprogne caspia</i> ); At Risk-Declining New Zealand pipit ( <i>Anthus novaeseelandiae novaeseelandiae</i> ), red-billed gull ( <i>Larus novaehollandiae scopulinus</i> ), and South Island pied oystercatcher ( <i>Haematopus finschi</i> ); At Risk-Recovering pied shag ( <i>Phalacrocorax varius varius</i> ), and variable oystercatcher ( <i>Haematopus unicolor</i> ); and black shag ( <i>Phalacrocorax carbo novaehollandiae</i> ; At Risk-Naturally Uncommon). Also supports the Wellington Green gecko ( <i>Naultinus punctatus</i> , At Risk-Declining). Includes indigenous vegetation on Acutely Threatened land environments.
<b>Relevant values under Policy 23 of RPS</b>	Rarity (RPS23B) Ecological context (RPS23D)
<b>Other information</b>	<a href="#">Significant habitat for lizards<sup>168</sup></a>

<sup>166</sup> DOC [126.21]<sup>167</sup> DOC [126.21]<sup>168</sup> DOC [126.21]



<b>SNA058 Camborne Inlet Scarp</b>	
<b>Site Summary</b>	An extensive site, which enhances connectivity around Pāuatahanui Inlet and buffers against sedimentation into Pāuatahanui Inlet. Is comprised of a continuum of coastal forest, gorse-broom-hardwood scrub and shrubland, estuarine and sedge-dominated wetland, and shore-edge associations, with kānuka (presumably <i>Kunzea robusta</i> ; Threatened-Nationally Vulnerable), māhoe, and ngaio prominent in forest. Barking gecko ( <i>Naultinus punctatus</i> ; At Risk-Declining) have been recorded in this site. Supports a good diversity of bird species including the Threatened-Nationally Vulnerable banded dotterel ( <i>Charadrius bicinctus bicinctus</i> ), and Caspian tern ( <i>Hydroprogne caspia</i> ); the At Risk-Declining red-billed gull ( <i>Larus novaehollandiae scopulinus</i> ), and South Island pied oystercatcher ( <i>Haematopus finschi</i> ); the At Risk-Naturally Uncommon black shag ( <i>Phalacrocorax carbo novaehollandiae</i> ), little black shag ( <i>Phalacrocorax sulcirostris</i> ), and royal spoonbill ( <i>Platalea regia</i> ); and the At Risk-Recovering pied shag ( <i>Phalacrocorax varius varius</i> ), and variable oystercatcher ( <i>Haematopus unicolor</i> ). Contains indigenous vegetation on Acutely Threatened land environments and includes areas protected by the PCC covenants (1749, 0698, 2341).
<b>Relevant values under Policy 23 of RPS</b>	Representativeness (RPS23A) Rarity (RPS23B) Ecological context (RPS23D)
<b>Other information</b>	<a href="#"><u>Significant habitat for lizards</u></a> <sup>169</sup>

<b>SNA062 Kakaho Stream</b>	
<b>Site Summary</b>	This site is comprised of riparian vegetation, including reeds, cabbage trees, and broadleaved scrub, which protects the lower reaches of the Kakaho stream and is important for protecting the Porirua harbour. This site was identified in the Protected Natural Resources Plan, Schedule F1b, F2, and F4 as providing important inanga spawning habitat, important habitats for indigenous birds in the coastal marine area and as having significant indigenous biodiversity values in the coastal marine area. The At Risk-Declining inanga ( <i>Galaxias maculatus</i> ), longfin eel ( <i>Anguilla dieffenbachii</i> ), and redfin bully ( <i>Gobiomorphus huttoni</i> ), as well as banded kōkopu ( <i>Galaxias fasciatus</i> ), common bully ( <i>Gobiomorphus cotidianus</i> ), common smelt ( <i>Retropinna retropinna</i> ), giant bully ( <i>Gobiomorphus gobioides</i> ), grey mullet ( <i>Mugil cephalus</i> ), and shortfin eel ( <i>Anguilla australis</i> ) have all been recorded from this site. Kakaho stream was previously known as Kahao stream (1980). <a href="#"><u>It meandered over the Kakaho Valley floor until 1949 when it was straightened.</u></a> <sup>170</sup> Includes indigenous vegetation on Acutely Threatened land environments.
<b>Relevant values under Policy 23 of RPS</b>	Rarity (RPS23B) Ecological context (RPS23D)

<b>SNA065 West Horokiri Wetland</b>	
<b>Site Summary</b>	<del>A diverse wetland of <i>Juncus</i> rushland and raupō reedland in the lower western Horokiri catchment, comprising giant umbrella sedge, <i>Isolepis cernua</i>, harakeke, <i>Azolla rubra</i>, raupō, <i>Carex solandri</i>, <i>Juncus effusus</i>, <i>Juncus edgariae</i>, and <i>Hypolepis millefolium</i>. Includes a small pond, with <i>Azolla rubra</i>, <i>Isolepis cernua</i>, and areas of fringing mānuka (<i>Leptospermum scoparium</i>; At Risk-Declining) forest.</del>

<sup>169</sup> DOC [126.21]<sup>170</sup> Hannah Bridget Gray No2 Trust [108.8]

	<del>Includes an area protected by the QEII covenant (5-07-587). Includes indigenous vegetation on Acutely Threatened land environments.</del>
<b>Relevant values under Policy 23 of RPS</b>	<del>Representativeness (RPS23A) Rarity (RPS23B) Diversity (RPS23C) Ecological context (RPS23D)<sup>171</sup></del>

<b>SNA067</b>	<b><del>Lochlands Barrowside</del> bush covenant</b>
<b>Site Summary</b>	An area protected by QEII covenant 5-07-587, which <del>appears to have been is fenced and allowed to regenerate since 2008</del> . The vegetation <del>consists of natives in various developmental stages. is largely unknown but it</del> contains wetlands in the <del>gully gullies</del> and <del>may contain</del> <sup>172</sup> some mature trees in the northern area. Protects the headwaters of an unnamed stream which flows into the Pāuatahanui Inlet.
<b>Relevant values under Policy 23 of RPS</b>	Representativeness (RPS23A) Rarity (RPS23B) Ecological context (RPS23D)

<b>SNA068</b>	<b>Motukaraka West Wetland</b>
<b>Site Summary</b>	Juncus rushland and raupō reedland <del>buffering an unnamed small stream</del> <sup>173</sup> draining into the Pāuatahanui Estuary, containing Juncus effusus, giant umbrella sedge, Carex sinclairii, Carex geminata, Juncus pallidus, raupō, sea rush, and Isolepis cernua.
<b>Relevant values under Policy 23 of RPS</b>	Representativeness (RPS23A) Rarity (RPS23B) Ecological context (RPS23D)

<b>SNA069</b>	<b>Grays Road Bush</b>
<b>Site Summary</b>	Contiguous areas of coastal tawa-kohekohe (tawa, kohekohe, kahikatea, kānuka (presumably Kunzea robusta; Threatened-Nationally Vulnerable) karaka, ngaio, wharangi, and māhoe), and kānuka-broadleaved forests (kānuka, red māpou, mānuka (Leptospermum scoparium; At Risk-Declining), kahikatea, māhoe, lancewood, tawa, five-finger, wharangi, native broom, Coprosma propinqua, kaikōmako, kōhūhū, scrub pōhuehue, and houhere), each with minor podocarp elements, including rewarewa, mātai (Prumnopitys taxifolia; of local interest), and kahikatea (Dacrycarpus dacrydioides; of local interest). This site also contains kōwhai forest, stands of which are uncommon in the Wellington region. Large-leaved milk tree (tūrepo, Streblus banksii; At Risk-Relict) and northern rātā (Metrosideros robusta; Threatened-Nationally Vulnerable and of local interest) have previously been recorded from this site. Includes indigenous vegetation on Chronically Threatened land environments. <u>Surrounded by cupressus macrocarpa which act as a protective buffer.</u> <sup>174</sup>

<sup>171</sup> Hannah Bridget Gray No2 Trust [108.4]

<sup>172</sup> Hannah Bridget Gray No2 Trust [108.5]

<sup>173</sup> Hannah Bridget Gray No2 Trust [108.7]

<sup>174</sup> Christine and Alan Stanley and Gray [106.4], Hannah Bridget Gray No2 Trust [108.10]

<b>Relevant values under Policy 23 of RPS</b>	Representativeness (RPS23A) Rarity (RPS23B) Diversity (RPS23C) Tangata whenua values (RPS23E)
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<b>SNA076 Eastern Whitby Kānuka Forest</b>	
<b>Site Summary</b>	Seven small areas comprised of regenerating kānuka-māhoe-ngaio-tītoki-māpou-dominated tall scrub and forest, partly on escarpment above Pāuatahanui Stream, which provides important riparian cover. This site enhances connectivity between Pāuatahanui and Duck Creek catchments, and provides important habitat for indigenous bird, fish and reptile species, including the barking gecko ( <i>Naultinus punctatus</i> ; At Risk-Declining). Includes kānuka (presumably <i>Kunzea robusta</i> ; Threatened-Nationally Vulnerable). Includes indigenous vegetation on Acutely Threatened land environments and an area protected by PCC covenants (1078, 1816, 2153).
<b>Relevant values under Policy 23 of RPS</b>	Representativeness (RPS23A) Rarity (RPS23B) Ecological context (RPS23D)
<b><u>Other information</u></b>	<a href="#"><u>Significant habitat for lizards<sup>175</sup></u></a>

<b>SNA088 Whitby West Bush</b>	
<b>Site Summary</b>	An extensive area of advanced mānuka-kānuka scrub with a mixture of broadleaved species, pine and gum trees in a valley. Includes a small wetland and riparian vegetation, protecting the headwaters of Duck Creek. Native forest is largely intact with healthy understorey and provides habitat for fauna species including bellbird ( <i>Anthornis melanura melanura</i> ; regionally scarce) and barking gecko ( <i>Naultinus punctatus</i> ; At Risk-Declining). Includes kānuka (presumably <i>Kunzea robusta</i> ; Threatened-Nationally Vulnerable), and mānuka ( <i>Leptospermum scoparium</i> ; At Risk-Declining). This site contains indigenous vegetation on Acutely Threatened land environments and enhances connectivity between Whitby and Waitangirua.
<b>Relevant values under Policy 23 of RPS</b>	Representativeness (RPS23A) Rarity (RPS23B) Ecological context (RPS23D)
<b><u>Other information</u></b>	<a href="#"><u>Significant habitat for lizards<sup>176</sup></u></a>

<b>SNA095 Ivey Bay Bush</b>	
<b>Site Summary</b>	Coastal forest and regenerating kānuka-dominated bush on escarpment and hills, which enhances connectivity along the Pāuatahanui Inlet escarpment. Includes kānuka (presumably <i>Kunzea robusta</i> ; Threatened-Nationally Vulnerable), and indigenous vegetation on Acutely Threatened land environments and provides habitat for birds and the Pacific gecko ( <i>Dactylocnemis pacificus</i> ; At Risk-Relict).

<sup>175</sup> DOC [126.21]

<sup>176</sup> DOC [126.21]

	Includes indigenous vegetation on Acutely Threatened land environments. Threatened by plant pests.
<b>Relevant values under Policy 23 of RPS</b>	Representativeness (RPS23A) Rarity (RPS23B) Ecological context (RPS23D)
<b><u>Other information</u></b>	<a href="#"><u>Significant habitat for lizards<sup>177</sup></u></a>

<b>SNA097 Paremata Kānuka Bush</b>	
<b>Site Summary</b>	Hillsides of kānuka-mānuka-dominated regenerating forest and māhoe scrub between houses in Paremata, with māhoe dominated low broadleaved forest in gullies. Contains some emergent pines, pōhutukawa and other introduced trees. Provides habitat for fauna including, barking gecko ( <i>Naultinus punctatus</i> ; At Risk-Declining) have been recorded in this site, which may also support bush falcon ( <i>Falco novaeseelandiae ferox</i> ; At Risk-Recovering). Includes kānuka (presumably <i>Kunzea robusta</i> ; Threatened-Nationally Vulnerable), mānuka ( <i>Leptospermum scoparium</i> ; At Risk-Declining), and indigenous vegetation on Acutely Threatened land environments and an area protected by PCC covenants. Threatened by urban encroachment and plant pests.
<b>Relevant values under Policy 23 of RPS</b>	Representativeness (RPS23A) Rarity (RPS23B) Ecological context (RPS23D)
<b><u>Other information</u></b>	<a href="#"><u>Significant habitat for lizards<sup>178</sup></u></a>

<b>SNA106 Aotea Lagoon</b>	
<b>Site Summary</b>	Artificially controlled tidal lagoon on the eastern edge of Porirua Harbour. Lagoon is surrounded by planted native and introduced amenity vegetation, including pōhutukawa, which supports the barking gecko ( <i>Naultinus punctatus</i> ; At Risk-Declining) and a diversity of bird species including the white heron ( <i>Ardea modesta</i> ; Threatened-Nationally Critical); the At Risk-Declining white-fronted tern ( <i>Sterna striata</i> ), and red-billed gull ( <i>Larus novaehollandiae</i> ); the At Risk-Recovering New Zealand dabchick ( <i>Poliocephalus rufopectus</i> ), and bush falcon ( <i>Falco novaeseelandiae ferox</i> ); and the little black shag ( <i>Phalacrocorax sulcirostris</i> ). Also protects a tributary of the Porirua Harbour, providing fish habitat and linking between similar coastal lagoons. Includes indigenous vegetation on Acutely Threatened land environments.
<b>Relevant values under Policy 23 of RPS</b>	Rarity (RPS23B) Ecological context (RPS23D)
<b><u>Other information</u></b>	<a href="#"><u>Significant habitat for lizards<sup>179</sup></u></a>

<sup>177</sup> DOC [126.21]<sup>178</sup> DOC [126.21]<sup>179</sup> DOC [126.21]

SNA117 Bothamley Park	
<b>Site Summary</b>	Vegetated riparian margins of Kenepuru Stream, which protect a major tributary of the Porirua Harbour. Contains range of habitats but mainly regenerating broadleaved scrub and treeland with stands of emergent tōtara ( <i>Podocarpus tōtara</i> ; of local interest), pines, gums, willows and macrocarpa, and contains scarce freshwater and saline wetland ecosystems. Also provides habitat for the large-leaved milk tree, ( <i>tūrepo</i> <i>Streblus banksia</i> ; At Risk-Relict). Has very high connectivity due to the nearly continuous nature of vegetated margin, which, although weedy in places, has been restored and regenerated well since 1991. This vegetation moderates flood flows, protecting the Porirua harbour. This site provides important habitat for fauna species including significant inanga spawning habitat and habitat for the red-crowned parakeet ( <i>Cyanoramphus novaezelandiae novaezelandiae</i> ; At Risk-Relict), bellbird ( <i>Anthornis melanura melanura</i> ; regionally scarce), and barking gecko ( <i>Naultinus punctatus</i> ; At Risk-Declining). Includes indigenous vegetation on Acutely Threatened and Chronically Threatened land environments.
<b>Relevant values under Policy 23 of RPS</b>	Rarity (RPS23B) Ecological context (RPS23D)
<b>Other information</b>	<a href="#">Significant habitat for lizards<sup>180</sup></a>

SNA121 Bromley View Bush	
<b>Site Summary</b>	Small tawa-hīnau forest remnant with emergent podocarps in gully adjacent to Gear Terrace and Bromley View in Rānui. Barking gecko ( <i>Naultinus punctatus</i> ; At Risk-Declining) recorded nearby and are likely to utilise habitat within this site. Includes indigenous vegetation on Acutely Threatened land environments.
<b>Relevant values under Policy 23 of RPS</b>	Representativeness (RPS23A) Rarity (RPS23B) Diversity (RPS23C) Ecological context (RPS23D)
<b>Other information</b>	<a href="#">Significant habitat for lizards<sup>181</sup></a>

SNA130 Porirua Scenic Reserve	
<b>Site Summary</b>	Part of the Porirua Scenic Reserve and the Porirua Western Forest Key Native Ecosystem. Contains the largest remnant of indigenous forest in Porirua City and comprises coastal and lowland broadleaved-podocarp forest and advanced regenerating scrub and low forest. Forest species include coastal and semi-coastal tawa-kohekohe on the lower slopes, tawa-māhoe on mid slopes, and māhoe-tawa on higher slopes with podocarp species (all of local interest) in more mature forest pockets including mātai ( <i>Prumnopitys taxifolia</i> ), miro ( <i>Prumnopitys ferruginea</i> ), kahikatea ( <i>Dacrycarpus dacrydioides</i> ), and tōtara ( <i>Podocarpus tōtara</i> var. <i>tōtara</i> ), as well as northern rātā ( <i>Metrosideros robusta</i> ; Threatened-Nationally Vulnerable and of local interest). Contains the best representative example of an altitudinal vegetation sequence in the Wellington Ecological District. The flora is diverse with more than 180 indigenous species, including more than 60 species of fern, and 14 species of orchid, and contains rare species including the pygmy button daisy

<sup>180</sup> DOC [126.21]<sup>181</sup> DOC [126.21]

	(Leptinella nana; Threatened-Nationally Critical), Large-leaved milk tree (Tūrepo; Streblus banksii; At Risk-Relict), shrimp-flowered greenhood orchid (Pterostylis porrecta; At Risk - Naturally Uncommon), and poroporo (Solanum aviculare var. aviculare; At Risk - Declining). Regionally threatened plant species include Adiantum diaphanum, Adiantum fulvum, Adiantum viridescens, Drymoanthus adversus, black orchid (Gastrodia cunninghamii), bamboo orchid (Dendrobium cunninghamii) and speargrass (Aciphylla squarrosa var. squarrosa). Supports a good diversity of bird species including the At Risk-Recovering bush falcon (Falco novaeseelandiae ferox), and North Island kākā (Nestor meridionalis septentrionalis); whitehead (Mohoua albicilla; At Risk-Declining); red-crowned parakeet (Cyanoramphus novaezelandiae novaezelandiae; At Risk-Relict); and bellbird (Anthornis melanura melanura; Regionally scarce). This site buffers a number of first- and second-order waterways of the Mitchell, Takapūwāhia and Mahinawa Streams. Freshwater fish species recorded from this site include the At Risk-Declining species longfin eel (Anguilla dieffenbachii) and the redfin bully (Gobiomorphus huttoni). Other species recorded from this site include a carnivorous snail (Wainuia urnula; Threatened-Nationally Vulnerable); and the At Risk-Declining barking gecko (Naultinus punctatus) and the Mokopirirakau "southern North Island" have been recorded in this site. Includes indigenous vegetation on Acutely and Chronically Threatened land environments.
<b>Relevant values under Policy 23 of RPS</b>	Representativeness (RPS23A) Rarity (RPS23B) Diversity (RPS23C) Ecological context (RPS23D) Tangata whenua values (RPS23E)
<b>Other information</b>	<a href="#">Significant habitat for lizards<sup>182</sup></a>

<b>SNA135</b>	<b>Whitireia Park Seral Forest</b>
<b>Site Summary</b>	<del>Regenerating seral forest in eastern Whitireia Park, comprised of mānuka (Leptospermum scoparium; At Risk-Declining), tauhinu, ngaio, kānuka (presumably Kunzea robusta; Threatened-Nationally Vulnerable), and gorse, particularly on the ridges. Includes indigenous vegetation on Chronically Threatened land environments.</del>
<b>Relevant values under Policy 23 of RPS</b>	<del>Rarity (RPS23B) Ecological context (RPS23D)<sup>183</sup></del>

<b>SNA139</b>	<b>Whitireia Peninsula Coastal Margin</b>
<b>Site Summary</b>	Rocky coastal escarpment on the west coast of Whitireia Park and northern Titahi Bay, containing a range of grey scrub and shrubland mānuka (Leptospermum scoparium; At Risk-Declining), mingimingi, tauhinu, Coprosma propinqua, Muehlenbeckia complexa, taupata, Coprosma propinqua), rockland (tauhinu, Poa litorosa, wharariki, Coprosma propinqua, Tetragonia implexicoma, speargrass, Raoulia australis, Azolla rubra), rushland, herbfield (Selliera radicans, Leptocarpus similis, Juncus spp.) and gravelfield (Calystegia sp.) habitats. Identified in the Proposed Natural Resources Plan, as having regionally significant geological features in the coastal marine area, because it contains the Whitireia shore platforms, interbedded sandstone and mudstone flysch and fossil worm tubes (Torlessia mackayi, Bather). Other rare ecosystems include coastal turf (Nationally

<sup>182</sup> DOC [126.21]<sup>183</sup> Robyn Smith [168.110]

	<p>Critical), <del>active sand dunes (Nationally Endangered)</del>,<sup>184</sup> and shingle beaches (Nationally Endangered). This site contains one Threatened and seven At Risk plant species including: pygmy button daisy (<i>Leptinella nana</i>; Threatened-Nationally Critical; <u>two known populations</u><sup>185</sup>); the At Risk-Declining pīngao (<i>Ficinia spiralis</i>), woollyhead (<i>Craspedia uniflora</i> var. <i>maritima</i>), thick-leaved māhoe (<i>Melicactus crassifolius</i>), shore puha (<i>Sonchus kirkii</i>), and <i>Trisetum antarcticum</i>; Cook Strait <i>Melicactus</i> (<i>Melicactus obovatus</i>; At Risk-Naturally Uncommon) and guano groundsel (<i>Senecio sterquilinus</i>, At Risk-Relict). Regionally threatened plant species include Spaniard (<i>Aciphylla squarrosa</i>; regionally vulnerable), shore spleenwort (<i>Asplenium obtusatum</i>; regionally critical), kokomuka (<i>Hebe elliptica</i>; range restricted), and scabweed (<i>Raoulia hookeri</i> var. <i>hookeri</i>; regionally declining). Supports a good diversity of bird species including the Threatened-Nationally Critical Black-billed gull (<i>Larus bulleri</i>), New Zealand shore plover (<i>Thinornis novaeseelandiae</i>), and the white heron (<i>Ardea modesta</i>); reef heron (<i>Egretta sacra sacra</i>; Threatened-Nationally Endangered); Caspian tern (<i>Hydroprogne caspia</i>; Threatened-Nationally Vulnerable); At Risk-Declining blue penguin (<i>Eudyptula minor</i>), New Zealand pipit (<i>Anthus novaeseelandiae</i>), and white-fronted tern (<i>Sterna striata</i>); At Risk-Recovering pied shag (<i>Phalacrocorax varius varius</i>), and variable oystercatcher (<i>Haematopus unicolor</i>); royal spoonbill (<i>Platalea regia</i>; At Risk-Naturally Uncommon); and fluttering shearwater (<i>Puffinus gavia</i>; At Risk-Relict). Canterbury spotted skink (<i>Oligosoma lineocellatum</i>; Threatened-Nationally Vulnerable) have also been recorded from this site. Includes indigenous vegetation on Acutely Threatened and Chronically Threatened land environments.</p>
<b>Relevant values under Policy 23 of RPS</b>	<p>Representativeness (RPS23A) Rarity (RPS23B) Diversity (RPS23C) Ecological context (RPS23D) Tangata whenua values (RPS23E)</p>
<b>Other information</b>	<u>Significant habitat for lizards</u> <sup>186</sup>

SNA140	Titahi Bay Beach
<b>Site Summary</b>	<p>This site is comprised of coastal scarps, containing native and exotic vegetation; dunes, mostly modified comprised of marram-spinifex-carex; and multiple mouths of small streams. Rare species recorded from this site, include sand coprosma (<i>Coprosma acerosa</i>; At Risk-Declining), pīngao (<i>Ficinia spiralis</i>; At Risk-Declining), and sand tussock (<i>Poa billardiarei</i>; At Risk-Declining). Supports a good diversity of bird species including New Zealand shore plover (<i>Thinornis novaeseelandiae</i>; Threatened-Nationally Critical); reef heron (<i>Egretta sacra sacra</i>; Threatened-Nationally Endangered); At Risk-Recovering pied shag (<i>Phalacrocorax varius varius</i>), and variable oystercatcher (<i>Haematopus unicolor</i>); red-billed gull (<i>Larus novaehollandiae scopulinus</i>; At Risk-Declining); and red-crowned parakeet (<i>Cyanoramphus novaezelandiae novaezelandiae</i>; At Risk-Relict). Bush falcon (<i>Falco novaeseelandiae ferox</i>; At Risk-Recovering) recorded in the vicinity, which may also be supported by this site. Also supports spotted skink (<i>Oligosoma lineocellatum</i>, At-Risk Relict). Identified in the Proposed Natural Resources Plan, Schedule J, as containing a Nationally Significant, Pleistocene aged (last interglacial 120,000-80,000 years ago) fossil forest. Includes indigenous vegetation on Acutely Threatened and Chronically Threatened land environments.</p>
<b>Relevant values under</b>	<p>Rarity (RPS23B) Diversity (RPS23C) Ecological context (RPS23D)</p>

<sup>184</sup> Robyn Smith [168.14]

<sup>185</sup> Ibid

<sup>186</sup> DOC [126.21]

<b>Policy 23 of RPS</b>	
<b><u>Other information</u></b>	<u>Significant habitat for lizards</u> <sup>187</sup>

<b>SNA147</b>	<b>Mana Island</b>
<b>Site Summary</b>	<p>A large, offshore-island reserve, comprised of the Mana Island uplifted peneplain, which is a Kaukau erosion surface remnant and is a regionally significant geological site. Supports a high species diversity, along with a good diversity of ecosystems, including grassland (ryegrass, white clover, cocksfoot, prairie grass), shrubland (tauhinu), shrubland (<i>Coprosma propinqua</i>, <i>Muehlenbeckia australis</i>), scrub (mānuka, kānuka), forest (kānuka), rockland (<i>Coprosma propinqua</i>, <i>Muehlenbeckia australis</i>), wetland, and coastal ecosystem types. This site has previously been grazed, but has been partially restored by volunteers, with revegetation in 1/3 of gullies and sheltered areas and the eradication of animal pests. Four Threatened plant species have been recorded from this site including Cook's scurvy grass (<i>Lepidium oleraceum</i>; Threatened-Nationally Endangered), Jersey fern (<i>Anogramma leptophylla</i>; Threatened-Nationally Vulnerable), New Zealand carrot (<i>Daucus glochidiatus</i>; Threatened-Nationally Vulnerable), and kānuka (presumably <i>Kunzea robusta</i>; Threatened-Nationally Vulnerable), and one At Risk-Declining species mānuka (<i>Leptospermum scoparium</i>). Mana Island provides both seasonal and core habitat for a large number of protected or threatened species and the reserve is a translocation receptor site and habitat for a large number of At Risk and Threatened species including nine reptiles: Canterbury spotted skink (<i>Oligosoma lineoocellatum</i>; Threatened-Nationally Vulnerable), the At Risk-Declining Barking gecko (<i>Naultinus punctatus</i>), Glossy brown skink (<i>Oligosoma zelandicum</i>), Speckled skink (<i>Oligosoma infrapunctatum</i>), the At Risk-Recovering McGregor's skink (<i>Oligosoma macgregori</i>), Robust skink (<i>Oligosoma alani</i>), the At Risk-Relict Goldstripe gecko (<i>Woodworthia chryosiretica</i>), Pacific gecko (<i>Dactylocnemis pacificus</i>), Duvaucel's gecko (<i>Hoplodactylus duvaucelii</i>). Bird species recorded at this site include the Threatened-Nationally Critical shore plover (<i>Thinornis novaeseelandiae</i>), Australasian bittern (<i>Botaurus poiciloptilus</i>), and Salvin's mollymawk (<i>Thalassarche salvini</i>); the Threatened-Nationally Endangered reef heron (<i>Egretta sacra sacra</i>), and black-fronted tern (<i>Chlidonias albobristatus</i>); the Threatened-Nationally Vulnerable South Island takahe (<i>Porphyrio hochstetteri</i>), and Okarito Brown Kiwi (<i>Apteryx rowi</i>); At Risk-Recovering pied shag (<i>Phalacrocorax varius varius</i>), North Island kākā (<i>Nestor meridionalis septentrionalis</i>), brown teal (<i>Anas chlorotis</i>), northern giant petrel (<i>Macronectes halli</i>), bush falcon (<i>Falco novaeseelandiae ferox</i>), and variable oystercatcher (<i>Haematopus unicolor</i>); At Risk-Declining northern blue penguin (<i>Eudyptula minor iredalei</i>), North Island robin (<i>Petroica longipes</i>), Red-billed gull (<i>Larus novaehollandiae scopulinus</i>), white-fronted tern (<i>Sterna striata striata</i>), whitehead (<i>Mohoua albigilla</i>), New Zealand pipit (<i>Anthus novaeseelandiae novaeseelandiae</i>), and sooty shearwater (<i>Puffinus griseus</i>); At Risk-Naturally Uncommon royal spoonbill (<i>Platalea regia</i>), long-tailed cuckoo (<i>Eudynamys taitensis</i>), Westland petrel (<i>Procellaria westlandica</i>), and little black shag (<i>Phalacrocorax sulcirostris</i>); At Risk-Relict northern diving petrel (<i>Pelecanoides urinatrix urinatrix</i>), New Zealand white-faced storm petrel (<i>Pelagodroma marina maoriana</i>), fairy prion (<i>Pachyptila turtur</i>), and fluttering shearwater (<i>Puffinus gavia</i>); and bellbird (<i>Anthornis melanura melanura</i>; Regionally scarce). This site supports the only breeding population of the shore plover in the Wellington region, comprising up to 20% of the global population of this species and <i>prāovides</i> little penguins with access to one of less than half a dozen relatively large and secure nesting colonies remaining in the Wellington region. Other species include Cook Strait Giant Weta (<i>Deinacrida rugosa</i>; At Risk-Relict). The coastline also features areas of shingle beach, which is a Naturally Endangered ecosystem. Most of the island is part of the DOC Mana Island Scientific Reserve. Identified in the Proposed Natural Resources Plan, Schedule</p>

<sup>187</sup> DOC [126.21]



	F2, and C3 as providing important habitat for indigenous birds in the coastal marine area and as a site of significance to Ngāti Toa Rangatira. Includes indigenous vegetation on Acutely Threatened and Chronically Threatened land environments.
<b>Relevant values under Policy 23 of RPS</b>	Rarity (RPS23B) Diversity (RPS23C) Tangata whenua values (RPS23E)
<b><u>Other information</u></b>	<u>Significant habitat for lizards</u> <sup>188</sup>

<b>SNA169</b>	<b>Mulherns Bush</b>
<b>Site Summary</b>	A small area of lowland tawa forest and kānuka (presumably <i>Kunzea robusta</i> ; Threatened-Nationally Vulnerable) forest with a small wetland. Emergent tree species in the tawa forest include kahikatea ( <i>Dacrycarpus dacrydioides</i> , of local interest), hīnau, pukatea, kānuka, black maire ( <i>Nestegis cunninghamii</i> ; of local interest), swamp maire ( <i>Syzygium maire</i> ; Threatened-Nationally Critical and of local interest), miro ( <i>Prumnopitys ferruginea</i> , of local interest), and mātai ( <i>Prumnopitys taxifolia</i> , of local interest) over a canopy of tawa, kaikōmako, tōtara ( <i>Podocarpus tōtara</i> , of local interest), pigeonwood, red māpou, puka, small-leaved milk tree, and rimu ( <i>Dacrydium cupressinum</i> , of local interest) and includes 11 species of epiphytes and lianes. The wetland contains kiokio, watercress, <i>Carex solandri</i> , putaputawētā and ring fern. Raukawa gecko ( <i>Woodworthia maculata</i> ) have been recorded at this site. This site is mostly protected by a QEII covenant (5-07-308). Includes indigenous vegetation on Acutely Threatened land environments.
<b>Relevant values under Policy 23 of RPS</b>	Representativeness (RPS23A) Rarity (RPS23B) Diversity (RPS23C)
<b><u>Other information</u></b>	<u>Significant habitat for lizards</u> <sup>189</sup>

<b>SNA201</b>	<b>Upper Kakaho Treefern Bush (DJ Collyns Covenant)<sup>190</sup></b>
<b>Site Summary</b>	A large area of mainly seral broadleaved forest with prominent mamaku, located within pine forests in the upper Kakaho catchment. The forest canopy is comprised of rewarewa, hīnau, lancewood, mamaku and pigeonwood, whilst the forest-scrub areas are comprised of māhoe, mamaku, rangiora, hangehange, kawakawa, five-finger, rewarewa, tauhinu, kahikatea ( <i>Dacrycarpus dacrydioides</i> ; of local interest), and nīkau. Also includes some wilding pine. Barking gecko ( <i>Naultinus punctatus</i> ; At Risk-Declining) have been recorded within this site. Includes an area protected by a QEII covenant (05-07-010B).
<b>Relevant values under Policy 23 of RPS</b>	Representativeness (RPS23A) Rarity (RPS23B) Ecological context (RPS23D)

<sup>188</sup> DOC [126.21]<sup>189</sup> DOC [126.21]<sup>190</sup> Jeremy Collyns [30.1]

<b>Other information</b>	<u>Significant habitat for lizards</u> <sup>191</sup>
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<b>SNA223</b> <sup>192</sup>	<b><u>Te awa ere i Whitireia</u></b> <sup>193</sup>
<b><u>Site Summary</u></b>	<u>A small area of wetland, which is a rare ecosystem type in the wellington region. This site includes indigenous vegetation on an Acutely Threatened land environment and a regionally uncommon species. The wetland vegetation comprises a mosaic of common Yorkshire fog and Isolepis prolifer with frequent Juncus spp. and giant umbrella sedge, and occasional creeping buttercup. Carex geminata and spike sedge (Eleocharis acuta) are also likely to be present.</u>
<b><u>Relevant values under Policy 23 of RPS</u></b>	<u>Rarity (RPS23B)</u>

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<sup>191</sup> DOC [126.21]

<sup>193</sup> Various submitters [3.6, 80.6, 87.6, 88.7, 105.6, 127.6, 128.6, 129.6, 131.6, 132.6, 133.6, 142.6, 150.6, 166.6, 168.6, 171.6, 178.6, 197.6, 206.6, 208.6, 221.6, 236.6, 243.6, 245.6, 257.6, 268.6, 269.6, 270.6], Titahi Bay Community Group and Pestfree Titahi Bay [94.6], Porirua City Council [11.74], Robyn Smith [168.11]

# SCHED8 – Urban Environment Allotments

## SNA015

<del>59 Haunui Road, Pukerua Bay, Porirua City, 5026</del>	<del>Lot 1 DP 6670</del>	<del>A group of no less than 5 trees is located in the southeastern half of the property. The stand comprises the following indigenous species: taupata (<i>Coprosma repens</i>).<sup>194</sup></del>
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## SNA027

153B Rawhiti Road, Pukerua Bay, Porirua City, 5026	Lot 2 DP 51486	A group of no less than <del>10</del> <b>13</b> trees is located along the southeastern boundary of the property, along the top of ridge line, above the train tracks. The stand comprises the following indigenous and non-local indigenous species: five finger ( <i>Pseudopanax arboreus</i> ), māhoe ( <i>Melicactus ramiflorus</i> ), ngaio ( <i>Myoporum laetum</i> ), tarata ( <i>Pittosporum eugenioides</i> ) <u>kanuka (<i>Kunzea robusta</i>), karaka (<i>Corynocarpus laevitagus</i>), and kohekohe (<i>Dysoxylum spectabile</i>)</u> <del>ti kōuka (<i>Cordyline australis</i>), and pōhutukawa (<i>Metrosideros excelsa</i>).<sup>195</sup></del>
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## SNA038

83 Motuhara Road, Plimmerton, Porirua City, 5026	Lot 7 DP 7028	A group of no less than <del>10</del> <b>20</b> trees is located in the eastern <del>third</del> <sup>196</sup> of the property. The stand comprises the following indigenous and non-local indigenous species: hīnau ( <i>Elaeocarpus dentatus</i> ), kohekohe ( <i>Dysoxylum spectabile</i> ), kōhūhū ( <i>Pittosporum tenuifolium</i> ), mamaku ( <i>Cyathea medullaris</i> ), rewarewa ( <i>Knightia excelsa</i> ), tītoki ( <i>Alectryon excelsus</i> ), and karaka ( <i>Corynocarpus laevigatus</i> ).
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<sup>194</sup> Gabriel Davidson [37.1]

<sup>195</sup> Grant Abdee [238.1], Grant Abdee [238.5]

<sup>196</sup> Mark Palmer [4.1]

**SNA086**

24 Exploration Way, Whitby, Porirua City, 5024	Lot 1953 DP 53935	A group of no less than 16 trees is located in the northwestern quarter of the property. The stand comprises the following indigenous species: kānuka ( <i>Kunzea robusta</i> ), kōhūhū ( <i>Pittosporum tenuifolium</i> ), māhoe ( <i>Melicytus ramiflorus</i> ), pigeonwood ( <i>Hedycarya arborea</i> ), and red māpou ( <i>Myrsine australis</i> ). <sup>197</sup>
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**SNA100**

3 Abbey Way, Whitby, Porirua City, 5024	Lot 2 DP 460364	A group of no less than 20 trees is located in the eastern eighth quarter <sup>198</sup> of the property. The stand comprises the following indigenous species: kānuka ( <i>Kunzea robusta</i> ).
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**SNA104**

44 Tweed Road, Papakowhai, Porirua City, 5024	Lot 39 DP 40605	A group of no less than 5 trees is located along the northwestern boundary of the property. The stand comprises the following indigenous and non-local indigenous species: kānuka ( <i>Kunzea robusta</i> ), kōwahi ( <i>Sophora microphylla</i> ), ngaio ( <i>Myoporum laetum</i> ), red māpou ( <i>Myrsine australis</i> ), tī kōuka ( <i>Cordyline australis</i> ), and karo ( <i>Pittosporum crassifolium</i> ). <sup>199</sup>
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<sup>197</sup> Joanna Alderdice [275.1]<sup>198</sup> Juan Qu [FS02.1]<sup>199</sup> Anthony Brandon [28.1]

## **Appendix B. Recommended Responses to Submissions and Further Submissions**

The recommended responses to the submissions made on this topic are presented in Table B 1 below.

Table B 1: Recommended responses to submissions and further submissions

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
<b>General</b>							
86.72	KiwiRail	General	Retain as proposed.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions.	No
173.2	Murry Cave	General	<p>Recognise that the boundaries of the proposed SNA035 Karehana Bay Bush have been requested to be amended since the 2018 submission and Council has not engaged to address these concerns;</p> <p>Recognise that the SNA proposal is ultra vires and non-compliant with s. 85 (3B) of the Resource Management Act since the proposal both makes the land incapable of reasonable use and places an unfair and unreasonable burden on ourselves who have the primary interest in this land;</p> <p>That including urban allotments within a SNA is contrary to regional and national policy frameworks;</p> <p>That the s.32 process undertaken by Council is inadequate and does not reflect the issues and concerns that landowners will have with respect to the imposition of SNAs over urban allotments;</p> <p>That Council notes that its adoption of SNAs over urban allotments is not a process that has been contemplated by any other territorial authority within New Zealand and has not been considered in the draft National Policy Statement for Indigenous Biodiversity and as this document will be sent back to regional councils for further consultation, this issue will be flagged as an area of concern;</p>	3.2	Reject	See body of the report	No
263.8	Regional Public Health	How the plan works	Recommends that health and wellbeing of our community can be completed by protecting indigenous biodiversity in natural and open spaces.	N/A	Accept	Agree with the submitter	No
264.50	Te Rūnanga o Toa Rangatira	General	Support.	N/A	Accept	Agree with the submitter	No
<b>Rules having legal effect</b>							
239.2	Cassandra Pierce (Nee Solomon)	Rules with immediate legal effect	In relation to Pukerua 3A5B2C2, Pukerua Bay, rules with immediate legal effect should be void.	3.3 <b>Error! Reference source not found.</b>	Reject	See body of the report	No
<b>Overall policy framework</b>							
52.1	Hamish Tunley	General	<p>Amend SNA082 to exclude 3 &amp; 5 Seagull Place, Whitby.</p> <p>Remove restrictions for existing landowners.</p> <p>Employ the right resources so landowners can have an open dialogue without forcing landowners down a costly path of employing experts and resource consent.</p> <p>There should be consideration for existing landowners where a different set of relaxed rules apply.</p> <p>If future development was to take place put some parameters around this, e.g subdivide into more than two lots.</p>	3.4	Reject	<p>See body of the report</p> <p>(Note that the SNA mapping as it relates to SNA082 and 3 &amp; 5 Seagull Place is addressed in the table below relating to Schedule 7)</p>	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
55.1	Pat and Julie Buckley	General	<p>A more collaborative approach between the council and landowners with SNA designations as is in operation in the Hawke's Bay area.</p> <p>A more equitable approach to the quantity of SNA on to the property such as a maximum percentage of encroachment, where there is an SNA with strict rules with resource consent necessary clearly marked on a plan, and then an area marked as discretionary which is maintained by the landowner without the need for resource consent for trimming.</p> <p>Rates reduction on SNA proportion of the property.</p>	3.4	Accept in part	See body of the report	No
182.3	Jean and Simon Jones	General	<p>Amend policies ECO P1-P12 to allow for the following actions:</p> <ul style="list-style-type: none"> <li>• An opportunity to further review properties which were not visited in the first round of ecological site inspections to allow for a fairer assessment of the extent of any SNA</li> <li>• PCC to investigate how it can amend policies to include those mechanisms that will encourage co-operation from affected landowners – eg rewarding landowners who protect and develop areas of SNA through rates relief</li> <li>• support through a PCC contestable fund for fencing, pest control, and replanting (as is done by Auckland City Council)</li> <li>• working with the QE11 National Trust to establish covenants over SNAs (thereby achieving the goal of protecting for perpetuity those areas of interest at lower cost to PCC)</li> </ul>	3.4	Accept in part	See body of the report	Yes
	Juan Qu	FS02.1	<p>Allow</p> <p>[Note submitter seeks to use scope from 182.3 to amend SNA boundary as it relates to 3 Abbey Way, Whitby]</p>	3.28	Accept in part	<p>Wildlands considered no site visit required and that the information provided by the submitter was sufficient. I consider that the planning maps should be amended in line with Wildland's expert evidence summarised as follows:</p> <p><i>SNA boundary has been adjusted to exclude exotic grassland and young individual indigenous trees.</i></p>	Yes
	Sarah Saunders	FS07.1	<p>Allow</p> <p>[Note submitter seeks to use scope from 182.3 to amend SNA boundary as it relates to 82 Eskdale Road, Papakowhai]</p>	3.28	Accept in part	<p>Wildlands considered no site visit required and that the information provided by the submitter was sufficient. I consider that the planning maps should be amended in line with Wildland's expert evidence summarised as follows:</p> <p><i>Vegetation dominated by exotic species has been removed from the SNA, including emergent radiata pine. (submitters expert evidence generally accepted with he exception of very small areas of contiguous</i></p>	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
						<i>indigenous vegetation, which are recommended to remain in the SNA)</i>	
182.4	Jean and Simon Jones	Consultation	PCC needs to do more than just send out a letter when such huge changes for individual owners are being contemplated.	3.4	Accept in part	See body of the report	No
258.5	Milmac Homes Limited	General	The removal of Significant natural Area 193 from the property [Paekakariki Hill Road (Lot 2 85726)]  Or, in the alternative  The incorporation of a policy framework and associated rules that enable appropriate development within Significant Natural Areas, with provisions to not be overlay prescriptive or constraining.	3.4	Reject	See body of the report  (Note that the SNA mapping as it relates to SNA193 and Lot 2 85726 is addressed in the table below relating to Schedule 7)	No
<b>Giving effect to the National Policy Statement for Indigenous Biodiversity</b>							
225.39	Forest and Bird	General	Ensure scope in decision making for regard to be had on a new NPS on indigenous biodiversity should one come into force during the plan review process.	3.5	Accept in part	See body of the report	No
225.27	Forest and Bird	General	Amend to be consistent with a new NPS indigenous biodiversity if one comes into force during the plan review process.	3.5	Accept in part	See body of the report	No
<b>Alignment with Plan Change 18 (Plimmerton Farm)</b>							
216.14	QEII	Plimmerton Farm - Plan Change 18	Align the ECO chapter with the objectives, policies and rules in PC18. Where those provisions are stricter regarding protection of ecological values, the District Plan should align with them.	3.6	Accept in part	See body of the report	Yes
<b>Wetlands</b>							
126.69	DOC	General	All wetlands be properly identified in accordance with the NPS-FM 2020	3.7	Accept in part	See body of the report	No
137.89	GWRC	Wetlands	Supports the inclusion of known wetlands in the PDP's maps.	3.7	Accept in part	See body of the report	No
168.30	Robyn Smith	Natural Environmental Values	Opposed to any amendment to the provisions of the PDP by way of submissions by others, or by council officer evidence and/or recommendations, that would result in natural wetlands not being defined on the policy overlay maps.	3.7	Accept in part	See body of the report	No
178.22	Friends of Taupo Swamp & Catchment Inc	Natural Environmental Values	Opposed to any amendment to the provisions of the PDP by way of submissions by others, or by council officer evidence and/or recommendations, that would result in natural wetlands not being defined on the policy overlay maps.	3.7	Accept in part	See body of the report	No
168.37	Robyn Smith	Natural Environmental Values	Opposed to any amendment to the provisions of the PDP by way of submissions by others, or by council officer evidence and/or recommendations, that would result in the known extent of natural wetlands not being identified in the Proposed District Plan or being reduced.	3.7	Accept in part	See body of the report	No
168.39	Robyn Smith	Natural Environmental Values	Amend the PDP so that it confirms that all 'natural wetlands' are SNAs as per the pNRP.	3.7	Accept in part	See body of the report	No
168.58	Robyn Smith	New provision	Include a new standard NATC-S2 that reads as follows: NATC-S2 Earthworks within natural riparian wetland All Zones 1. The earthworks are not undertaken within 20 metres of the perimeter of a natural riparian wetland.	3.7	Reject	See body of report	No



Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
168.69	Robyn Smith	Natural Environmental Values	Oppose any amendments to the provisions of the PDP by way of submissions by others, or by council officer evidence and/or recommendations, that would result in the known extent of natural wetlands being reduced.	3.7	Accept in part	See body of the report	No
216.11	QEII	General	Additional provisions to provide for integrated management of wetlands and ensure councils functions are carried out to give effect to the NPS-FM, the NES for Freshwater, and regional plan provisions.	3.7	Accept in part	See body of the report	No
216.47 <sup>200</sup>	QEII	INF-R5	Amend INF-R5.7 to refer to the ECO Chapter and indicate that some works in wetlands may be Non-Complying.	3.7	Reject	See body of report  Note – also refer s42A report for Infrastructure	No
225.22 <sup>201</sup>	Forest and Bird	New provision	Amend to require a setback of at least 15m for activities near wetlands. Set a non-complying rule status for activities within the setback or wetland.  [Refer to original submission for full decisions requested]	3.7	Accept in part	See body of report	Yes
225.35	Forest and Bird	General	Insert additional provisions to provide for integrated management of wetlands and ensure councils functions are carried out to give effect to the NPSFM 2020.	3.7	Accept in part	See body of the report	No
225.128 <sup>202</sup>	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"> <li>• a condition that the activity is setback 15m from a SCHED7 SNA or natural wetland</li> <li>• include a limit on any vegetation removal of 2m from the existing infrastructure.</li> </ul> Amend R3 2. to capture non compliance with 1. Add the following condition <ul style="list-style-type: none"> <li>• the activity is not within 15m of a natural wetland</li> </ul> Add the following matter of discretion: <ul style="list-style-type: none"> <li>• effects on indigenous biological diversity</li> </ul> Add a non-complying rule where the	3.7	Reject	See body of report  Note – also refer s42A report for Infrastructure and s42A for NEV Strategic Direction	No
225.129 <sup>203</sup>	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"> <li>• a condition that the activity is setback 15m from a SCHED7 SNA or a natural wetland</li> </ul> include a limit on any vegetation removal of 2m from the existing infrastructure.	3.7	Reject	See body of report  Note – also refer INF s42A and s42A for NEV strategic Direction	No

<sup>200</sup> Oppose – Powerco [FS37.37]; Oppose – Kainga Ora [FS65.140]

<sup>201</sup> Oppose – Kainga Ora [FS65.10]; Oppose - John Carrad [FS43.9]; Oppose – The Neil Group Limited and the Gray Family [FS44.9]; Oppose – Pukerua Property Group Limited [FS45.9]

<sup>202</sup> Oppose – Powerco [FS37.28]; Oppose – Kainga Ora [FS65.421]

<sup>203</sup> Oppose – Powerco [FS37.29]; Oppose – Kainga Ora [FS65.138]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<p>Amend R4 2. to capture non compliance with 1. Add the following condition</p> <ul style="list-style-type: none"> <li>the activity is not within 15m of a natural wetland</li> </ul> <p>Add the following matter of discretion:</p> <ul style="list-style-type: none"> <li>effects on indigenous biological diversity</li> </ul> <p>Add a non-complying rule where the wetland setback</p>				
225.130 <sup>204</sup>	Forest and Bird	INF-R5	<p>Clarify that the rule either relates to RSI and/or to other infrastructure and that the provision for maintenance and repair only applies for lawfully established infrastructure. Amend R5-1 to include:</p> <ul style="list-style-type: none"> <li>a condition that the activity is setback 15m from a natural wetland</li> </ul> <p>Amend R5-2, R5-3 and R5-4 to capture non compliance with the 15m setback Add the following condition</p> <ul style="list-style-type: none"> <li>the activity is not within 15m of a natural wetland</li> </ul> <p>Add the following matter of discretion:</p> <ul style="list-style-type: none"> <li>effects on indigenous biological diversity</li> </ul> <p>R5-2 Delete the note regarding non-notification R5-6 Add the following matter of discretion:</p> <ul style="list-style-type: none"> <li>effects on indigenous biological diversity</li> </ul> <p>Add a non-complying rule where the wetland setback is not complied with or a reference that the ECO rules apply in this case, alternatively amend R5-7 to include the setback and change to non-complying.</p>	3.7	Reject	<p>See body of report</p> <p>Note – also refer INF s42A and s42A for NEV strategic Direction</p>	No
225.133 <sup>205</sup>	Forest and Bird	INF-R9	<p>Clarify that the rule permitted and restricted activity status does not apply to the upgrading, extension or creation of new tracks within a SCHED7 SNA overlay by:</p> <ul style="list-style-type: none"> <li>deleting R9.1 c. iii and R9.1 d. iii</li> <li>adding a condition to R9.1 that the activities are not within a SCHED7 SNA</li> </ul> <p>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:</p> <ul style="list-style-type: none"> <li>effects on indigenous biological diversity</li> </ul>	3.7	Reject	<p>See body of report</p> <p>Note – also refer INF s42A and s42A for NEV strategic Direction</p>	No

<sup>204</sup> Oppose – Powerco [FS37.30]; Oppose – Kainga Ora [FS65.139]; Support – DOC [FS39.4]

<sup>205</sup> Support – DOC [FS39.7]; Oppose – Kainga Ora [FS65.142]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			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"> <li>to the upgrading, extension or creation of new tracks within the SNA setback;</li> <li>where the limits/standards for maintenance of existing tracks is not met.</li> </ul> Also ensure that consideration of effects is not limited by deleting the note in the chapter introduction to that effect.				
225.137	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"> <li>effects on indigenous biological diversity</li> </ul> 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.	3.7	Reject	See body of report  Note – also refer INF s42A and s42A for NEV strategic Direction	No
225.157 <sup>206</sup>	Forest and Bird	New Provision	Add a new ECO Policy <u>To assist the integrated management:</u> <u>(a) show natural wetlands identified by GWRCon Planning Maps.</u> <u>(b) require the identification of any further wetlands, their margins and the margins of lake, rivers and the CMA ahead of subdivision and development activities; and</u> <u>(c) promote the protection and restoration of areas of significant indigenous biodiversity, wetlands, and rivers and their margins where they abut areas with similar ecological values in the jurisdictions of other agencies.</u>	3.7	Accept in part	See body of the report	No
225.216	Forest and Bird	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.	3.7	Reject	See body of report	No
<b>Taupō Swamp Catchment</b>							
168.16	Robyn Smith	Taupō Swamp	Amend all provisions of the PDP so they are consistent with the obligation under Policy P39 of the pNRP to avoid effects on the Taupō Swamp Complex.	3.8	Accept in part	See body of report	No
178.9 <sup>207</sup>	Friends of Taupo Swamp & Catchment Inc	Taupō Swamp	Amend all provisions of the PDP so they are consistent with the obligation under Policy P39 of the pNRP to avoid effects on the Taupō Swamp Complex.	3.8	Accept in part	See body of report	No

<sup>206</sup> Oppose - Kāinga Ora [FS65.218]<sup>207</sup> Oppose – John Carrad [FS43.6]; Oppose – The Neil Group Limited and the Gray Family [FS44.6]; Oppose – Pukerua Property Group Limited [FS45.6]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
168.28	Robyn Smith	Taupō Swamp	Amend the provisions of the PDP so that: <ul style="list-style-type: none"> <li>It includes sufficient provisions to ensure adverse effects on Taupō Swamp from land development within the catchment are avoided, and therefore to ensure that the PDP is not inconsistent with the pNRP.</li> <li>It includes sufficient provisions to ensure all natural wetlands and areas with indigenous vegetation are retained.</li> <li>It prevents natural wetlands being used to filter sediments or nutrients. Buffer areas around wetlands must be established to provide the filters needed.</li> <li>It ensures that all hydrological functionality of wetlands and drainage topography contributing to Taupō Swamp is retained including base, average, total and peak flows.</li> <li>It includes policies requiring all landscaping or gardens within the Northern Growth Strategy area to use only eco-sourced locally appropriate indigenous plants. Refer section 75(4)(b) of the RMA and Policy P39 of the pNRP.</li> <li>It includes policies to ensure that all new subdivisions within the Northern Growth Strategy area will be cat free.</li> <li>Addresses that it anticipates new development but currently Porirua's infrastructure is unable to accommodate it.</li> </ul>	3.8	Accept in part	See body of report	No
178.19 <sup>208</sup>	Friends of Taupo Swamp & Catchment Inc	Taupō Swamp	Amend the provisions of the PDP so that: <ul style="list-style-type: none"> <li>It includes sufficient provisions to ensure adverse effects on Taupō Swamp from land development within the catchment are avoided, and therefore to ensure that the PDP is not inconsistent with the pNRP.</li> <li>It includes sufficient provisions to ensure all natural wetlands and areas with indigenous vegetation are retained.</li> <li>It prevents natural wetlands being used to filter sediments or nutrients. Buffer areas around wetlands must be established to provide the filters needed.</li> <li>It ensures that all hydrological functionality of wetlands and drainage topography contributing to Taupō Swamp is retained including base, average, total and peak flows.</li> <li>It includes policies requiring all landscaping or gardens within the Northern Growth Strategy area to use only eco-sourced locally appropriate indigenous plants. Refer section 75(4)(b) of the RMA and Policy P39 of the pNRP.</li> <li>It includes policies to ensure that all new subdivisions within the Northern Growth Strategy area will be cat free.</li> <li>Addresses that it anticipates new development but currently Porirua's infrastructure is unable to accommodate it.</li> </ul>	3.8	Accept in part	See body of report	No
<b>Identification of additional SNA</b>							

<sup>208</sup> Oppose – John Carrad [FS43.7]; Oppose – The Neil Group Limited and the Gray Family [FS44.7]; Oppose – Pukerua Property Group Limited [FS45.7]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
216.12 <sup>209</sup>	QEII	General	Amendments to the ECO provisions in respect to "identified values" as follows: <ul style="list-style-type: none"> <li>Amendment to the definition of Significant Natural Area</li> <li>Amendment to ECO Policies, and consequential amendments to other provisions, to remove the reference to "identified" areas and values of SNA</li> <li>Removal of references to identified values only</li> <li>Clarification that additional, not-yet-identified, areas may qualify for SNA status per RPS Policy 23</li> </ul>	3.9	Reject	See body of the report	No
225.33	Forest and Bird	General	Amend ECO Policies to clearly direct that further areas with biodiversity values need to be identified and protected as required by Policies 23 and 24 of the RPS.	3.9	Reject	See body of the report	No
225.150 <sup>210</sup>	Forest and Bird	ECO-P1	Amend ECO-P1 to read: <u>To identify Significant Natural Areas (SNA) in the following ways:</u> <u>(a) identify known areas of significant indigenous biodiversity by listing them in SCHED7 and by delineating these spatially on the Planning Maps as an overlay to which overlay provisions apply.</u> <u>(b) use the significance criteria set out in Policy 23 of the RPS to identify additional areas of significance to which district-wide provisions apply.</u>	3.9	Reject	See body of the report	No
<b>Use of the term "identified values"</b>							
137.45 <sup>211</sup>	GWRC	ECO-O1	Amend to remove the qualifier of 'identified values'.	3.10	Accept	See body of the report	Yes
137.46	GWRC	ECO-O2	Amend to remove the qualifier of 'identified values'.	3.10	Accept	See body of the report	Yes
137.47 <sup>212</sup>	GWRC	ECO-P1	Amend to remove the qualifier of 'identified values'.	3.10	Accept	See body of the report	Yes
137.49	GWRC	ECO-P10	Amend to remove the qualifier of 'identified values'.	3.10	Accept	See body of the report	Yes
137.50 <sup>213</sup>	GWRC	ECO-P11	Amend to remove the qualifier of 'identified values'.	3.10	Accept	See body of the report	Yes
137.72	GWRC	Significant Natural Areas	Seeks a change to ensure that the full range of values contained within SNAs are protected, not just those that were identified at the time of plan notification. This requires a detailed assessment of values undertaken at the time of applying for consent as already specified in the proposed rule framework.	3.10	Accept	See body of the report	Yes
216.16 <sup>214</sup>	QEII	ECO-O1	Amend the objective as follows:  The <del>identified</del> values of Significant Natural Areas are protected from inappropriate subdivision, use and development and, where appropriate, restored.	3.10	Accept	See body of the report	Yes
225.146 <sup>215</sup>	Forest and Bird	ECO-O1	Amend the objective as follows:  The <del>identified</del> values of significant natural areas are protected from inappropriate <del>use and development</del> , and where appropriate, restored.	3.10	Accept in part	See body of the report	Yes

<sup>209</sup> Oppose - Kāinga Ora [FS65.209]<sup>210</sup> Oppose - Kāinga Ora [FS65.220]; Support – GWRC [FS40.133]<sup>211</sup> Oppose - Kāinga Ora [FS65.216]<sup>212</sup> Oppose - Kāinga Ora [FS65.221]<sup>213</sup> Oppose - Kāinga Ora [FS65.235]<sup>214</sup> Oppose - Kāinga Ora [FS65.216]<sup>215</sup> Oppose - Kāinga Ora [FS65.215]; Support – DOC [FS39.15]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			If definition of SNA is not amended to include all areas that meet Policy 23 RPS criteria, this policy (and further provisions in this chapter) will require amendment to specifically refer to those further areas.				
225.178	Forest and Bird	ECO-S1	Add the SI matters to the rule and amend as follows:  Matters of discretion are restricted to:  1. The extent to which the trimming or removal of indigenous vegetation avoids the loss, damage or disruption to the ecological processes, functions and integrity of the Significant Natural Area; and  2. The effect of the vegetation removal on the identified biodiversity values in SCHED7 - Significant Natural Areas.	3.10	Accept in part	See body of the report  Note that I consider structural change of the PDP to include matters of discretion within rules is inappropriate as outlined Part A: Overarching s42A report.	Yes
225.246 <sup>216</sup>	Forest and Bird	Policies	Amend ECO Policies, and make consequential amendments to other provisions, to remove the direction that limits considerations to "identified" areas and values of SNAs.	3.10	Accept in part	See body of the report	Yes
<b>SNA mapping process</b>							
168.62	Robyn Smith	Section 32 Evaluation Report	Amend the section 32 documentation with the PDP to include the following information: a. a list of those properties where the extent of the SNA applying to that property has reduced since the Wildland's assessment; b. whether the reduction was sought by the landowner; c. the reason for the reduction; and d. a list of those properties where the extent of the SNA applying to that property should have been enlarged but wasn't because the landowner didn't agree.	3.11	Reject	See body of the report	No
168.63	Robyn Smith	Significant Natural Areas	Opposes all provisions of the PDP relating to SNAs if the mapped SNA overlay does not include land that meets the criteria in Policy 23 of the RPS but which has not been included because the relevant landowner indicated their objection to it.	3.11	Reject	See body of the report	No
225.251	Forest and Bird	Whole of Plan	Add provisions to recognise riparian margins within the earthworks and biodiversity chapters and other chapters as appropriate.	3.11	Reject	See body of the report	No
271.2	Progeni Limited	General	The degree of value implied by the rules should be reflected in the value of the areas protected.	3.11	Reject	See body of the report	No
<b>Planting exotic trees</b>							
138.1	Ryan Family Trust	General	In SNAs, the planting of exotic trees for slope stability should be allowed.	3.12	Reject	See body of the report	No
<b>Cat free zones</b>							
229.3	Marilyn Wallace	General	Objects to the failure of the plan to create cat free zones. Requests the plan be amended and cat free zones in and adjacent to areas of significant biodiversity be created.	3.13	Reject	See body of the report	No
<b>Protection of SNA as a receiving environment</b>							
1.3	Stephen Smith	General	To amend and/or create new policies with specific protections for SNA areas on identified properties to protect from nuisance values insufficiently defined in the Rural Zone eg quarrying activities and mining.	3.14	Reject	See body of the report	No

<sup>216</sup> Oppose - Kāinga Ora [FS65.219]; Oppose – DOC [FS39.11]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
10.3 <sup>217</sup>	Lyle and Tracey Davies	General	Quarry and mining activities should not be permitted in areas with SNAs.	3.14	Reject	See body of the report	No
14.3	Nadine Steffens	General	To amend and/or create new policies with specific protections for SNA areas on identified properties to protect from nuisance values insufficiently defined in the Rural Zone eg quarrying activities and mining.	3.14	Reject	See body of the report	No
17.3 <sup>218</sup>	Jennifer Blake	General	To amend and/or create new policies with specific protections for SNA areas on identified properties to protect from nuisance values insufficiently defined in the Rural Zone eg quarrying activities and mining.	3.14	Reject	See body of the report	No
168.77	Robyn Smith	Multiple zones and overlays	Amend the PDP so development controls applicable to land adjacent to SNA/ONFL, or land in the same catchment as SNA/ONFL, are included that acknowledge that development on other land (e.g. changes to landforms as they may relate to drainage patterns) is able to significantly affect the values of those areas.	3.14	Reject	See body of the report	No
216.13 <sup>219</sup>	Queen Elizabeth the Second National Trust	General	Amend to widen scope for protection of wetlands.	3.14	Reject	See body of the report	No
225.260	Forest and Bird	General	Require conditions and standards so that activities adjacent to SNAs do not have adverse effects on them.	3.14	Reject	See body of the report	No
246.2	Judgeford Environmental Protection Society Incorporated - Davies, Tracey	General	Additional protections should be considered for SNAs.	3.14	Reject	See body of the report	No
<b>Fire risk and management</b>							
74.3	Pauatahanui Residents Association	General	Amend.	3.15	Accept in part	See body of the report	Yes
110.3 <sup>220</sup>	Andrea & Karl Simonlehner	ECO-R1	A setback of 10 - 20 meters would allow for better management in case of a bush fire.	3.15	Accept in part	See body of the report	Yes
138.2	Ryan Family Trust	ECO-R1	The rule must be modified to allow without recourse to administrative procedures, for owners and occupiers of property to comply with the recommendations of the Rural Fire Authority for defensible spaces as identified in their publications "Fire Smart home owner's manual" and "Flammability of Native Plant species".  [Refer to original submission for decision requested, including attachments]	3.15	Accept in part	See body of the report	Yes
138.3	Ryan Family Trust	General	The rules must in no way compromise the effectiveness of Rural Fire Officers administering the Rural and Forest Fires Act.	3.15	Accept in part	See body of the report	Yes

<sup>217</sup> Support – TROTR [FS70.34]<sup>218</sup> Support – TROTR [FS70.30]<sup>219</sup> Oppose - Kāinga Ora [FS65.210]<sup>220</sup> Support in part – FENZ [FS54.31]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
138.8	Ryan Family Trust	General	The rules must be modified to allow continuous and immediate management of the safety hazards by the property owner arising from vegetation. This includes cognisance of the risk of the safety of people (in addition to fire) in the immediate vicinity of the buildings and defensible space, garden paths etc.	3.15	Accept in part	See body of the report	Yes
193.8	Ian and Helen Gear	General	Harmonise requirements for buffers etc with existing regulations.	3.15	Accept in part	See body of the report	Yes
202.1	Sheryn and David Harpham	General	Amend or remove part of.	3.15	Accept in part	See body of the report	Yes
220.4	Tiaki and Amanda Pritchard	General	FENZ advises that there should be buffers of 30m between a dwelling and bush. The plan should reflect this advice and allow land owners to maintain the specified buffers to protect their assets (all buildings on the property) without the need of seeking permission to do so from council. Nor, should land owners be required to engage specified specialists (for instance ecologists or arborists) to undertake this work.	3.15	Accept in part	See body of the report	Yes
259.3 <sup>221</sup>	Frances McNamara	ECO-R1	The setback should be able to be extended to 10m (and furtherin certain circumstances), based on fire safety.	3.15	Accept in part	See body of the report	Yes
<b>Tree trimming</b>							
138.4 <sup>222</sup>	Ryan Family Trust	ECO-R1	The rules must be modified to allow adequate tree trimming beyond the 3m dimension at the discretion of the owner.	3.16	Accept	See body of the report	Yes
212.1	Lee and Andrew Shippam	General	Would like to retain the right to maintain trees on their section [11 Moray Place, Porirua] without having to seek resource consent from the Council each time to trim the trees or engage the services of an arborist for this work.	3.16	Accept	See body of the report	Yes
238.7	Grant Abdee	General	Reduced solar penetration and SNA encumbrance prejudices opportunities to manage large trees on the property [153B Rawhiti Road, Pukerua Bay].	3.16	Accept	See body of the report	Yes
259.4	Frances McNamara	General	[Not specified, refer to original submission] While no specific decision sought, submitter raises issues including tree growth affecting sunlight into home, and shading impact on garden and orchard	3.16	Accept	See body of the report	Yes
259.5	Frances McNamara	Significant Natural Areas	[Not specified, refer to original submission, including attachments] While no specific decision sought, submitter raises issues around changes in vegetation between the aerials used to map SNA to when the PDP was notified, and questions what is the status of branches that overhang outside into areas not mapped as SNA.	3.16	Accept in part	See body of the report	No
<b>Non-endemic vegetation removal</b>							
168.72	Robyn Smith	ECO-R1	Amend ECO-R1 to include the removal of indigenous, but non-endemic, vegetation for any reason.	3.17	Accept in part	See body of the report	No
<b>Non-indigenous vegetation removal</b>							
126.19	DOC	ECO-R2	Rule needs to be more specific to recognise that in SNA's classified for values relating to fauna that exotic species may be providing significant habitat. Suggest removal of low value exotic vegetation is enabled by ECO-R3.	3.18	Accept in part	See body of the report	Yes
137.53	GWRC	ECO-R2	Delete ECO-R2.	3.18	Accept in part	See body of the report	Yes

<sup>221</sup> Support in part – FENZ [FS54.29]<sup>222</sup> Support in part – FENZ [FS54.32]



Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
137.54 <sup>223</sup>	GWRC	Non-indigenous vegetation	Amend rules in the Chapter to change 'indigenous vegetation' to 'vegetation'.	3.18	Accept in part	See body of the report	Yes
137.55	GWRC	ECO-R1	Consequential change to ECO-R1 to provide for activities under ECO-R3 (Restoration and maintenance of a Significant Natural Area).	3.18	Accept in part	See body of the report	Yes
137.73	GWRC	Non-indigenous vegetation	Considers it is appropriate that, within an SNA, the same rules apply for indigenous and non-indigenous vegetation removal.	3.18	Accept in part	See body of the report	Yes
216.30	QEII	ECO-R2	Amend as follows:  1. Activity status: Permitted  <u>Where:</u>  a. <u>The works have no adverse effects on the indigenous biodiversity values in the Significant Natural Area.</u>	3.18	Accept in part	See body of the report	Yes
225.168	Forest and Bird	ECO-R2	Delete ECO-R2.	3.18	Accept in part	See body of the report	Yes
<b>Effects management hierarchy</b>							
193.5	Ian and Helen Gear	General	Revise the off-set concept recognising public good and the need to share the burden across all planting.	3.19	Accept in part	See body of the report	No
225.36	Forest and Bird	General	Include clear policy direction on adverse effects to be avoided rather than relying on a limit approach to offsetting alone.	3.19	Accept in part	See body of the report	Yes
225.254	Forest and Bird	General	Remove provision for biodiversity compensation.	3.19	Reject	See body of the report	No
<b>Non-regulatory methods</b>							
10.4	Lyle and Tracey Davies	SCHED7 - Significant Natural Areas	Better support should be provided to ratepayers of land with SNA status.	3.20	Accept in part	See body of the report	No
35.2	Craig Parker	Non-regulatory methods	If PCC want to contract actions/uses of the areas there should be compensation to the landowner.	3.20	Reject	See body of the report	No
74.4	Pauatahanui Residents Association	Esplanade Reserves, Significant Natural Areas, Covenanted Areas	[Not specified, refer to original submission]  While no specific decision sought, submitter raises matters including costs for landowners in maintaining and restoring SNA, as well as impact on property values and rates.	3.20	Reject	See body of the report	No
79.7	Heather Phillips and Donald Love	Natural Environmental Values	Amend the PDP to identify risks to the natural environment and develop policies and rules.	3.20	Accept in part	See body of the report	No
113.1	Kristiaan Hendrik Justin Coppieters	SNA047	Fence off the SNA.	3.20	Reject	See body of the report	No

<sup>223</sup> Oppose - Transpower [FS04.44]; Oppose – Frances McNamara [FS31.1]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
114.1	Kristiaan Hendrik Justin Coppieters	SNA047	Rates reduction.	3.20	Reject	See body of the report	No
115.1	Kristiaan Hendrik Justin Coppieters	SNA047	Council should subdivide 34 The Track, Plimmerton, separate the SNA from it, and purchase the SNA part.	3.20	Reject	See body of the report	No
118.3	Paul and Julia Botha	Non-regulatory method	<p>SNAs as drafted should be deleted from the PDP. If the SNA's are going to be included with the extensive set of proposed rules, there are three aspects that need to be addressed:</p> <ul style="list-style-type: none"> <li>The SNAs need to be correctly mapped and agreed with private landowners prior to inclusion in the district plan.</li> <li>PCC needs to provide rates relief on a pro-rata basis for land included within SNAs.</li> </ul> <p>The cost of any ecological studies required by private landowners for Resource Consent applications need to be borne by the PCC and not the land-owner.</p>	3.20	Reject	See body of the report	No
152.1	Jennifer Giller	ECO-S1	<p>Amend:</p> <p>3. Any removal is undertaken or supervised by a suitably qualified arboricultural expert, <u>the cost of which funding is available for.</u></p>	3.20	Reject	See body of the report	No
169.1	Adrian and Alyson Douglas	General	Delete the proposal.	3.20	Reject	See body of the report	No
213.1	Natasha Dasyam	Non-regulatory – compensation and rates relief	Seeks reconsideration of this plan, or in lieu of this requests the consideration of a reduction in rates or an equivalent monetary compensation in exchange for rights being taken away.	3.20	Reject	See body of the report	No
198.2	Caryl Fantham	Non-Regulatory Method	Possibly the Council could purchase a smaller piece of 5 Pendeen Place at the bottom if they wish to retain some control over that area of it, which would be fairer	3.20	Reject	See body of the report	No
152.2 <sup>224</sup>	Jennifer Giller	Non-regulatory method	A fund should be established for the ongoing maintenance of SNAs. This funding should be made available to offset: the cost of arborist services, restorative re-vegetating using indigenously sourced plants, and for invasive weed clearance.	3.20	Accepted in part	See body of the report	No
193.9	Ian and Helen Gear	Non-regulatory method	Council must be transparent and develop policies that are consistent with sharing the cost of imposed public good aspirations over privately-owned land. Policy must provide for assistance to manage SNAs – particularly fencing and pest control and also rate remissions on the affected land i.e. nil rate on rural properties and proportional for urban allotments.	3.20	Accept in part	See body of the report	No
193.7	Ian and Helen Gear	Non-regulatory	Council must recognise and commit to contributing to a significant burden of the costs associated with pest control in SNAs.	3.20	Accept in part	See body of the report	No

<sup>224</sup> Support – Forest and Bird [FS52.15]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
220.3	Tiaki and Amanda Pritchard	Consultation, Non-regulatory methods	<p>Pest burden: Council must provide assistance to landowners to manage pest species in SNAs who cannot be expected to carry all of the burden the burden of a public good.</p> <p>Harmonise: Harmonise requirements for buffers etc with existing regulations.</p> <p>Rates rebate: Council must be transparent and develop policies that are consistent with sharing the cost of imposed public good aspirations over privately owned land. Policy must provide for assistance to manage SNAs – particularly fencing and pest control and also rate remissions on the affected land i.e. nil rate on rural properties and proportional for urban allotments.</p>	3.20	Accept in part	See body of the report	No
246.6	Judgeford Environmental Protection Society Incorporated - Davies, Tracey	SNA160 Murphy's Road Bush	Residents with SNAs should be adequately supported.	3.20	Accept in part	See body of the report	No
<b>Non-regulatory approach rather than regulation</b>							
138.9	Ryan Family Trust	Non-regulatory methods	<p>[Not specified, refer to original submission]</p> <p>While no specific decision sought, the submitter raised the following matter(s):</p> <p>That the Council resources used to administer these rules as currently proposed would be more effectively used to enhance the ecosystem by diverting them to concentrate on eradication of pests such as opossums, rats, weasels, stoats, wild cats, ferrets and goats that are having a much more adverse effect on the environment than the loss of the few trees needed to protect the properties of private citizens from the ravages of fire and storm damage. These recommendations for rule change will affect only an infinitesimal area of the landscape thus having little impact on the overall objective of the SNAs.</p>	3.21	Reject	See body of the report	No
177.1 <sup>225</sup>	Chris Foothead	General	Delete, do not create Significant Natural Areas on privately owned land.	3.21	Reject	See body of the report	
193.2 <sup>226</sup>	Ian and Helen Gear	General	Present a case in the staff report for a process that encourages landowners to support and nurture SNAs rather than persisting with a punitive regulator tool.	3.21	Reject	See body of the report	No
201.1	Sheryn and David Harpham	General	Amend.	3.21	Reject	See body of the report	No
215.2	David Thomson	Non-regulatory methods	Would also like to see PCC adapt their approach to one that works with residents to provide education and support to meet the important goals of protecting the environment in the city.	3.21	Reject	See body of the report	No
<b>Definitions</b>							

<sup>225</sup> Support - Milmac Homes Ltd [FS59.8]<sup>226</sup> Support in part – TROTR [FS70.39]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
77.1	Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pauatahanui Inlet	New definition	Add a definition of natural environment as follows: <u>Natural environment means terrestrial, fresh water and marine ecosystems and their constituent parts, particularly native biota (the animal and plant life of a particular habitat) and related amenity values</u>	3.22	Reject	Definition not needed, plain English is sufficient as I consider plan users unlikely to misinterpret this term.	No
137.5 <sup>227</sup>	GWRC	New definition	Add a new definition for 'pest': means any species that is: a) A pest or unwanted organism as defined in the Biosecurity Act 1993; or b) Any pest species listed in a relevant site-specific restoration plan or land management plan approved by Porirua City Council.	3.22	Accept in part	See body of report	Yes
225.67	Forest and Bird	New definition	<u>Pest means any species that is:</u> a. A pest or unwanted organism as defined in the Biosecurity Act 1993; or b. Identified as a pest species in a regional pest management plan.	3.22	Accept in part	See body of report	Yes
168.38 <sup>228</sup>	Robyn Smith	New definition	Add a definition of 'natural wetland' with the definition to accord with the definition in the NPS-FM.	3.22	Reject	See body of report	No
216.4 <sup>229</sup>	QEII	New definition	Include new definition: <u>Vegetation removal means the removal or destruction of vegetation (exotic or indigenous) by mechanical or chemical means, including felling vegetation, spraying of vegetation by hand or aerial means, hand removal, and the burning, smothering or clearance of vegetation by any other means.</u>	3.22	Accept in part	See body of report	Yes
225.78	Forest and Bird	New definition	Include definition as follows: <u>The removal or destruction of vegetation (exotic or indigenous) by mechanical or chemical means, including felling vegetation, spraying of vegetation by hand or aerial means, hand removal, and the burning, smothering or clearance of vegetation by any other means.</u>	3.22	Accept in part	See body of report	Yes
81.36 <sup>230</sup>	Kāinga Ora	Biodiversity compensation	Retain definition as notified	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
137.4 <sup>231</sup>	GWRC	Biodiversity compensation	Amend to replace with a new definition as follows: <u>A measurable positive environmental outcome resulting from actions designed to redress the residual adverse effects on biodiversity arising from activities after appropriate avoidance, minimisation, remediation and biodiversity offsetting measures have been applied. The goal of biodiversity compensation is to achieve an outcome for indigenous biodiversity values that is disproportionately positive relative to the values lost</u>	3.22	Accept in part	See body of report	Yes

<sup>227</sup> Support – DOC [FS39.35]<sup>228</sup> Support – DOC [FS39.40]<sup>229</sup> Oppose – Transpower [FS04.11]; Support – DOC [FS39.26], Support – GWRC [40.123]<sup>230</sup> Support – Transpower [FS04.12]<sup>231</sup> Support – DOC [FS39.34]; Oppose – Kainga Ora [FS65.34]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
225.53 <sup>232</sup>	Forest and Bird	Biodiversity compensation	<p>Either:</p> <ul style="list-style-type: none"> <li>Delete the definition; or</li> <li>Amend the definition of "Biodiversity compensation" as follows:</li> </ul> <p>means a commitment to redress residual adverse impacts <u>on biodiversity using the framework set out in APP9 and must only be contemplated after the mitigation hierarchy steps in ECO-P1 have been demonstrated to have been sequentially exhausted and only after biodiversity offsetting has been implemented.</u></p>	3.22	Accept in part	See body of report	Yes
225.54 <sup>233</sup>	Forest and Bird	Biodiversity offset	<p>Amend the definition as follows:</p> <p>means a measurable <u>like for like positive environmental outcome resulting from actions designed to redress the of residual adverse effects on biodiversity using the framework set out in APP8 arising from activities after appropriate avoidance, minimisation, and remediation measures have been applied. The goal of a biodiversity offset is to achieve no net loss, and preferably a net gain, of indigenous biodiversity values.</u></p>	3.22	Accept in part	See body of report	Yes
81.37	Kāinga Ora	Biodiversity offset	Retain definition as notified	N/A	Accept	Agree with submitter	No
60.1	Transpower	Biodiversity offset	Retain	N/A	Accept	Agree with submitter	No
81.143	Kāinga Ora	Restoration	<p>Amend definition:</p> <p><b>Indigenous biodiversity Restoration</b></p> <p>means the rehabilitation of sites, habitats or ecosystems to support indigenous flora and fauna, ecosystem functions and natural processes that would naturally occur in the ecosystem and locality.</p>	3.22	Reject	See body of report	No
225.70	Forest and Bird	Restoration	<p>Amend the definition as follows:</p> <p><u>Restoration, in relation to indigenous biodiversity, means to restore the rehabilitation of sites, habitats or ecosystems to support indigenous flora and fauna, ecosystem functions and natural processes to a former healthier state that would naturally occur in the ecosystem and locality.</u></p>	3.22	Accept in part	See body of report	Yes
81.154	Kāinga Ora	Significant natural area	Retain definition as notified	N/A	Accept	Agree with submitter	No
225.73 <sup>234</sup>	Forest and Bird	Significant natural area	<p>Amend the definition as follows:</p> <p>means an area of significant indigenous vegetation or significant habitat of indigenous fauna <u>that meets any of the criteria in Policy 23 of the Wellington Regional Policy Statement. It includes significant natural areas identified in SCHED7 - Significant Natural Areas and shown as an overlay on the Planning map managed through provisions in the district wide ECO Chapter.</u></p>	3.22	Reject	See body of report	No

<sup>232</sup> Oppose - Kainga Ora [FS65.35]<sup>233</sup> Oppose – GWRC [FS40.127]; Oppose - Kainga Ora [FS65.35]<sup>234</sup> Support – GWRC [FS40.129]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
225.34	Forest and Bird	Significant natural area	Amend the definition of Significant Natural Area.	3.22	Reject	See body of report	No
216.3 <sup>235</sup>	QEII	Significant natural area	Amend definition as follows:  means <u>any</u> area of significant indigenous vegetation or significant habitat of indigenous fauna <u>that meets the criteria for 'Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plan' (policy 23)</u> . This includes those significant natural areas identified in SCHED7 - Significant Natural Areas.	3.22	Reject	See body of report	No
<b>Introduction</b>							
11.39 <sup>236</sup>	Porirua City Council	Introduction	Amend the introduction as follows:  <i>The National Policy Statement on Freshwater Management 2020, the National Environmental Standard for Fresh Water 2020 and the Proposed Natural Resources Plan for the Wellington Region contain specific requirements in respect of natural wetlands.</i>  <i>Under the National Policy Statement for Freshwater Management 2020, the GWRC must:</i>  3. <i>identify and map natural inland wetlands; and</i> 4. <i>must include a policy and rule framework to avoid the loss of extent of natural inland wetlands, protect their values and promote their restoration.</i>  <i>The National Environmental Standard for Freshwater 2020 contains regulations applying to activities within and near natural wetlands. The Proposed Natural Resources Plan for the Wellington Region contains objectives, policies and rules relating to natural wetlands. Resource consent may be required from the Regional Council for activities within and near wetlands.</i>	N/A	Accept	Agree with submitter	Yes
81.430	Kāinga Ora	Introduction	Amend:  The Ecosystems and Indigenous Biodiversity chapter comprises identified areas of Significant Natural Areas ("SNAs"). These are district-wide Overlays which apply within all zones. <del>SNAs have been identified in accordance with the criteria within Policy 23 of the Regional Policy Statement for the Wellington Region.</del>  (.....)	N/A	Accept	Agree with submitter	Yes
225.145 <sup>237</sup>	Forest and Bird	Introduction	Clarify that the provisions for SCHED7 SNAs apply to the Natural Environment Values Overlay of Significant Natural Areas to clarify the relationship to the planning map tools and legend.  1. Clarify the introduction...	3.23	Accept in part	See body of report	Yes

<sup>235</sup> Support – DOC [FS39.25]; Oppose – Kainga Ora [FS65.63]<sup>236</sup> Support – DOC [FS39.43]; Support – GWRC [FS40.7]; Support – Kainga Ora [FS65.212]<sup>237</sup> Oppose – Kainga Ora [FS65.211]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<p>The Ecosystems and Indigenous Biodiversity chapter comprises district-wide provisions relating to indigenous biodiversity and ecosystem functions. This includes provisions relating to the <del>Identified</del> identification of areas of Significant Natural Areas ("SNAs") including currently known SNAs which are identified in Schedule 7 and provided as an overlay on the district planning maps. Provisions which apply to an overlay are referred to as "overlay provisions", all provisions in this chapter are also "district-wide" provisions. Where there is any conflict between an overlay provision and a district-wide provision, the overlay provision should be read as taking priority. These are district-wide <del>and</del> <del>Overlays</del> provisions which apply within all zones. Scheduled SNAs have been identified in accordance with the criteria within Policy 23 of the Regional Policy Statement for the Wellington Region.</p> <p>The objectives, policies and rules provide the framework for managing the effects of activities on significant indigenous biodiversity values, <u>maintaining and where appropriate enhancing indigenous biodiversity within the City District.</u></p> <p>The rules recognise some activities can occur with <del>limited impacts no more than</del> <u>minor adverse effects on indigenous biodiversity the values of SNAs</u> and as such these are provided for as permitted activities. Other activities could result in a greater level of adverse effect and require assessment against the values of the relevant SNA.</p> <p>The SNAs that are <u>known and have been identified on the planning maps overlay covered by this chapter</u> are contained in SCHED7 - Significant Natural Areas. Where the SNA is in an urban environment allotment as defined under s76(4C) of the RMA, further detail of the SNA is set out in SCHED8 - Urban Environment Allotments. <u>The plan provisions are intended to avoid the inclusion of SNAs within future subdivision which results in a UEA where possible. If it is not possible then a plan change will be required to add the SNA into both SCHED7 and SCHED8.</u></p> <p>2. Amend the definition of SNA to recognise that identified SNAs in Schedule 7 are an overlay shown on the Planning Maps and provisions for them are included in the ECO chapter.</p>				
<b>Objectives</b>							
225.147 <sup>238</sup>	Forest and Bird	New objective	<p>Add a new ECO objective as follows:</p> <p><u>Subdivision, use and development is managed to ensure the ecological function and protective buffering of hydrological and ecological systems are maintained and restored.</u></p>	3.24	Reject	See body of report	No
225.148 <sup>239</sup>	Forest and Bird	New objective	<p>Add a new ECO objective as follows:</p> <p><u>The District's indigenous biodiversity is maintained and enhanced.</u></p>	3.24	Reject	See body of report	No
126.8	DOC	ECO-O1	Retain as notified.	N/A	Accept	Agree with submitter	No
60.70	Transpower	ECO-O1	Retain.	N/A	Accept	Agree with submitter	No

<sup>238</sup> Support – DOC [FS39.16]; Oppose – Kainga Ora [FS65.214]<sup>239</sup> Oppose – Transpower [ FS04.42]; Support - DOC[FS39.17]; Support - GWRC [FS40.132], Oppose – Kainga Ora [FS65.213]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
71.6	Diane Strugnell	ECO-O1	Not specified.  While no specific decision sought, the submitter raised the following matter(s): submitter says they support the specific identification of SNAs, as the policies related to the protection of indigenous vegetation under the existing District Plan are open to loose interpretation.	N/A	Accept	Agree with submitter	No
26.1	Jeremy Collyns	ECO-O1	That the restored part is amended to restored removing the part where appropriate.	3.24	Reject	See body of report	No
126.9	DOC	ECO-O2	Clarification should be made to confirm "adverse effects of plantation forestry activities" includes shading, water table, wilding pines and other consequential effects. Adverse effects should be of the forest as well as the forestry activity.	3.24	Reject	See body of report	No
216.17 <sup>240</sup>	QEII	ECO-O2	Delete objective ECO-O2.	3.24	Reject	See body of report	No
225.149	Forest and Bird	ECO-O2	Delete.  Add provision that the values of Significant Natural Areas are protected from the adverse effects of plantation forestry activities into ECO-P8.	3.24	Reject	See body of report	No
<b>Policies</b>							
216.15	QEII	General	Removal of duplicated policies.	N/A	Reject	Decision requested unclear, but submitter may wish to provide further clarification at the hearing.	No
225.153	Forest and Bird	New Provision	Add a new ECO Policy  <u>Information Collection:</u>  <u>To gather and record information on the Districts biodiversity resources and the effects of activities, pests and climate change on indigenous ecosystems to assist with the sustainable management of the resource and the ongoing development and implementation of appropriate management regimes.</u>	3.25	Reject	See body of report	No
216.18 <sup>241</sup>	QEII	ECO-P1	Retain as notified.	N/A	Accept	Agree with submitter	No
126.10 <sup>242</sup>	DOC	ECO-P1	Retain as notified.	N/A	Accept	Agree with submitter	No
168.61	Robyn Smith	ECO-P1	Supports the policy and opposes any amendment to it by way of submissions by others, or by council officer evidence and/or recommendations, that would result in the effect of the relevant provisions creating incompatibility with sections 6(a) and (c) of the RMA, and/or would result in natural wetlands within the city not being suitably identified.	N/A	Accept	Agree with submitter	No
82.114 <sup>243</sup>	Waka Kotahi	ECO-P1	Retain as notified.	N/A	Accept	Agree with submitter	No
86.47	KiwiRail Holdings Limited (KiwiRail)	ECO-P2	Retain as proposed.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No

<sup>240</sup> Oppose – GWRC [FS40.124]<sup>241</sup> Oppose – Kainga Ora [FS65.221]<sup>242</sup> Support – Kainga Ora [FS65.222]<sup>243</sup> Support – Kainga Ora [FS65.223]



Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
60.71	Transpower	ECO-P2	Retain	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
126.11	DOC	ECO-P2	Retain as notified. Ensure that the plan provides protection for SNAs identified during the life of the plan	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
168.65	Robyn Smith	ECO-P2	Amend Policy ECO-P2 to delete the phrase 'where possible'.	3.25	Reject	See body of report	No
168.66	Robyn Smith	ECO-P2	Amend Policy ECO-P2 to, at the very least, provide for the avoidance required by Policy 39 of the pNRP as far as it relates to Taupō Swamp Complex and Te Awarua o Porirua Harbour, and in the case of all other SNAs provide the protection required by section 6(c) of the RMA.	3.25	Reject	See body of report	No
225.151 <sup>244</sup>	Forest and Bird	ECO-P2	<p>Replace ECO-P2 with the following:</p> <p><u>Protecting Significant Indigenous Biodiversity:</u></p> <p><u>1. To protect significant indigenous biodiversity in the coastal environment by:</u></p> <p><u>(a) avoid adverse effects of activities on:</u></p> <p><u>(i) indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;</u></p> <p><u>(ii) taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;</u></p> <p><u>(iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;</u></p> <p><u>(iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;</u></p> <p><u>(v) areas containing nationally significant examples of indigenous community types; and</u></p> <p><u>(vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and</u></p> <p><u>(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:</u></p> <p><u>(i) areas of predominantly indigenous vegetation in the coastal environment;</u></p> <p><u>(ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;</u></p> <p><u>(iii) indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;</u></p> <p><u>(iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;</u></p> <p><u>(v) habitats, including areas and routes, important to migratory species; and</u></p>	3.25	Accept in part	See body of report	Yes

<sup>244</sup> Oppose – GWRC [FS40.134]; Oppose – Kainga Ora [FS65.224]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<p><u>(vi) ecological corridors, and areas important for linking or maintaining biological values identified under this policy.</u></p> <p><u>2. To protect significant indigenous biodiversity in the coastal environment where 1. does not apply and beyond the coastal environment by:</u></p> <p><u>(a) avoid the following adverse effects on indigenous biodiversity values:</u></p> <p><u>(i) Loss of ecosystem representation and extent;</u></p> <p><u>(ii) Disruption to sequences, mosaics or ecosystem function;</u></p> <p><u>(iii) Fragmentation or loss of buffering or connectivity within the SNA and between other indigenous habitats and ecosystems; and</u></p> <p><u>(iv) A reduction in population size or occupancy of threatened species using the SNA for any part of their life cycle; and</u></p> <p><u>(b) avoiding significant adverse effects on biodiversity values;</u></p> <p><u>(c) avoiding, remedying or mitigating other adverse effects of subdivision, land use and development on the values which contribute to the significance of the SNA; and</u></p> <p><u>(d) where adverse effects cannot be practicably be avoided under (b) and/or adverse effects cannot practicably be remedied or mitigated under (c):</u></p> <p><u>(i) Only consider biodiversity offsetting for any residual adverse effects where there is a functional need for the activity and after adverse effects are remedied, mitigated and minimised and where the principles of APP8 - Biodiversity Offsetting are met.</u></p>				

216.19 <sup>245</sup>	QEII	ECO-P2	Amend ECO-P2 as follows: Protect the biodiversity values of Significant Natural Areas, <u>including those</u> identified within SCHED7 - Significant Natural Areas, by requiring subdivision, use and development to: 1. Avoid adverse effects on <del>identified</del> indigenous biodiversity values where possible; 2. Minimise adverse effects on the <del>identified</del> indigenous biodiversity values where avoidance is not possible; 3. Remedy adverse effects on the <del>identified</del> indigenous biodiversity values where they cannot be avoided or minimised; 4. Only consider biodiversity offsetting for any residual adverse effects that cannot otherwise be avoided, minimised or remedied and where the principles of APP8 - Biodiversity Offsetting are met; and <del>5. Only consider biodiversity compensation after first considering biodiversity offsetting and where the principles of APP9 - Biodiversity Compensation are met.</del>	3.25	Accept in part	See body of report	Yes
30.1	Jeremy Collyns	ECO-P3	Amend ECO-P3 to recognise that QEII convented areas are already covered by their own set of conditions and these will become the conditions under which they are managed under this policy	3.25	Reject	See body of report	No
82.115	Waka Kotahi	ECO-P3	Retain as notified.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	Yes
60.72	Transpower	ECO-P3	Retain	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	Yes
126.12 <sup>246</sup>	DOC	ECO-P3	Amend: Enable vegetation removal within Significant Natural Areas identified within SCHED7 - Significant Natural Areas where it is of a scale and nature that maintains the identified biodiversity values, <u>including limited to</u> ;	3.25	Reject	See body of report	No
216.20 <sup>247</sup>	QEII	ECO-P3	Amend policy as follows: Consider allowing for vegetation removal within SNAs for the following activities where the vegetation removal is of a scale and nature that maintains the biodiversity values: 1. Maintenance around existing buildings; 2. Safe operation of existing roads, tracks and accessways; 3. Restoration and conversation activities; 4. Opportunities to enable tangata whenua to exercise customary harvesting practices.	3.25	Accept in part	See body of report	Yes
225.154 <sup>248</sup>	Forest and Bird	ECO-P3	Amend as follows:	3.25	Accept in part	See body of report	Yes

<sup>245</sup> Oppose – Kainga Ora [FS65.225]<sup>246</sup> Support - GWRC [FS40.106]<sup>247</sup> Oppose – Kainga Ora [FS65.226]<sup>248</sup> Support – DOC [FS39.9]; Oppose – Kainga Ora [FS65.227]

			<p>Consider allowing for <del>Enable</del> vegetation removal within SCHED7 - Significant Natural Areas SNAs for the following activities where the vegetation removal where it is of a scale and nature that maintains the identified biodiversity values including:</p> <ol style="list-style-type: none"> <li>1. Maintenance around existing buildings;</li> <li>2. Safe operation of existing roads, tracks and accessways;</li> <li>3. Restoration and conversation activities;</li> <li>4. Opportunities to enable tangata whenua to exercise customary harvesting practices.</li> </ol>				
126.13 <sup>249</sup>	DOC	ECO-P4	Policy be deleted, or clarify that it is a restriction on development and clarify its relationship with ECO-P2.	3.25	Accept in part	See body of report	Yes
225.155 <sup>250</sup>	Forest and Bird	ECO-P4	Delete.	3.25	Accept in part	See body of report	Yes
216.21 <sup>251</sup>	QEII	ECO-P4	Delete ECO-P4, retaining anything relevant in ECO-P2 as an advice note about determining whether the effects management hierarchy has been correctly applied to determine appropriateness of an activity.	3.25	Accept in part	See body of report	Yes
52.2	Hamish Tunley	ECO-P4	<p><del>Amend SNA082 to exclude 3 &amp; 5 Seagull Place, Whitby.</del></p> <p><del>Remove restrictions for existing landowners.</del></p> <p>Employ the right resources so landowners can have an open dialogue without forcing landowners down a costly path of employing experts and resource consent.</p> <p>There should be consideration for existing landowners where a different set of relaxed rules apply.</p> <p>If future development was to take place put some parameters around this, e.g subdivide into more than two lots.</p>	3.25	Reject	See body of report	No
60.73	Transpower	ECO-P4	<p>Amend Policy ECO-P4 by deleting clause a. as follows:</p> <p>ECO-P4 Other subdivision, use and development in Significant Natural Areas</p> <p>Only allow subdivision, use and development in Significant Natural Areas listed in SCHED7 - Significant Natural Areas where it:</p> <ol style="list-style-type: none"> <li>1. Applies the effects management hierarchy approach in ECO-P2; and</li> <li>2. Can demonstrate that it is appropriate by taking into account: <ol style="list-style-type: none"> <li>a. <del>The findings of an ecological assessment from a suitably qualified and experienced ecologist that determines the significance of the indigenous biodiversity values and the impact of the activity on the identified values in order to support the application of the effects management hierarchy in ECO-P2;</del></li> </ol> </li> </ol> <p>....</p> <p>And</p>	3.25	Accept	See body of report	Yes

<sup>249</sup> Support – GWRC [FS40.107] Support – TROTR [FS70.35]; Oppose – Milmac Homes [FS59.5]; Oppose – Kainga Ora [FS65.228]

<sup>250</sup> Oppose – Kainga Ora [FS65.229]

<sup>251</sup> Oppose – Kainga Ora [FS65.230]

			Any consequential amendments.				
225.156 <sup>252</sup>	Forest and Bird	ECO-P5	Amend ECO-P5: Avoid activities that would result in the loss or degradation of the identified indigenous biodiversity values of wetlands within a Significant Natural Area, listed in SCHED7 – Significant Natural Areas, while providing for restoration activities in accordance with ECO-P7.” Provide for the restoration of wetlands in the District. Add a new policy for integrated management of wetlands.	3.25	Accept in part	See body of report	Yes
216.22 <sup>253</sup>	QEII	ECO-P5	Amend the policy as follows: <u>Require subdivision, use and development to avoid adverse effects on the indigenous biodiversity values of natural wetlands, and loss of extent of natural wetlands, including those identified as SNAs within SCHED7 - Significant Natural Areas.</u> <i>Note: The identification and management of natural wetlands is a function of GWRC . Refer to the National Environmental Standard for Freshwater 2020 and the Natural Resources Plan for the Wellington Region</i>	3.25	Accept in part	See body of report	Yes
137.48 <sup>254</sup>	GWRC	ECO-P5	Amend to remove the qualifier of ‘identified values’.	N/A	Accept	Agree with submitter	Yes
137.75	GWRC	ECO-P5	[Not specified, refer to original submission] While no specific decision sought, the submitter raised the following matter(s): Supports the provisions, but seeks that the qualifier for ‘identified values’ be removed	N/A	Accept	Agree with submitter	Yes
126.14 <sup>255</sup>	DOC	ECO-P5	Retain as notified.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
168.67	Robyn Smith	ECO-P5	Supports ECO-P5. Opposed to any amendment to the definition by way of submissions by others, or by council officer evidence and/or recommendations, that would result in the effect of the relevant provisions creating incompatibility with sections 6(a) and (c) of the RMA.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
60.74	Transpower	ECO-P5	Retain Policy ECO-P5. If the policy applies to the National Grid, amend provisions to reflect the relief sought in submission in so far as the avoid directive within the policy does not apply to the National Grid.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
216.23 <sup>256</sup>	QEII	ECO-P6	Delete ECO-P6.	3.25	Reject	See body of report	No
225.158 <sup>257</sup>	Forest and Bird	ECO-P6	Delete Policy ECO-P6.	3.25	Accept in part	See body of report	No
225.159	Forest and Bird	ECO-P7 – New Provision	Delete P7 <del>Protection and restoration initiatives</del>	3.25	Accept in part	See body of report	Yes

<sup>252</sup> Oppose – Kainga Ora [FS65.231]<sup>253</sup> Oppose – Kainga Ora [FS65.232]<sup>254</sup> Oppose – Kainga Ora [FS65.232]<sup>255</sup> Support – TROTR [FS70.36]<sup>256</sup> Oppose – GWRC [FS40.125]; Oppose – Kainga Ora [FS65.233]<sup>257</sup> Oppose – Kainga Ora [FS65.234]

			<p><del>Encourage the protection and restoration of indigenous biodiversity by supporting initiatives by landowners, community groups and others to protect, restore and maintain areas of indigenous vegetation.</del></p> <p>Add a new ECO Policy</p> <p><u>Biodiversity restoration Initiatives:</u></p> <p><u>To encourage and support biodiversity initiatives to maintain, restore and/or enhance:</u></p> <ol style="list-style-type: none"> <li><u>1. Coastal features, ecosystems and habitats</u></li> <li><u>2. Aquatic ecosystems and habitats</u></li> <li><u>3. Indigenous species, ecosystems and habitats.</u></li> </ol> <p>Add a new ECO Policy</p> <p><u>Other Legislation:</u></p> <p><u>To use, and promote the use of, other legislation, including the Reserves Act 1977, the Conservation Act 1987 and the Biosecurity Act 1993 where this will result in the long term protection of areas of indigenous biodiversity.</u></p> <p>Add a new ECO Policy</p> <p><u>Planting:</u></p> <p><u>To promote the use of locally sourced indigenous vegetation as part of any restorative planting, enhancement planting and landscaping within areas of significant indigenous biodiversity.</u></p> <p>Add a new ECO Policy</p> <p><u>Pest control:</u></p> <p><u>Ensure that development provides for best practice pest animal and plant control in perpetuity, to ensure that biodiversity across the District is maintained and enhanced.</u></p>				
216.24 <sup>258</sup>	QEII	ECO-P7 – New Provision	<p>Delete current ECO-P7</p> <p>Add new Policy: Biodiversity initiatives</p> <p><u>Actively encourage and support initiatives by landowners, community groups and others to protect, manage and where appropriate, enhance/restore:</u></p> <ol style="list-style-type: none"> <li><u>1. Indigenous species, ecosystems, and habitats.</u></li> <li><u>2. All aquatic ecosystems and habitats</u></li> <li><u>3. Coastal features, ecosystems and habitats</u></li> </ol> <p>Add new Policy: Restoration initiatives - planting</p> <p><u>When undertaking planting as part of restoration and enhancement activities, encourage the use of locally sourced indigenous vegetation.</u></p>	3.25	Accept in part	See body of report	Yes

<sup>258</sup> Support – GWRC [FS40.135]

			Add new Policy: Other Legislation <u>To use, and promote the use of, other legislation, including the Reserves Act 1977, the Conservation Act 1987, the Biosecurity Act 1993 and the QEII Act 1977, where this will result in the long-term protection of areas of indigenous biodiversity.</u>				
126.15	DOC	ECO-P7	Retain as notified.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	Yes
77.12	Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pauatahanui Inlet	ECO-P7	Amend: Encourage the protection and restoration of indigenous biodiversity by supporting initiatives by landowners, community groups and others to protect, restore and maintain areas of indigenous vegetation, <u>especially riparian areas and wetlands, including contributing seeps to wetlands.</u>	3.25	Accept	See body of report	Yes
82.116	Waka Kotahi	ECO-P7	Retain as notified.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	Yes
126.16	DOC	ECO-P8	Retain as notified.	N/A	Accept	Agree with submitter	No
216.25	QEII	ECO-P8	Avoid the establishment of new plantation forestry within Significant Natural Areas listed in SCHED7 – Significant Natural Areas.	N/A	Reject	Disagree with submitter for the reasons listed in section 3.9.	No
225.160 <sup>259</sup>	Forest and Bird	ECO-P8	If retained amend policy so that it is more stringent than the NES, for example along the following lines : ECO-P8 <u>Effects of New Plantation Forestry</u> <u>The values of indigenous biodiversity are maintained and protected from the adverse effects of plantation forestry activities, including by:</u> <u>(a) restricting the removal of indigenous vegetation associated with any proposed afforestation to ensure the maintenance of indigenous biodiversity within the District;</u> <u>(b) avoiding Avoid the establishment of new plantation forestry within a Significant Natural Area listed in SCHED7 – Significant Natural Areas;</u> <u>(c) ensuring new plantation forestry is set back and buffered so that the potential for wilding tree spread into an SNA is avoided;</u> <u>(d) replanting of plantation forestry adjacent to SNAs is setback to provide appropriate buffers; and</u> <u>(e) buffer areas which contribute to an SNA are protected from harvesting activities.</u> Also include a new set of rules to give effect to this policy.	3.25	Reject	See body of report	No
225.161	Forest and Bird	ECO-P9	Delete.	3.25	Reject	See body of report	No

<sup>259</sup> Support in part – GWRC [FS40.136]

216.26 <sup>260</sup>	QEII	ECO-P9	Amend ECO-P9 as follows: Allow for existing plantation forestry and associated activities within Significant Natural Areas where there are no adverse effects on the area's biodiversity values.	3.25	Reject	See body of report	No
225.162	Forest and Bird	ECO-P10 – New Provision	Move the considerations of ECO-10 into the Māori Purpose Zone (Hongoeke) and Takapūwāhia Precinct chapters and delete the words "highest identified". An alternative approach to avoiding the 'highest identified values' needs to be considered by Council. Potentially reliance could simply be placed on P2, along the following lines:  1. Kaitiakitanga is exercised to protect SNAs in accordance with the effects management hierarchy in ECO P2, and P2 is also applied to the design and location of papakainga etc  We suggest an additional policy to recognise the role of tangata whenua as kaitiaki with respect to indigenous biodiversity across the district.  Insert the following (or similar): <u>Tangata Whenua:</u> <u>To recognise the role of tangata whenua as kaitiaki, and provide for:</u>  <u>1. Tangata whenua values and interests to be incorporated into the management of biodiversity;</u>  <u>2. Consultation with tangata whenua regarding the means of maintaining and restoring areas and habitats that have particular significance to tangata whenua;</u>  <u>3. Active involvement of tangata whenua in the protection of cultural values associated with indigenous biodiversity;</u>  <u>4. Customary use of indigenous biodiversity according to tikanga.</u>	3.25	Accept in part	See body of report	Yes
137.51	GWRC	ECO-P10	Amend policy to remove the qualifier of 'highest' from clause 2 (in addition to 'identified' as noted in separate submission point).	3.25	Accept in part	See body of report	Yes
126.17 <sup>261</sup>	DOC	ECO-P11	Amend policy to read: "Any earthworks within, or within a 10m setback from a wetland are avoided."	3.25	Reject	ECO-P11(3) should be removed altogether for the reasons outlined in section 3.7. It is redundant following gazettal of the NPS-FM and NES-FW. It duplicates clause 54 of the NES-FW.	Yes
168.68	Robyn Smith	ECO-P11	Supports ECO-P11(3).  Opposed to any amendment to the definition by way of submissions by others, or by council officer evidence and/or recommendations, that would result in the effect of the relevant provisions creating incompatibility with sections 6(a) and (c) of the RMA.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	Yes

<sup>260</sup> Support – GWRC [FS40.126]<sup>261</sup> Oppose – Kainga Ora [FS65.235]



60.75 <sup>262</sup>	Transpower	ECO-P11	<p>Either delete Policy ECO-P11 as it applies to the National Grid, or delete the reference to ECO-P11 from Policy INF-P7, as follows:</p> <p>....</p> <p>Applying the mitigation hierarchy in ECO-P2 and assessing the matters in ECO-P4, <del>ECO-P11</del> and <del>ECO-P12</del> when considering the effects of the National Grid in an area identified in SCHED7 - Significant Natural Areas; and ..</p> <p>And</p> <p>Any consequential amendments.</p>	3.25	Reject	See body of report.	Yes
77.13 <sup>263</sup>	Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pauatahanui Inlet	ECO-P11	<p>Amend:</p> <p>Only allow earthworks within a Significant Natural Area where it can be demonstrated that:</p> <ol style="list-style-type: none"> <li>1. Any adverse effects on identified indigenous biodiversity values of a Significant Natural Area listed in SCHED7 - Significant Natural Areas are addressed in accordance with ECO-P2 and the matters in ECO-P4 and ECO-P12; Any biodiversity offsetting proposed is in accordance with APP8 - Biodiversity Offsetting; and</li> </ol> <p>Any earthworks within a wetland, <u>or that adversely affect riparian areas or contributing seeps to a wetland</u>, are avoided.</p>	3.25	Reject	See body of report.	Yes
82.117	Waka Kotahi	ECO-P11	<p>Amend provision:</p> <p><u>"3. Any earthworks within a wetland are avoided except for works associated with the safe and efficient operation of the transport network".</u></p> <p>Or</p> <p>3. Any earthworks within a wetland are avoided, <u>where practicable</u></p>	3.25	Reject	See body of report.	Yes
216.27 <sup>264</sup>	QEII	ECO-P11	<p>Amend ECO-P11 as follows:</p> <p>Only allow earthworks within <u>or affecting</u> a Significant Natural Area where it can be demonstrated that:</p> <ol style="list-style-type: none"> <li>1. Any adverse effects on <del>identified</del> indigenous biodiversity values of a Significant Natural Area <del>listed in SCHED7 - Significant Natural Areas</del> are addressed in accordance with ECO-P2 <del>and the matters in ECO-P4 and ECO-P12;</del></li> <li>2. <del>Any biodiversity offsetting proposed is in accordance with APP8 - Biodiversity Offsetting; and</del></li> <li>3. Any earthworks <u>that are within or will affect</u> a wetland are avoided.</li> </ol>	3.25	Accept in part	See body of report	Yes
225.163 <sup>265</sup>	Forest and Bird	ECO-P11	<p>Amend policy to recognise that only consideration may also be relevant reason not to allow earthworks, as follows:</p>	3.25	Reject	See body of report	Yes

<sup>262</sup> Oppose – GWRC [FS40.27], Oppose – Forest and Bird [FS52.2]

<sup>263</sup> Oppose – Kainga Ora [FS65.237]

<sup>264</sup> Oppose – Kainga Ora [FS65.236]

<sup>265</sup> Oppose – Kainga Ora [FS65.236]

			Only <u>consider</u> allowing ... Make changes to the EW rules to implement the amended ECO Policy direction sought. Include setbacks from wetlands within the EW rules.				
225.164 <sup>266</sup>	Forest and Bird	ECO-P12	Delete ECO-12 Significant Natural Areas within the coastal environment Make amendments as sought to ECO-P2 Protection of Significant Natural Areas above.	3.25	Accept in part	See body of report	Yes
60.76 <sup>267</sup>	Transpower	ECO-P12	Either delete Policy ECO-P12 as it applies to the National Grid, or delete the reference to ECO-P12 from Policy INF-P7, as follows:  .... Applying the mitigation hierarchy in ECO-P2 and assessing the matters in ECO-P4, <del>ECO-P11</del> and <del>ECO-P12</del> when considering the effects of the National Grid in an area identified in SCHED7 - Significant Natural Areas; and ..  And Any consequential amendments.	3.25	Reject	See body of report	No
<b>Rules</b>							
11.40	Porirua City Council	ECO-R1	Amend the rule as follows:  ECO-R1 - <u>Trimming, pruning or</u> removal of indigenous vegetation within a Significant Natural Area	N/A	Accept	Agree with submitter	Yes
11.41 <sup>268</sup>	Porirua City Council	ECO-R1	Amend the rule as follows: Where:  a. The <u>trimming, pruning or</u> removal of indigenous vegetation is to:	N/A	Accept	Agree with submitter	Yes
11.42	Porirua City Council	ECO-R1	Amend the rule as follows:  i. Address an imminent threat to people or property represented by deadwood, diseased or dying vegetation and ECO-S1 is complied with;  ii. Ensure the safe and efficient operation of any formed public road, rail corridor or access, where removal is limited to within the formed width of the road, rail corridor or access;  iii. Enable the maintenance of buildings where the removal of indigenous vegetation is limited to within 3m from the external wall or roof of a building;  <del>iv. Maintain, upgrade or create new public walking or cycling tracks up to 2.5m in width undertaken by Porirua City Council or its approved contractor in accordance with the Porirua City Council Track Standards Manual (Version 1.2, 2014) and where no tree with a trunk greater than 15cm in diameter (measured 1.4m above ground) is removed;</del>  v. Construct new perimeter fences for stock or pest animal exclusion from areas or maintenance of existing fences provided the area of trimming or removal of any vegetation does not exceed 2m in width;	N/A	Accept	Agree with submitter	Yes

<sup>266</sup> Support – DOC [FS39.12]; Oppose – GWRC [FS40.137]<sup>267</sup> Oppose – GWRC [FS40.28]; Oppose – Forest and Bird [FS52.3]<sup>268</sup> Support – Kainga Ora [FS65.242]

			<p>vi. Enable necessary flood protection or natural hazard control where undertaken by a Statutory Agency or their nominated contractors or agents on their behalf as part of natural hazard mitigation works;</p> <p>vii. Comply with section 43 of the Fire and Emergency Act 2017; or</p> <p>viii. Enable tangata whenua to exercise customary harvesting.</p>				
216.29	QEII	ECO-R1	<p>[Not specified, refer to original submission]</p> <p>While no specific decision sought, the submitter raised the following matter(s):</p> <p>Concerned that the impacts of these activities may range from small to significant and submit that it would be appropriate for the rule to be reworded to focus on effects rather than activities.</p>	N/A	Reject	I disagree with the submitter, the general approach to the rule structure is outlined in the s32 evaluation report for this topic and the submitter has not provided any evidence or evaluation that their requested amendment would be more appropriate.	No
225.167 <sup>269</sup>	Forest and Bird	ECO-R1	<p>Amend rule as follows:</p> <p>ECO-R1 <u>Minor r</u>Removal of indigenous vegetation within a Significant Natural Area <u>Overlay</u></p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The trimming or removal of indigenous vegetation is to:</p> <p>i. Address an imminent threat to people or property represented by deadwood, diseased or dying vegetation and ECO-S1 is complied with;</p> <p>ii. Ensure the safe and efficient operation of any <u>lawfully established</u> formed public road, rail corridor or access, where removal is limited to within the formed width of the road, rail corridor or access;</p> <p>iii. Enable the maintenance of <u>lawfully established</u> buildings where the removal of indigenous vegetation is limited to within 3m from the external wall or roof of a building;</p> <p>iv. Maintain <u>lawful established</u> walking and cycle tracks where the trimming or removal of vegetation is within 1m of the formed track, <del>upgrade or create new public walking or cycling tracks up to 2.5m in width undertaken by Porirua City Council or its approved contractor in accordance with the Porirua City Council Track Standards Manual (Version 1.2, 2014) and where no tree with a trunk greater than 15cm in diameter (measured 1.4m above ground) is removed;</del></p> <p><u>x. ii. Maintain other existing infrastructure or renewable electricity generation activity and the trimming or removal is within 1m of the infrastructure;</u></p> <p>v. <del>Construct new perimeter fences for stock or pest animal exclusion from areas</del> or maintenance of existing fences provided the area of trimming or removal of any vegetation is within 1m of the fence <del>does not exceed 2m in width;</del></p> <p>vi. <del>Enable necessary</del> maintain <u>lawfully established</u> existing flood protection or natural hazard control where <u>works are</u> undertaken by a Statutory Agency or their nominated contractors or agents on their behalf as part of natural hazard mitigation works;</p>	3.26	Accept in part	See body of the report	No

<sup>269</sup> Oppose – Transpower [FS04.45], Oppose – Kainga Ora [FS65.241]

			<p>vii. Comply with section 43 of the Fire and Emergency Act 2017; or</p> <p>viii. Enable tangata whenua to exercise <u>traditional</u> customary harvesting;</p> <p><u>b. is not within a natural wetland.</u></p> <p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with ECO-R1-1.a. <u>or</u></p> <p><u>b. The activity is the upgrade or construction of a new public walking or cycling track up to 2.5m in width undertaken by Porirua City Council or its approved contractor in accordance with the Porirua City Council Track Standards Manual (Version 1.2, 2014);</u></p> <p><u>or</u></p> <p><u>c. The activity is the construct new perimeter fences for stock or pest animal exclusion from areas or maintenance of existing fences provided the area of trimming or removal of any vegetation does not exceed 2m in width.</u></p> <p>Matters of discretion are restricted to:</p> <p>1. <u>The extent to which the trimming or removal of indigenous vegetation avoids the loss, damage or disruption to the ecological processes, functions and integrity of the Significant Natural Area; and</u></p> <p>2. <u>Effects on the values of the Significant Natural Area <del>The matters in ECO-P2;</del> and</u></p> <p><u>23. effects of receiving environments, including wetlands and the coastal environment <del>The matters in ECO-P4;</del></u></p> <p>4. <u>the use of alternative locations outside of the SNA including for connectivity with existing or planned walking and cycling facilities.</u></p> <p>Section 88 information requirements for applications...</p>				
238.2	Grant Abdee	ECO-R1	ECO-R1 should include 'other structures' e.g. consented decks.	3.26	Accept	See body of report	Yes
260.1 <sup>270</sup>	Gail Mosey	ECO-R1	<p>ECO-R1 requires a complete rewrite, in line with ECO-P3, permitting indigenous vegetation removal within Significant Natural Areas identified within SCHED7 where it is of a scale and nature that maintains the identified biodiversity values, at least for SNAs on private land.</p> <p>Suggested provisions more in line with provisions applied by KCDC:</p> <ul style="list-style-type: none"> <li>• Protection of species nationally or locally endangered, threatened or rare - list of such species to be provided by the council.</li> <li>• Protection of individual trees of other species over a certain size - suggest 5m in height and with a trunk diameter of 300mm at a height of 1.4 m.</li> <li>• Protection of the area itself by permitting the removal of indigenous vegetation covering a contiguous area of no more than 50m<sup>2</sup>, and no more than 5% of the native vegetation within any one area.</li> </ul>	3.26	Accept in part	See body of report	Yes

<sup>270</sup> Support in part – FENZ [FS54.29]

			<ul style="list-style-type: none"> <li>Permit the removal of indigenous vegetation which is not native to the area and which poses a threat to local vegetation due to invasive nature - list to be provided by the council.</li> </ul> <p>Most of the other provisions should then be unnecessary, as the activity would then be permitted. If other clauses are retained, then clauses should be added to permit the removal of indigenous vegetation to:</p> <ul style="list-style-type: none"> <li>Clear a zone of 10m around a dwelling, as recommended by the New Zealand Fire Service</li> </ul> <p>Maintain existing private tracks and roadways.</p>				
168.73	Robyn Smith	ECO-R1	<p>Amend policies, rules and standards so that:</p> <ul style="list-style-type: none"> <li>The clearance of indigenous and endemic vegetation within SNAs categorised as a permitted activity is limited to that required for the maintenance of an existing lawful activity or required to protect people's health and safety.</li> <li>All other clearance of indigenous and endemic vegetation within SNAs, and regardless of scale or purposes, is categorised as a non-complying activity.</li> </ul>	3.26	Reject	See body of report	No
126.18	DOC	ECO-R1	<p>Amend policy to read:</p> <p>“iv. Maintain, <del>upgrade or create new</del> public walking or cycling tracks up to 2.5m in width undertaken by Porirua City Council or its approved contractor in accordance with the Porirua City Council Track Standards Manual (Version 1.2, 2014) and where no tree with a trunk greater than 15cm in diameter (measured 1.4m aboveground) is removed;”</p> <p>That this change is reflected within INF-S15 and INF-S20.</p>	3.26	Reject	See body of report	No
119.43	FENZ	ECO-R1	Retain as proposed.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
137.52 <sup>271</sup>	GWRC	ECO-R1	Amend ECO-R1-1a(iv) to controlled activity status where the new public walking or cycling track is consistent with a tracks network plan and with matters of control restricted to policies ECO-P1-4.	3.26	Reject	See body of report	Yes
25.2 <sup>272</sup>	Michael Wood	ECO-R1	The permitted distance from a building to remove indigenous vegetation should remain at the very least at 4m. The wording should make it clear that the distance specified refers to the distance including any overhanging branches or canopy.	3.26	Reject	See body of report	No
82.118 <sup>273</sup>	Waka Kotahi	ECO-R1	<p>Amend provision:</p> <p>“a. The trimming or removal of indigenous vegetation is to:</p> <p>[...]</p> <p>iv. Maintain, upgrade or create new public walking or cycling tracks up to 2.5m in width undertaken by <del>Porirua District Council</del> any Statutory Authority or its their approved contractor in accordance with the Porirua City Council Track Standards Manual (Version 1.2, 2014) and where no tree with a trunk greater than 15cm in diameter (measured 1.4m above ground) is removed;</p>	3.26	Reject	See body of report	Yes

<sup>271</sup> Support – DOC [FS39.36]; Oppose – Forest and Bird [FS52.14]

<sup>272</sup> Support in part – FENZ [FS54.33]

<sup>273</sup> Support – Kainga Ora [FS65.243]

138.7	Ryan Family Trust	ECO-R2	[Not specified, refer to original submission] While no specific decision sought, submitter supports rule as notified.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
82.119	Waka Kotahi	ECO-R2	Retain as notified.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
216.31	QEII	ECO-R3	Amend as follows: Matters of discretion are restricted to: i. <u>Effects on the values of the Significant Natural Area</u> <del>The matters in ECO-P2;</del> and ...	3.26	Reject	See body of report	No
225.41	Forest and Bird	New Provision	Include provisions for pest control measures.	3.26	Reject	See body of report	No
225.169 <sup>274</sup>	Forest and Bird	ECO-R3	Amend the rule as follows: Where: a. The works are for the purpose of restoring or maintaining indigenous biodiversity values and <del>the identified values in SCHED7 – Significant Natural Areas</del> by: i. Planting eco-sourced local indigenous vegetation; ii. Carrying out animal pest or pest plant control activities; iii. <u>Carrying out activities to retain and protect the values of the SNA which meet the criteria in Policy 23 of the RPS;</u> iv. Carrying out activities in accordance with any relevant registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or QEII Act 1977; or iv. Carrying out activities in accordance with any relevant Reserve Management Plan approved under the Reserves Act 1977; <u>vi. Limiting the removal of vegetation to 100m2;</u> <u>vii. Limiting earthworks to those undertaken using non-mechanical hand held tools.</u> 2. Activity status: Restricted discretionary Where: a. Compliance is not achieved with ECO-R3-1.a. Matters of discretion are restricted to: 1. <u>Effects on the values of the Significant Natural Area</u> <del>The matters in ECO-P2;</del> and 2. <u>Effects of receiving environments, including wetlands and the coastal environment</u> <del>The matters in ECO-P4.</del> 3. <u>Whether the works are the most appropriate way to protect the SNA.</u>	3.26	Reject	See body of report	No
126.20	DOC	ECO-R3	Retain as notified.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
11.43	Porirua City Council	ECO-R4	Amend the rule as follows:	N/A	Accept	Agree with submitter	Yes

<sup>274</sup> Support – GWRC [FS40.138]

			<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. The earthworks:</p> <ol style="list-style-type: none"> <li>1. Do not involve the removal of any indigenous vegetation; or</li> <li>2. <del>Are for the maintenance of existing public walking or cycling access tracks, as carried out by Porirua City Council, Greater Wellington Regional Council or their nominated contractor or agent;</del> and</li> </ol> <p>2. The earthworks do not occur within any wetland.</p> <p><u>Note: the Earthworks Chapter provisions are applicable.</u></p>				
82.120	Waka Kotahi	ECO-R4	<p>Amend provision:</p> <p>Where:</p> <p>a. <u>The earthworks:</u></p> <p><u>ii. Are for the maintenance of existing public walking or cycling access tracks, as carried out by any Statutory Authority Porirua City Council, GWRC or their nominated contractor or agent; and</u></p> <p><u>iii. Are for the maintenance associated with the on-going safety and efficiency of the transport network.</u></p>	3.26	Reject	See body of report	Yes
126.21 <sup>275</sup>	DOC	ECO-R4	<p>Amend rule to read:</p> <p>"The earthworks do not occur within, <u>or within a 10 m setback from</u> any wetland."</p> <p><u>"The earthworks do not occur within any area previously identified as significant habitats of indigenous fauna."</u></p>	3.26	Accept in part	See body of report	Yes
168.71 <sup>276</sup>	Robyn Smith	ECO-R4	<p>Amend rule ECO-R4-1(b) so it reads as follows:</p> <p><b>ECO-R4 Earthworks within a significant natural area</b></p> <p><b>All Zones</b> 1. Activity status: Permitted</p> <p>Where:</p> <p>a. The earthworks:</p> <ol style="list-style-type: none"> <li>i. Do not involve the removal of any indigenous vegetation; or</li> <li>ii. Are for the maintenance of existing public walking or cycling access tracks, as carried out by Porirua City Council, GWRC or their nominated contractor or agent; and</li> </ol> <p>b. The earthworks do not occur within 20m of the perimeter of any natural wetland.</p>	3.26	Reject	See body of report	Yes

<sup>275</sup> Support – GWRC [FS40.108]<sup>276</sup> Oppose – Waka Kotahi [FS36.18]

168.70	Robyn Smith	ECO-R4	Supports ECO-R4(1) and ECO-R4(3) as they are required to give effect to policies ECO-P5 and ECO-P11(3).  Opposed to any amendments by way of submissions by others, or by council officer evidence and/or recommendations, that would result in the effect of the relevant provisions creating incompatibility with sections 6(a) and (c) of the RMA.	3.26	Accept in part	See body of report	Yes
216.32	QEII	ECO-R4	Amendments to refer to vegetation clearance as follows:  1. Activity status: Permitted  Where:  a. The earthworks:  i. Do not have a detrimental impact on the SNA involve the removal of any indigenous vegetation; or  ii. Are for the maintenance of existing public walking or cycling access tracks, as carried out by Porirua City Council, GWRC or their nominated contractor or agent; and  b. The earthworks do not occur within <u>or have a detrimental effect on</u> any wetland.	3.26	Reject	See body of report	No
126.22	DOC	ECO-R5	Construction of a residential unit within a Significant Natural Area should be accompanied by an Ecological Assessment to allow for suitable measures to be taken under the effects hierarchy.	3.26	Accept	See body of report	Yes
216.33 <sup>277</sup>	QEII	ECO-R5	Reframe rule to specifically refer to vegetation clearance and provide specific limits on acceptable levels of effects.  Amend Activity Status to Non-Complying where compliance is not achieved with ECO-R4.	3.26	Accept in part	See body of report	Yes
225.171 <sup>278</sup>	Forest and Bird	ECO-R5	Amend the rule as follows:  ECO-R5 <u>Vegetation removal for c</u> Construction of a residential unit on a vacant allotment within a Significant Natural Area <u>Overlay</u>  1. Activity status: <u>Restricted Discretionary</u> <del>Controlled</del>  Where:  <u>a. the vegetation removal is for the purpose of establishing one residential building platform and access to it, and;</u>  <u>i. the vegetation removal is the minimum required to facilitate a building platform for the proposed residential unit; and</u>  <u>ii. is a maximum of no more than 5m from the platform other than for the access which is a maximum of 5m in width; and</u>  <del>a</del> <u>b.</u> The lot:  i. Is held in a freehold title that existed at 28 August 2020;	3.26	Accept in part	See body of report	Yes

<sup>277</sup> Oppose – Kainga Ora [FS65.244]<sup>278</sup> Oppose – Kainga Ora [FS65.245]



			<p>ii. Is vacant and does not contain any residential unit or other building; and</p> <p>iii. Has existing service connections to the public wastewater, sewer and water supply network; <del>and</del></p> <p><del>b</del>c. The proposed residential unit and any associated vegetation clearance:</p> <p>i. Complies with the permitted building site coverage standard and earthworks standards for the underlying zone; and</p> <p>ii. is unable to locate outside the Significant Natural area within the site; and</p> <p><del>d</del>. The vegetation clearance <del>is</del> not located within a wetland.</p> <p>Matters <del>of control</del> are restricted to:</p> <p>1. The <u>extent to which adverse effects on the values of the SNA can be avoided, remedied or mitigated</u> <del>matters in ECO-P6.</del></p> <p>2. Activity status: <del>Restricted</del> discretionary</p> <p>Where:</p> <p>a. <u>Compliance is achieved with ECO-R4 1.a. or 1.d.; and</u></p> <p><del>b</del>. <u>Compliance is not achieved with standards ECO-R4-1.b or ECO-R4-1.c.</u></p> <p>If Rule 2 is not changed to discretionary the following additional matters of discretion are restricted should be amended:</p> <p>1. <u>Effects on the values of the Significant Natural Area</u> <del>The matters in ECO-P2;</del> and</p> <p>2. <u>Effects of receiving environments, including wetlands and the coastal environment</u> <del>The matters in ECO-P4.</del></p> <p>Section 88 information requirements for applications...</p>				
11.44 <sup>279</sup>	Porirua City Council	ECO-R6	<p>Amend the rule as follows:</p> <p>Removal of indigenous vegetation within a Significant Natural Area <u>within the Māori Purpose Zone (Hongoeka) and the General Residential Zone within the Takapuwhia precinct</u></p>	3.26	Accept	See body of report	Yes
225.172 <sup>280</sup>	Forest and Bird	ECO-R6	<p>Consider moving these rules to zone and precinct provisions.</p> <p>Amend the Matters of control are limited to:</p> <p>1. The <u>exercise of kaitiakitanga and customary activities; and</u></p> <p><u>2. the extent to which adverse effects on indigenous biodiversity is avoided, remedied or mitigated; and</u></p> <p><u>3. Effects on receiving environments, including wetlands and the coastal environment</u> <del>matters in ECO-P10.</del></p> <p>Section 88 information requirements for applications...</p>	3.26	Reject	See body of report	No

<sup>279</sup> Support – GWRC [FS40.9]<sup>280</sup> Oppose – Kainga Ora [FS65.246]

11.45	Porirua City Council	ECO-R7	Amend rule as follows: Removal of indigenous vegetation within Significant Natural Areas where not otherwise provided for Matters of discretion are restricted to: 1. The matters in ECO-P2; and 2. The matters in ECO-P4. <del>3. The matters in ECO-P11.</del>	3.26	Reject	See body of report	Yes
126.23 <sup>281</sup>	DOC	ECO-R7	Amend activity status to Discretionary.	3.26	Accept	See body of report	Yes
225.173	Forest and Bird	ECO-R7	Clarify what activities this rule is intended to cover.  If it is intended as a catch all rule, delete, and retain ECO R9.	3.26	Accept	See body of report	Yes
216.34	QEII	ECO-R7	Delete ECO-R7.	3.26	Accept	See body of report	Yes
110.2	Andrea & Karl Simonlehner	ECO-R7	Loosen the rules around removing dead and dangerous trees and the removal of indigenous vegetation which is not native to the area and which poses a threat to local vegetation due to invasive nature.	3.26	Reject	See body of report	Yes
168.74	Robyn Smith	ECO-R7	Amend Rule ECO-R7 to have a non-complying activity status.	3.26	Reject	See body of report	Yes
168.75	Robyn Smith	ECO-R7	Amend the title of ECO-R7 to read: " <i>Removal of indigenous <b>and</b> endemic vegetation within SNAs</i> ".	3.26	Reject	See body of report	Yes
82.121	Waka Kotahi	ECO-R7	Delete rule ECO-R7.	3.26	Accept	See body of report	Yes
216.35 <sup>282</sup>	QEII	ECO-R8	Retain as written.	N/A	Accept	Agree with submitter	No
225.174 <sup>283</sup>	Forest and Bird	ECO-R8	Amend to clarify that the rule applies to the SNA overlays as well as within 15m of and SNA overlay and 15 m of a wetland.	3.26	Reject	See body of report	No
60.77	Transpower	ECO-R9	Retain ECO-R9.  If the rule applies to the National Grid, amend the provision to reflect the relief sought in submission and provide a discretionary activity status (at worst) for the planning and development of the National Grid.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
11.46 <sup>284</sup>	Porirua City Council	ECO-R9	Amend the rule as follows:  1. Activity status: <del>Non-complying</del> Discretionary	3.26	Accept	See body of report	Yes
168.76	Robyn Smith	ECO-R9	Supports ECO-R9 and oppose any lesser activity status, by way of submissions by others, or by council officer evidence and/or recommendations.	3.26	Reject	See body of report	No
216.36 <sup>285</sup>	QEII	ECO-R9	Retain as written.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
225.176	Forest and Bird	ECO-R9	Clarify that the rule relates to SNA overlay:  ECO-R9 Any activity within a Significant Natural Area <u>Overlay</u> not otherwise listed as permitted, controlled, restricted discretionary, or discretionary.	3.26	Reject	See body of report	No
<b>Standards</b>							

<sup>281</sup> Support – GWRC [FS40.109]<sup>282</sup> Support – DOC [FS39.22]<sup>283</sup> Support – GWRC [FS40.139]<sup>284</sup> Support – DOC [FS39.23]; Oppose – GWRC [FS40.10]; Support – Kainga Ora [FS65.247]<sup>285</sup> Support - DOC[FS39.23]

225.179	Forest and Bird	New provision	Add the following standard: <u>Any machinery or footwear shall be free of pests.</u> Add this standard as a condition to all vegetation removal rules.	3.27	Reject	See body of report	No
82.122	Waka Kotahi	ECO-S1	Retain as notified.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
11.47 <sup>286</sup>	Porirua City Council	ECO-S1	Amend the rule as follows: 1. The works are essential due to the imminent threat to the safety of people or property and Council is advised of this threat as soon as practicable.; 2. <del>The works must be</del> <u>All trimming and pruning</u> undertaken to a growth point or branch union and in accordance with the New Zealand Arboricultural Association Incorporated Best Practice Guideline 'Amenity Tree Pruning' Version 3 dated April 2011 to avoid irreversible damage to the health of the tree.; 3. <del>The works must be</del> <u>Any removal</u> is undertaken or supervised by a suitably qualified arboricultural expert. 4. <u>Porirua City Council is provided with written documentation by a suitably qualified arboricultural expert confirming that the works were necessary and undertaken in accordance with good arboricultural practice no later than 10 working days after the works have been completed.</u>	3.27	Accept	See body of report	Yes
238.3	Grant Abdee	ECO-S1	Add tree work has been undertaken by an arborist at 153B Rawhiti Road, Pukerua Bay,	3.27	Reject	See body of report	No
238.4	Grant Abdee	ECO-S1	'Arboricultural expert' should be amended to 'arborist'.'	3.27	Reject	See body of report	Yes
259.2	Frances McNamara	ECO-S1	[Not specified, refer to original submission] While no specific decision sought, submitter raises issues including the cost of arborists.	N/A	Reject	Consider standard is more robust if an arborist involved, as they are suitably qualified to identify and address deadwood, diseased or dying vegetation.	No

## SCHED7- Significant Natural Areas

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
<b>General</b>							
81.896	Kāinga Ora	General	Retain as notified.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
193.4	Ian and Helen Gear	General	[Not specified, refer to original submission] While no specific decision sought the submitter raised the following matter(s): "landowners have found it difficult to easily identify where the affected part of their properties sit. A map (as per that in the draft plan) is inadequate for the purposes of defining affected parties. Legal advice has confirmed that as it stands without clear reference to the	N/A	N/A	There is no requirement under the RMA of RPS to reference certificate of title references in an SNA schedule or the planning maps. However, the planning maps do provide the legal description of any property selected for ease of landowner reference.	No

<sup>286</sup> Support – GWRC [40.11]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			title reference number (CT) as shown on the cadastre landowners are most likely within their rights to manage the existing indigenous shrubs and trees"				
225.222	Forest and Bird	General	Supports the inclusion of all the proposed SNAs in this Schedule. This is appropriate for meeting s6(c) requirements.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
225.247 <sup>287</sup>	Forest and Bird	General	Insert an additional note at the top of ECO SCHED7 to explain that other areas not listed in the schedule but meeting the criteria in RPS Policy 23 are also considered SNAs.	3.28	Reject	See body of report	No
<b>Requests for additional SNA</b>							
147.1	Richard Falkner	General	The protection and reinstatement of wetlands on East Porirua's Waitangirua Hill, at 90 Arahura Crescent.	3.28	Reject	See body of report	No
94.11 <sup>288</sup>	Titahi Bay Community Group and Pestfree Titahi Bay	Whitireia Park	The entire Whitireia Park protected as an SNA, and for its Natural Environment Values and Historical and Cultural Values.	3.28	Reject	See body of report	No
94.5	Titahi Bay Community Group and Pestfree Titahi Bay	Whitireia Park	Expand the areas identified as SNAs within Whitieria Park to include the surrounding ecological areas ie the entire Whitieria Park. Specifically, this includes, SNA134 – 139 and SNA223	3.28	Reject	See body of report	No
226.7	Luke Davia	Whitireia Park	A single, large, encompassing SNA should be created that covers the entirety of the eastern hills of Whitireia Park, or expansion of all SNAs to more accurately encompass their now-larger areas.	3.28	Reject	See body of report	No
<b>Taupo Swamp</b>							
178.20 <sup>289</sup>	Friends of Taupo Swamp & Catchment Inc	Taupo Swamp	Opposed to any amendment to the provisions of the PDP by way of submissions by others, or by council officer evidence and/or recommendations, that would result in the extent of the SNA policy overlay as it relates to land within the Taupō Swamp catchment being reduced (except where the reduction is associated with PC18 being excluded from the PDP).	N/A	Accept	Accept in part, subject to amendments made in response to other submissions	No
168.29	Robyn Smith	Taupō Swamp	Opposed to any amendment to the provisions of the PDP by way of submissions by others, or by council officer evidence and/or recommendations, that would result in the extent of the SNA policy overlay as it relates to land within the Taupō Swamp catchment being reduced (except where the reduction is associated with PC18 being excluded from the PDP).	N/A	Accept	Accept in part, subject to amendments made in response to other submissions	No
168.25	Robyn Smith	Taupō Swamp	Supports the identification of parts of the Taupō Swamp catchment as being SNAs (e.g. SNAs 027 and 030).	N/A	Accept	Agree with submitter	No
<b>Amendments sought to SNA names</b>							
30.1	Jeremy Collyns	SNA201	Correct name applied to SNA area to DJ Collyns Convent.	3.28	Accept in part	See body of report	Yes
<b>SNA223 missing from in SCHED7</b>							

<sup>287</sup> Support – GWRC [FS40.142]<sup>288</sup> Support – GWRC [FS40.103]<sup>289</sup> Oppose – Paul and Julia Botha [FS178.20]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?						
11.74	Porirua City Council	SNA223	<p>Add to the following site to the table:</p> <table border="1"> <tr> <td>SNA223</td> <td>Transmitter Street Wetland</td> </tr> <tr> <td>Site Summary</td> <td>This wetland comprises patches of <i>Carex geminata</i> with occasional <i>Cyperus ussulatus</i>, <i>Carex virgata</i>, <i>Juncus sarophorus</i>, <i>Lotus pedunculatus</i>, <i>Aciphylla squarrosa</i>, <i>Parablechnum novae-zelandiae</i> and rank grasses, with <i>Coprosma propinqua</i> and tauhinu along the margins.</td> </tr> <tr> <td>Relevant values under Policy 23 of RPS</td> <td>Representativeness (RPS23A) Rarity (RPS23B)</td> </tr> </table>	SNA223	Transmitter Street Wetland	Site Summary	This wetland comprises patches of <i>Carex geminata</i> with occasional <i>Cyperus ussulatus</i> , <i>Carex virgata</i> , <i>Juncus sarophorus</i> , <i>Lotus pedunculatus</i> , <i>Aciphylla squarrosa</i> , <i>Parablechnum novae-zelandiae</i> and rank grasses, with <i>Coprosma propinqua</i> and tauhinu along the margins.	Relevant values under Policy 23 of RPS	Representativeness (RPS23A) Rarity (RPS23B)	3.28	Accept in part	See body of report	Yes
SNA223	Transmitter Street Wetland												
Site Summary	This wetland comprises patches of <i>Carex geminata</i> with occasional <i>Cyperus ussulatus</i> , <i>Carex virgata</i> , <i>Juncus sarophorus</i> , <i>Lotus pedunculatus</i> , <i>Aciphylla squarrosa</i> , <i>Parablechnum novae-zelandiae</i> and rank grasses, with <i>Coprosma propinqua</i> and tauhinu along the margins.												
Relevant values under Policy 23 of RPS	Representativeness (RPS23A) Rarity (RPS23B)												
3.6, 80.6, 87.6, 88.7, 105.6, 127.6, 128.6, 129.6, 131.6, 132.6, 133.6, 142.6, 150.6, 166.6, 171.6, 178.6, 197.6, 206.6, 208.6, 221.6, 236.6, 243.6, 245.6, 257.6, 268.6, 269.6, 270.6	Lesley Wilson [3], Robert Hughes [80], Tatiana Areora [87], Chrissie Areora [88], Gay Ojuan [105], Melissa Radford [127], Rebecca Cray [128], Sharon Hilling [129], Zachariah Paraone Wi-Neera [131], Tina Watson [132], Nikita Howe [133], Emma Weston [142], Whitireia Park Restoration Group [150], Miriam Freeman-Plume [166], David Nicholson [171], Friends of Taupo Swamp [178], Donna Lee Ford-Tuveve [197], Josh Twaddle [206], Thomas Graham [208],	SNA223	Supports SNA223 Whanake Thornley Street, however, amend SCHED7 to include a description for SNA223.	3.28	Accept	See body of report	Yes						

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
	Andrew Brunton [221], Paula Birnie [236], Fraser Ebbett [243], Edmund Stephen-Smith [245], Nathan Cottle [257], Kavas Yasemin Ileana [268], Hilliham Anita [269], Saad Adibah [270]						
94.6	Titahi Bay Community Group and Pestfree Titahi Bay	SNA223	Add SNA223 to SCHED7.	3.28	Accept	See body of report	Yes
168.11	Robyn Smith	SNA223	Amend SCHED7 to include a description for SNA223.  Adopt the name of 'SNA223 - Titahi Creek'.  Opposed to any amendment to the provisions of the PDP by way of submissions by others, or by council officer evidence and/or recommendations, that would result in the extent of the SNA policy overlay as it relates to Whitireia Park being reduced.	3.28	Accept in part	See body of report	Yes
<b>Amendments sought to site summaries</b>							
108.8	Hannah Bridget Gray No2 Trust	SNA062	Amend:  This site is comprised of riparian vegetation, including reeds, cabbage trees, and broadleaved scrub, which protects the lower reaches of the Kakaho stream and is important for protecting the Porirua harbour. This site was identified in the Protected Natural Resources Plan, Schedule F1b, F2, and F4 as providing important inanga spawning habitat, important habitats for indigenous birds in the coastal marine area and as having significant indigenous biodiversity values in the coastal marine area. The At Risk-Declining inanga ( <i>Galaxias maculatus</i> ), longfin eel ( <i>Anguilla dieffenbachii</i> ), and redfin bully ( <i>Gobiomorphus huttoni</i> ), as well as banded kokopu ( <i>Galaxias fasciatus</i> ), common bully ( <i>Gobiomorphus cotidianus</i> ), common smelt ( <i>Retropinna retropinna</i> ), giant bully ( <i>Gobiomorphus gobioides</i> ), grey mullet ( <i>Mugil cephalus</i> ), and shortfin eel ( <i>Anguilla australis</i> ) have all been recorded from this site. Kakaho stream was previously known as Kahao stream (1980). <u>It meandered over the Kakaho Valley floor until 1949 when it was straightened.</u> Includes indigenous vegetation on Acutely Threatened land environments.	3.28	Accept	See body of report	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
108.3	Hannah Bridget Gray No2 Trust	SNA065	Amend:  A diverse wetland of Juncus rushland and raupo reedland in the lower western Horokiri catchment, comprising giant umbrella sedge, Isolepis cernua, harakeke, Azolla rubra, raupo, Carex solandri, Juncus effusus, Juncus edgariae, and Hypolepis millefolium. <u>The Western Arm</u> includes a small <del>dam pond</del> , with Azolla rubra, Isolepis cernua, and areas of fringing manuka (Leptospermum scoparium; At Risk-Declining) forest. <u>The Eastern Arm</u> includes an area protected by the QEII covenant (5-07-587). Includes indigenous vegetation on Acutely Threatened land environments.	3.28	Reject	See body of report	Yes
108.5	Hannah Bridget Gray No2 Trust	SNA067	Amend:  <del>Lochlands Barrowside</del> bush covenant  An area protected by QEII covenant 5-07-587, which <del>appears to have been</del> <u>is fenced and allowed to regenerate since 2008</u> . The vegetation <u>consists of natives in various developmental stages</u> <del>is largely unknown but</del> It contains <u>a</u> wetlands in the <u>gully gullies</u> and <del>may contain</del> some mature trees in the northern area. Protects the headwaters of an unnamed stream which flows into the Pauatahanui Inlet.	3.28	Accept	See body of report	Yes
108.7	Hannah Bridget Gray No2 Trust	SNA068	Amend:  Juncus rushland and raupo reedland <del>buffering an unnamed small stream</del> draining into the Pauatahanui Estuary, containing Juncus effusus, giant umbrella sedge, Carex sinclairii, Carex geminata, Juncus pallidus, raupo, sea rush, and Isolepis cernua.	3.28	Accept	See body of report	Yes
106.4	Christine and Alan Stanley and Gray	SNA069	Amend:  Contiguous areas of coastal tawa-kohekohe (tawa, kohekohe, kahikatea, kanuka (presumably Kunzea robusta; Threatened-Nationally Vulnerable) karaka, ngaio, wharangi, and mahoe), and kanuka-broadleaved forests (kanuka, red mapou, manuka (Leptospermum scoparium; At Risk-Declining), kahikatea, mahoe, lancewood, tawa, five-finger, wharangi, native broom, Coprosma propinqua, kaikomako, kohuhu, scrub pohuehue, and houhere), each with minor podocarp elements, including rewarewa, matai (Prumnopitys taxifolia; of local interest), and kahikatea (Dacrycarpus dacrydioides; of local interest). This site also contains kowhai forest, stands of which are uncommon in the Wellington region. Large-leaved milk tree (turepo, Streblus banksii; At Risk-Relict) and northern rata (Metrosideros robusta; Threatened-Nationally Vulnerable and of local interest) have	3.28	Accept	See body of report	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			previously been recorded from this site. Includes indigenous vegetation on Chronically Threatened land environments. <u>Surrounded by cupressus macrocarpa which act as a protective buffer.</u>				
108.10	Hannah Bridget Gray No2 Trust	SNA069	Amend:  Contiguous areas of coastal tawa-kohekohe (tawa, kohekohe, kahikatea, kanuka (presumably Kunzea robusta; Threatened-Nationally Vulnerable) karaka, ngaio, wharangi, and mahoe), and kanuka-broadleaved forests (kanuka, red mapou, manuka (Leptospermum scoparium; At Risk-Declining), kahikatea, mahoe, lancewood, tawa, five-finger, wharangi, native broom, Coprosma propinqua, kaikomako, kohuhu, scrub pohuehue, and houhere), each with minor podocarp elements, including rewarewa, matai (Prumnopitys taxifolia; of local interest), and kahikatea (Dacrycarpus dacrydioides; of local interest). This site also contains kowhai forest, stands of which are uncommon in the Wellington region. Large-leaved milk tree (turepo, Streblus banksii; At Risk-Relict) and northern rata (Metrosideros robusta; Threatened-Nationally Vulnerable and of local interest) have previously been recorded from this site. Includes indigenous vegetation on Chronically Threatened land environments. <u>Surrounded by cupressus macrocarpa which act as a protective buffer.</u>	3.28	Accept	See body of report	Yes
168.14	Robyn Smith	SNA139 Whitireia Peninsula Coastal Margin	Amend the site summary for SNA139 to be correct to include two communities with a nationally critical status. The site summary also wrongly includes active sand dune ecosystems.  Opposed to any amendment to the provisions of the PDP by way of submissions by others, or by council officer evidence and/or recommendations, that would result in the extent of the SNA policy overlay as it relates to Whitireia Park being reduced.	3.28	Accept	See body of report	Yes
<b>Amendments sought to SNA boundaries as they relate to particular sites</b>							
100.1	Pamela Meekings-Stewart	SNA004	Amend to reduce the size of SNA004 to original Kohekohe Covenant Bush C (Appendix - Map B) and create SNA004 as two blocks to allow for passage through to the higher parts of the property on the farm road that already exists.	3.28	Accept in part	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>Minor edits have been made to the SNA boundary to remove exotic species (e.g. grey willow forest), planted areas, and a small clearing with a building. A farm track that provides access between two forest remnants has been removed from the SNA layer at the landowner's request. One small area has been added to the SNA, which comprises ngaio and mamaku contiguous with existing indigenous SNA vegetation.</i>	Yes



Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
37.1	Gabriel Davidson	SNA015	Amend SNA015 as it relates to 59 Haunui Road, Pukerua Bay, as per attachment in submission. Requests an onsite visit for a reassessment.  [Refer to original submission for full decision requested, including attachments]	3.28	Accept	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>The boundary of SNA015 has been adjusted to exclude the area of bush wattle-cape ivy scrub where it occurs on the property.</i>	Yes
16.1	Darien Scott-Hill	SNA015	Amend SNA015 as it relates to 14 Pa Road, Pukerua Bay, to cover only the very bottom section of the property (the lower third), and for the other two-thirds of the middle and upper part of the property to remain outside of the SNA.	3.28	Reject	See body of report	No
239.1	Cassandra Pierce (Nee Solomon)	SNA016	Amend SNA016 to exclude Pukerua 3A5B2C2, Pukerua Bay.	3.28	Reject	See body of report	No
5.1	Christopher Paice	SNA018	Amend error caused by the mapping of the adjacent SNA (Wairaka Coastal Fringe, SNA018) slightly overlapping property boundary at 45 Rawhiti Road.	3.28	Accept	Agree with submitter. This is a minor mapping error where a layer slightly overlaps the boundary. I consider that the planning maps should be amended to remove this overlap.	Yes
238.1	Grant Abdee	SNA027	Amend SNA027 to exclude 153B Rawhiti Road, Pukerua Bay.	3.28	Accept in part	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>The SNA boundary has been amended to exclude garden side area of pōhutukawa, including trunks, plantings of rengarenga, and some areas under-planted with clivias if under the pōhutukawa canopy. Retained trunk of large ngaio.</i>	Yes
238.5	Grant Abdee	SNA027	Amend SNA027 to exclude 153B Rawhiti Road, Pukerua Bay.	2.29	Accept in part	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>The SNA boundary has been amended to exclude garden side area of pōhutukawa, including trunks, plantings of rengarenga, and some areas under-planted with clivias if under the pōhutukawa canopy. Retained trunk of large ngaio.</i>	Yes
168.26	Robyn Smith	SNA027	Supports the identification of parts of the Taupō Swamp catchment as being SNAs (e.g. SNAs 027 and 030).	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
178.17	Friends of Taupo Swamp & Catchment Inc	SNA027	Supports the identification of parts of the Taupō Swamp catchment as being SNAs (e.g. SNAs 027 and 030).	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
18.1	Andrew Tierney	SNA029	Amend SNA029 as it relates to 434 State Highway 1, Pukerua Bay, to only include the QE2 portion of the property or for some form of compensation.	3.28	Reject	See body of report	No
168.27	Robyn Smith	SNA030	Supports the identification of parts of the Taupō Swamp catchment as being SNAs (e.g. SNAs 027 and 030).	N/A	Accept	Agree with submitter	No
178.18	Friends of Taupo Swamp & Catchment Inc	SNA030	Supports the identification of parts of the Taupō Swamp catchment as being SNAs (e.g. SNAs 027 and 030).	N/A	Accept	Agree with submitter	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
193.3	Ian and Helen Gear	SNA032	Amend SNA032 as it relates to 53 Coroglen Rise, through on-site validation of the proposed boundary. This includes the south-eastern portion of the property where fenced land is used for grazing with some sparse scrub cover over pasture, the mapping should follow the fence line here.	3.28	Accept	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>Minor adjustment made to the SNA boundary to remove small area of kanuka scrub outside of the fence line. This area is grazed and has a fragmented canopy.</i>	Yes
145.2	Kathleen Ashton	SNA032	Remove SNA032 from existing bushline/foreshore section of Hongoeka Block 4A.  [Refer to original submission for full decision requested, including maps]	3.28	Accept	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>Site boundary amended to remove modified foreshore area (Vegetation Types 1 and 2) that was used by the adjacent quarry. Only a narrow strip of vegetation is present, which appears to be dominated by exotic species.</i>	Yes
173.1	Murry Cave	SNA035	Amend SNA035 as it relates to 82 Cluny Road, Plimmerton.  [Refer to original submission for full decision requested, including attachments]	3.28	Reject	A site visit was offered prior to hearings to better understand this submission point, but this was declined by the submitter. I consider that no amendment to the planning maps is required in line with Wildlands' expert evidence.	No
160.1	Steve Grant	SNA038	In relation to SNA 038 and 17 The Track, Plimmerton seeks: <ul style="list-style-type: none"> <li>A clear explanation of the rationale and an outline of the proposed zone on the above property compared to the adjacent properties.</li> <li>A copy and agreement of any survey of indigenous vegetation that needs to be respected</li> </ul>	3.28	Reject	See body of report	No
163.1	Mary and Philip Major	SNA038	Remove SNA038, including 43 Motuhara Road, Plimmerton.	3.28	Reject	See body of report	No
4.1	Mark Palmer	SNA038	Amend SNA038 as it relates to 83 Motuhara Road, Plimmerton as outlined in the submission.  [Refer to original submission for full decision requested.]	3.28	Accept in part	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>SNA boundary adjusted to exclude exotic vegetation (camelia and eucalyptus).</i>	Yes
19.1	Mike Williams	SNA038	Amend SNA104 to exclude 67 Motuhara Road, Plimmerton.	3.28	Reject	See body of report	No
57.1	Donald Mather	SNA038	Amend SNA038 to remove 5 Moana Road, Plimmerton.	3.28	Reject	See body of report	No
158.6	Steve Grant	SNA042	The owners of 99-109 Saint Andrews Road, Plimmerton require clear indication of any indigenous vegetation that must be respected within the site.  Subject to a survey identifying any indigenous vegetation on site (which they are sure of is that there is none), this condition be	3.28	Reject	Wildlands viewed this property from a public viewpoint to better understand submission point, and consider that SNA assessment and mapping should be amended in relation to this property. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			removed from within the boundary of the site on the Coastal Hazard Plan relative to the site.			<i>The boundaries of SNA042 have been refined to exclude the areas covering the pine canopy obvious from aerial imagery.</i>	
178.10	Friends of Taupo Swamp & Catchment Inc	SNA042	Supports identification of parts of the Taupō Swamp Complex as being SNAs (i.e. SNAs 042, 043, 044, 045, 046 and 047).	N/A	Accept	Agree with submitter	No
168.18 <sup>290</sup>	Robyn Smith	SNA042	Supports identification of parts of the Taupō Swamp Complex as being SNAs (i.e. SNAs 042, 043, 044, 045, 046 and 047).	N/A	Accept	Agree with submitter	No
168.19	Robyn Smith	SNA043	Supports identification of parts of the Taupō Swamp Complex as being SNAs (i.e. SNAs 042, 043, 044, 045, 046 and 047).  [Refer to original submission for full decision requested, including map]	N/A	Accept	Agree with submitter	No
178.11	Friends of Taupo Swamp & Catchment Inc	SNA043	Supports identification of parts of the Taupō Swamp Complex as being SNAs (i.e. SNAs 042, 043, 044, 045, 046 and 047).  [Refer to original submission for full decision requested, including map]	N/A	Accept	Agree with submitter	No
178.12	Friends of Taupo Swamp & Catchment Inc	SNA044	Supports identification of parts of the Taupō Swamp Complex as being SNAs (i.e. SNAs 042, 043, 044, 045, 046 and 047).  [Refer to original submission for full decision requested, including map]	N/A	Accept	Agree with submitter	No
168.20	Robyn Smith	SNA044	Supports identification of parts of the Taupō Swamp Complex as being SNAs (i.e. SNAs 042, 043, 044, 045, 046 and 047).  [Refer to original submission for full decision requested, including map]	N/A	Accept	Agree with submitter	No
168.21	Robyn Smith	SNA045	Supports identification of parts of the Taupō Swamp Complex as being SNAs (i.e. SNAs 042, 043, 044, 045, 046 and 047).	N/A	Accept	Agree with submitter	No
178.13	Friends of Taupo Swamp & Catchment Inc	SNA045	Supports identification of parts of the Taupō Swamp Complex as being SNAs (i.e. SNAs 042, 043, 044, 045, 046 and 047).	N/A	Accept	Agree with submitter	No
178.14	Friends of Taupo Swamp & Catchment Inc	SNA046	Supports identification of parts of the Taupō Swamp Complex as being SNAs (i.e. SNAs 042, 043, 044, 045, 046 and 047).	N/A	Accept	Agree with submitter	No
168.22	Robyn Smith	SNA046	Supports identification of parts of the Taupō Swamp Complex as being SNAs (i.e. SNAs 042, 043, 044, 045, 046 and 047).	N/A	Accept	Agree with submitter	No
112.1	Kristiaan Hendrik Justin Coppieters	SNA047	Amend SNZ047 as it relates to 34 The Track Plimmerton, by removing the top/northern third.	3.28	Accept	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:	Yes

<sup>290</sup> Oppose – Paul and Julia Botha [FS27.4]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
						<i>The boundaries of SNA047 have been refined to exclude areas of eucalyptus forest, chestnut orchard, and pine nut orchard (Vegetation Types 3, 4 and 5).</i>	
118.4	Paul and Julia Botha	SNA047	Existing tracks should be excluded from SNA mapping where requested.	3.28	Accept in part	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>The boundaries of SNA047 have been refined to exclude areas containing Vegetation Types 1, 4, 5, 6, 7 and 8. An additional area of Vegetation Type 8 to the south of the house on the property appears to have already been excluded from the SNA.</i>	Yes
168.23	Robyn Smith	SNA047	Supports identification of parts of the Taupō Swamp Complex as being SNAs (i.e. SNAs 042, 043, 044, 045, 046 and 047).	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
178.15	Friends of Taupo Swamp & Catchment Inc	SNA047	Supports identification of parts of the Taupō Swamp Complex as being SNAs (i.e. SNAs 042, 043, 044, 045, 046 and 047).	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
24.1	Brendon Blanchard	SNA058	Amend SNA058 as it relates to 64 St Ives Drive, Camborne. It should be based off the covenant line already in place.	3.28	Reject	Wildlands considered no site visit required and consider that the SNA assessment and mapping is accurate in relation to this property. I consider that no amendment to the planning maps is required in line with their expert evidence.	No
176.1	Noeline Fowler	SNA058	Amend SNA058 to exclude 7 Pendeen Place, Mana; or at least amend area to a more reasonable amount of land that reflects the type and location of significant native trees on the property that are at risk of disappearing.	3.28	Reject	Wildlands viewed this property from a public viewpoint to better understand submission point, and consider that SNA assessment and mapping is accurate in relation to this property. I consider that the planning maps should not be amended in line with their expert evidence summarised as follows:  <i>Viewed vegetation behind houses via the reserve and also inspection of aerial photography. No justification for adjusting the SNA boundary.</i>	No
198.1	Caryl Fantham	SNA058	Council to restrict the SNA to only the area owned by the Council next to 5 Pendeen Place, Camborne.	3.28	Accept in part	Wildlands undertook a site visit to assess this submission point. I consider that the planning maps should not be amended in line with their expert evidence summarised as follows:  <i>Minor adjustment made to the SNA boundary to remove small clearing behind 5 Pendeen Place.</i>	Yes
215.1	David Thomson	SNA058	Amend SNA058 to exclude 3 Pendeen Place, Camborne, as well as all private land around Pendeen Place and restrict the SNA to the large adjacent area owned by PCC.	3.28	Reject	Wildlands viewed this property from a public viewpoint to better understand submission point, and consider that SNA assessment and mapping is accurate in relation to this property. I consider that the planning maps should not be amended in line with their expert evidence summarised as follows:  <i>Viewed vegetation behind houses via the reserve. No justification for adjusting the SNA boundary.</i>	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
165.1	Ian Fowler	SNA058	Amend SNA058 to exclude 7 Pendeen Place, Mana; or at least amend area to a more reasonable amount of land that reflects the type and location of significant native trees on the property that are at risk of disappearing.	3.28	Reject	Wildlands viewed this property from a public viewpoint to better understand submission point, and consider that SNA assessment and mapping is accurate in relation to this property. I consider that the planning maps should not be amended in line with their expert evidence summarised as follows:  <i>Viewed vegetation behind houses via the reserve. No justification for adjusting the SNA boundary.</i>	No
227.1	Anne Jenkins	SNA058	Remove Significant Natural Areas relating to Pendeen Place Camborne [SNA058].	3.28	Reject	Wildlands viewed this property from a public viewpoint to better understand submission point, and consider that SNA assessment and mapping is accurate in relation to this property. I consider that the planning maps should not be amended in line with their expert evidence summarised as follows:  <i>Viewed vegetation behind houses via the reserve. No justification for adjusting the SNA boundary.</i>	No
210.2	Trustees of the Blue Cottage Trust	SNA060	Amend SNA060 to remove Lot 6 DP 28478; or  The incorporation of a policy framework and associated rules that enable appropriate development within Significant Natural Areas, with such provisions to not be overly prescriptive and constraining.	3.28	Reject	See body of report	No
108.4	Hannah Bridget Gray No2 Trust	SNA065	Amend the mapped area covered by SNA065 to exclude that area important for stock access to water.	3.28	Accept in part	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>SNA065 has been entirely removed because it does not meet the NPS-FM definition of 'natural wetland', i.e., it is a constructed wetland. The current area of wetland in the three gullies has resulted from the construction of a stock watering pond on the neighbouring property downstream over 40 years ago. Because this SNA will be removed from Schedule 7 of the PDP, the site description amendment proposed by the submitter is no longer necessary.</i>	Yes
108.6	Hannah Bridget Gray No2 Trust	SNA068	Amend SNA068 so that it does not include the extension into 299 Grays Road, and remove areas that were artificially created.	3.28	Accept in part	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>The boundary of SNA068 has been amended to exclude areas of dry pasture (Vegetation Types 1 and 2).</i>	Yes
106.6	Christine and Alan Stanley and Gray	SNA068	Amend SNA068 so that it does not include the extension into 299 Grays Road, and remove areas that were artificially created.	3.28	Accept in part	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>The boundary of SNA068 has been amended to exclude areas of dry pasture (Vegetation Types 1 and 2).</i>	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
106.3	Christine and Alan Stanley and Gray	SNA069	Amend SNA069 Grays Road Bush should only cover the area described in CHNC005. SNA069 should match the name of CHNC005 and should be renamed Grays Bush.	3.28	Accept	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>SNA065 has been entirely removed because it does not meet the NPS-FM definition of 'natural wetland', i.e., it is a constructed wetland. The current area of wetland in the three gullies has resulted from the construction of a stock watering pond on the neighbouring property downstream over 40 years ago.</i>	Yes
106.5	Christine and Alan Stanley and Gray	SNA069	Another SNA should be created to cover the area between 325 Grays Road and the road itself (consisting of some private garden and road reserve).  Add:  <u>SNA069a Grays Road Bush</u>  <u>Site Summary</u> A small area of both introduced and non-eco-sourced natives. Containing cupressus macrocarpa which provide declining roosting and observation sites for birds of the inlet. [Refer to original submission for full decision requested, including attachments]	3.28	Accept in part	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>The area of macrocarpa-eucalyptus treeland on the road verge (Vegetation Type 3; the area proposed by the submitters as SNA069a) has been removed from SNA069.</i>	Yes
204.1	Glen Mettam	SNA076	Amend SNA076 to exclude 17 Scoresby Grove, Whitby.	3.28	Reject	See body of report	No
259.1	Frances McNamara	SNA076	Amend SNA076 as it relates to 6 Lodestar Lane, Whitby. Propose the area from the west boundary to the farm track becomes the area of SNA.  [Refer to original submission for full decision requested, including attachments]	3.28	Accept in part	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>The boundary of the SNA has been amended to exclude areas of garden planted with exotic species and to align with the edge of the forest canopy.</i>	Yes
53.1	Brendon Norling	SNA076	Amend SNA076 to exclude 8 Lodestar Lane, Whitby. The SNA should be removed from the property entirely.	3.28	Reject	See body of report	No
52.1	Hamish Tunley	SNA082	Amend SNA082 to exclude 3 & 5 Seagull Place, Whitby.	3.28	Reject	See body of report	No
7.1	Paul Lane	SNA082	Amend SNA082 to exclude 66 Albatross Close, Whitby.	3.28	Reject	See body of report	No
271.3	Progeni Limited - Harpham, David	SNA084	Suggests either: <ul style="list-style-type: none"><li>A minor correction of SNA084 so that things sensibly line up; or</li></ul> Remove the SNA status from the affected titles so there isn't a double up with council consent notices being inconsistent with the SNA rules.	3.28	Accept in part	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>The boundary of the SNA has been amended to exclude (i) areas of indigenous vegetation that have recently been cleared and (ii) areas that are dominated by exotic species such as pine and eucalyptus.</i>	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
271.1	Progeni Limited - Harpham, David	SNA084	Amend the Significant Natural Areas overlay map to exclude the areas noted in the attached report.  [Refer to original submission, including attachment]	3.28	Accept in part	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>The boundary of the SNA has been amended to exclude (i) areas of indigenous vegetation that have recently been cleared and (ii) areas that are dominated by exotic species such as pine and eucalyptus.</i>	Yes
202.2	Sheryn and David Harpham	SNA084	Amend SNA084 as it relates to Lot 5,6,7,8,9 and 10 DP 519099. Remove the SNA overlay from lots 5,6,7,8 and 10, and remove the SNA overlay from any land within 30m of any building on Lot 9 DP 519099.	3.28	Accept in part	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>The boundary of the SNA has been amended to exclude (i) areas of indigenous vegetation that have recently been cleared and (ii) areas that are dominated by exotic species such as pine and eucalyptus.</i>	Yes
203.1	Sheryn and David Harpham	SNA084	Amend SNA084 to remove any areas in Lot 9 DP 519099.	3.28	Accept in part	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>The boundary of the SNA has been amended to exclude (i) areas of indigenous vegetation that have recently been cleared and (ii) areas that are dominated by exotic species such as pine and eucalyptus.</i>	Yes
13.1	Kevin Brian Higgins	SNA085	Amend SNA085 as it relates to 32 Latitude Close, Whitby, to either remove SNA entirely or amend as per diagram in submission.  [Refer to original submission for full decision requested, including attachments.]	3.28	Reject	Wildlands considered no site visit required and consider that the SNA assessment and mapping is accurate in relation to this property. I consider that no amendment to the planning maps is required in line with their expert evidence.	No
275.1	Joanna Alderdice	SNA086	Resolve issues relating to the SNA086 designation of Lot 1953 DP 53935.	3.28	Accept	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>The boundary of the SNA has been amended to exclude areas that are dominated by exotic species such as pine and eucalyptus (Vegetation Type 1) and lower value kānuka treeland (Vegetation Type 2).</i>	Yes
251.1	Linda Southwood	SNA086	Amend SNA086 to exclude 44 Exploration Way, Whitby; or  Significantly reduce the large, broad areas identified on the map.	3.28	Reject	A site visit was offered prior to hearings to better understand this submission point, but there was no response from the submitter. I consider that no amendment to the planning maps is required in line with Wildlands' expert evidence.	No
251.2	Linda Southwood	SNA088	Amend SNA088 to exclude 44 Exploration Way, Whitby; or  Significantly reduce the large, broad areas identified on the map.	3.28	Reject	A site visit was offered prior to hearings to better understand this submission point, but there was no response from the submitter. I consider that no amendment to the planning maps is required in line with Wildlands' expert evidence.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
222.1	John Sharp	SNA088	Delete SNA area.  That the boundary of the SNA be changed to represent the vegetation that is on the land.	3.28	Reject	See body of report	No
222.2	John Sharp	SNA088	Delete SNA area.  That the boundary of the SNA be changed to represent the vegetation that is on the land.	3.28	Reject	See body of report	No
223.1 <sup>291</sup>	Samantha Montgomery Limited	SNA102 Upper Papakōwhai Escarpment	Amend SNA102 to exclude 3A Solway Place, Papakowhai.	3.28	Accept in part	Wildlands viewed this property from a public viewpoint to better understand submission point, and consider that SNA assessment and mapping is accurate in relation to this property. I consider that the planning maps should not be amended in line with their expert evidence summarised as follows:  <i>SNA boundary has been adjusted to remove exotic species on the roadside and one pine on property.</i>	
36.1	Julie Ainsworth	SNA102 Upper Papakowhai Escarpment	[Not specified, refer to original submission]	3.28	TBC	Supports SNA as notified	
28.1	Anthony Brandon	SNA104 Papakowhai Lagoons and Lower Papakowhai Bush	Amend SNA104 to exclude 44 Tweed Road, Papakowhai.	3.28	Accept	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>SNA boundary has been amended to remove the exotic species and indigenous cultivars that largely occupy the rear garden. The SNA boundary is now aligned with the property boundary.</i>	Yes
217.2	Remi Leblanc	SNA128 Broken Hill Bush	Drop the SNA128 designation entirely.	3.28	Accept in part	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>No justification for removing the site as an SNA. Minor boundary adjustment made to exclude pines.</i>	Yes
272.1	Ian Wells	SNA130 Porirua Scenic Reserve	Seeks amendment to SNA130 in respect of the property at 100 Rangituhi Crescent to have the SNA at the boundary, consistent with number 98.	3.28	Reject	A site visit was offered prior to hearings to better understand this submission point, but there was no response from the submitter. I consider that no amendment to the planning maps is required in line with Wildlands' expert evidence.	No
15.1	Phyllis Sexton	SNA130 Porirua Scenic Reserve	Amend SNA130 to exclude 25 Waiho Tce, Elsdon. Invitation to visit site to better understand issues raised in submission.	3.28	Reject	Wildlands undertook a site visit to assess this submission point, and considered no amendment(s) to the SNA assessment required. I consider that the planning maps should not be amended in line with their expert evidence.	No

<sup>291</sup> Support - Samantha Montgomery Limited [FS55.1]



Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
3.5, 80.5, 87.5, 88.6, 105.5, 127.5, 128.5, 129.5, 131.5, 132.5, 133.5, 142.5, 150.5, 166.5, 171.5, 178.5, 197.5, 206.5, 208.5, 221.5, 236.5, 243.5, 245.5, 257.5, 268.5, 269.5, 270.5 <sup>292</sup>	Lesley Wilson [3], Robert Hughes [80], Tatiana Areora [87], Chrissie Areora [88], Gay Ojuan [105], Melissa Radford [127], Rebecca Cray [128], Sharon Hilling [129], Zachariah Paraone Wi-Neera [131], Tina Watson [132], Nikita Howe [133], Emma Weston [142], Whitireia Park Restoration Group [150], Miriam Freeman-Plume [166], David Nicholson [171], Friends of Taupo Swamp [178], Donna Lee Ford-Tuveve [197], Josh Twaddle [206], Thomas Graham [208], Andrew Brunton [221], Paula Birnie [236], Fraser Ebbett [243], Edmund Stephen-Smith [245], Nathan Cottle [257], Kavas Yasemin Ileana [268],	SNA134 Te Onepoto Catchment	Amend the extent of SNA134 to include all of Onepoto stream and connects to SNA138.	3.28	Accept in part	<p>Wildlands undertook a site visit to better understand these submission points. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:</p> <p><i>The SNA boundary has been amended to exclude large areas of gorse and rank grass to the east of the walking track, and also to add narrow tongues of indigenous vegetation, including wetlands on gully floors. In addition, the coastal boundary of the SNA has been amended to include saltmarsh habitat as per the submitters' request (and was verified during the site visit).</i></p> <p><i>The boundary of the smaller remnant of the SNA to the east has been amended to include contiguous indigenous vegetation and exclude gorse shrubland.</i></p>	Yes

<sup>292</sup> Support – TROTR [FS70.29]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
	Hilliam Anita [269], Saad Adibah [270]						
3.8, 80.8, 87.8, 88.9, 105.8, 127.8, 128.8, 129.8, 131.8, 132.8, 133.8, 142.8, 150.8, 166.8, 171.8, 178.8, 197.8, 206.8, 208.8, 221.8, 236.8, 243.8, 245.8, 257.8, 268.8, 269.8, 270.8	Lesley Wilson [3], Robert Hughes [80], Tatiana Areora [87], Chrissie Areora [88], Gay Ojuan [105], Melissa Radford [127], Rebecca Cray [128], Sharon Hilling [129], Zachariah Paraone Wi-Neera [131], Tina Watson [132], Nikita Howe [133], Emma Weston [142], Whitireia Park Restoration Group [150], Miriam Freeman-Plume [166], David Nicholson [171], Friends of Taupo Swamp [178], Donna Lee Ford-Tuveve [197], Josh Twaddle [206], Thomas Graham [208], Andrew Brunton [221], Paula Birnie [236], Fraser Ebbett [243], Edmund Stephen-Smith [245], Nathan Cottle [257], Kavas Yasemin Ileana [268], Hilliam Anita [269], Saad Adibah [270]	SNA134 Te Onepoto Catchment	Amend SNA134 to include additional vegetation as described.  [Refer to original submission for full decision requested]	3.28	Accept in part	Wildlands undertook a site visit to better understand these submission points. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>The SNA boundary has been amended to exclude large areas of gorse and rank grass to the east of the walking track, and also to add narrow tongues of indigenous vegetation, including wetlands on gully floors. In addition, the coastal boundary of the SNA has been amended to include saltmarsh habitat as per the submitters' request (and was verified during the site visit).</i>  <i>The boundary of the smaller remnant of the SNA to the east has been amended to include contiguous indigenous vegetation and exclude gorse shrubland.</i>	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
168.15	Robyn Smith	Whitireia Park	<p>Amend the SNA policy overlay as it applies to Whitireia Park to include the areas indicated in the maps [contained in original submission] in addition to the currently identified areas.</p> <p>Opposed to any amendment to the provisions of the PDP by way of submissions by others, or by council officer evidence and/or recommendations, that would result in the extent of the SNA policy overlay as it relates to Whitireia Park being reduced.</p> <p>[Refer to original submission for full decision requested]</p>	3.28	Accept in part	<p>Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence</p> <p>Refer to SNA134, SNA135, SNA135, SNA136, SNA138, SNA139</p>	Yes
168.13	Robyn Smith	SNA134 Te Onepoto Catchment	<p>Amend SNA134 to include additional vegetation as described and indicated in the submission.</p> <p>Opposed to any amendment to the provisions of the PDP by way of submissions by others, or by council officer evidence and/or recommendations, that would result in the extent of the SNA policy overlay as it relates to Whitireia Park being reduced.</p> <p>[Refer to original submission for full decision requested, including map]</p>	3.28	Accept in part	<p>Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:</p> <p><i>The SNA boundary has been amended to exclude large areas of gorse and rank grass to the east of the walking track, and also to add narrow tongues of indigenous vegetation, including wetlands on gully floors. In addition, the coastal boundary of the SNA has been amended to include saltmarsh habitat as per the submitters' request (and was verified during the site visit).</i></p> <p><i>The boundary of the smaller remnant of the SNA to the east has been amended to include contiguous indigenous vegetation and exclude gorse shrubland.</i></p>	Yes
168.9	Robyn Smith	SNA134 Te Onepoto Catchment	<p>Amend the extent of SNA134 to be larger and so that it encompasses the upper reaches of the stream and connects to SNA138.</p> <p>The PDP maps identify SNA134 as comprising land in the lower part of the catchment of Te Onepoto Stream.</p> <p>Opposed to any amendment to the provisions of the Proposed District Plan by way of submissions by others, or by council officer evidence and/or recommendations, that would result in the extent of the SNA policy overlay as it relates to Whitireia Park being reduced.</p> <p>[Refer to original submission for full decision requested. This outlines additional areas to be included in SNA134 and SNA138]</p>	3.28	Accept in part	<p>Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:</p> <p><i>The SNA boundary has been amended to exclude large areas of gorse and rank grass to the east of the walking track, and also to add narrow tongues of indigenous vegetation, including wetlands on gully floors. In addition, the coastal boundary of the SNA has been amended to include saltmarsh habitat as per the submitters' request (and was verified during the site visit).</i></p> <p><i>The boundary of the smaller remnant of the SNA to the east has been amended to include contiguous indigenous vegetation and exclude gorse shrubland.</i></p>	Yes
SNA	Robyn Smith	SNA135 Whitireia Park Seral Forest	<p>[Not specified, refer to original submission]</p> <p>While no specific decision sought, the submitter raised the following matter(s):</p> <p>The GIS maps in the PDP identify a SNA south of SNA135. It is not clear if this is a different SNA or if it is part of SNA135.</p>	3.28	Accept in part	<p>Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:</p> <p><i>It is recommended that this site is removed from the SNA layer given it dominated by gorse. The existing areas of indigenous vegetation are too small and fragmented to meet any significance criteria.</i></p>	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			[Refer to original submission for full reason, including attachments]				
3.7, 80.7, 87.7, 88.8, 105.7, 127.7, 128.7, 129.7, 131.7, 132.7, 133.7, 142.7, 150.7, 166.7, 171.7, 178.7, 197.7, 206.7, 208.7, 221.7, 236.7, 243.7, 245.7, 257.7, 268.7, 269.7, 270.7	Lesley Wilson [3], Robert Hughes [80], Tatiana Areora [87], Chrissie Areora [88], Gay Ojuan [105], Melissa Radford [127], Rebecca Cray [128], Sharon Hilling [129], Zachariah Paraone Wi-Neera [131], Tina Watson [132], Nikita Howe [133], Emma Weston [142], Whitireia Park Restoration Group [150], Miriam Freeman-Plume [166], David Nicholson [171], Friends of Taupo Swamp [178], Donna Lee Ford-Tuveve [197], Josh Twaddle [206], Thomas Graham [208], Andrew Brunton [221], Paula Birnie [236], Fraser Ebbett [243], Edmund Stephen-Smith [245], Nathan Cottle [257], Kavas Yasemin Ieana [268], Hilliam Anita [269], Saad Adibah [270]	SNA136 Whitireia Bush	Amend SNA136 to include additional areas.  [Refer to original submission for full decision requested, including map]	3.28	Accept in part	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>The SNA boundary has been amended to (i) include contiguous indigenous vegetation; (ii) include a small area of planted harakeke flaxland; and (iii) include the proposed SNA extension (refer to map).</i>	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
168.12	Robyn Smith	SNA136 Whitireia Bush	Amend SNA136 to include an area of restored wetland and a bush extension.  Opposed to any amendment to the provisions of the PDP by way of submissions by others, or by council officer evidence and/or recommendations, that would result in the extent of the SNA policy overlay as it relates to Whitireia Park being reduced.  [Refer to original submission for full decision requested, including map]	3.28	Accept in part	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>The SNA boundary has been amended to (i) include contiguous indigenous vegetation; (ii) include a small area of planted harakeke flaxland; and (iii) include the proposed SNA extension (refer to map).</i>	Yes
226.5	Luke Davia	SNA136 Whitireia Bush	The entirety of Onepoto Stream, which originates from Whitireia Park and flows into both SNA134 and SNA136 should be included in either significant natural area. Either of these SNAs should be expanded to accommodate this.	3.28	Accept in part	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>The SNA boundary has been amended to (i) include contiguous indigenous vegetation; (ii) include a small area of planted harakeke flaxland; and (iii) include the proposed SNA extension (refer to map).</i>	Yes
226.6	Luke Davia	SNA136 Whitireia Bush	Support greater expansions and descriptions being added to SNA223 and SNA136	3.28	Accept in part	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>The SNA boundary has been amended to (i) include contiguous indigenous vegetation; (ii) include a small area of planted harakeke flaxland; and (iii) include the proposed SNA extension (refer to map).</i>	Yes
168.111	Robyn Smith	SNA137 Whitireia Beach	[Not specified, refer to original submission]  While no specific decision sought, the submitter raised the following matter(s):  Concerned about unclear identification/labelling of SNA137 on the planning maps and it appears that the SNA is contiguous with SNA139 Whitireia Peninsula Coastal Margin. It is not clear where one ends and other begins.  [Refer to original submission for full reason, including attachments]	3.28	Accept	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>Upon inspection of the SNA boundaries using the PCC ArcGIS viewer, Wildlands can confirm that changes to the boundaries are required. A small section of the northern extent of SNA137 - which mainly comprised the coastal road - has been removed and the eastern boundary has been widened to include more of the rocky platform.</i>	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
168.10	Robyn Smith	SNA138 Whitireia Spring Wetland	Amend the extent of SNA 138 to encompass all of the significant area/habitat. Additional areas need to be included.  Opposed to any amendment to the provisions of the PDP by way of submissions by others, or by council officer evidence and/or recommendations, that would result in the extent of the SNA policy overlay as it relates to Whitireia Park being reduced.  [Refer to original submission for full decision requested, including map]	3.28	Accept in part	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>The SNA has been amended to include four additional areas that meet the definition of 'natural wetland'. A small area of representative pōhuehue-kokihi vineland has also been included given it is hydrologically linked to the wetland.</i>	Yes
168.108	Robyn Smith	SNA140 Titahi Bay Beach	Supports the identification of Titahi Bay Beach as an SNA (SNA140).	N/A	Accept	Agree with submitter	No
168.109	Robyn Smith	SNA144 Titahi Bay South Coastal Scarp	Amend SNA144 to include all the wetland.  [Refer to original submission for full decision requested, including attachments]	3.28	Accept	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>The SNA boundary has been amended to include the wetland.</i>	Yes
183.4	Pikarere Farm Limited	SNA148 Open Bay – Makara Coastal Scarp	No objection to their designation [SNA148 and SNA149 in relation to Pikarere Farm] so long as they: <ul style="list-style-type: none"> <li>• Are not required to fence them; and</li> <li>• Are not restricted in reasonable weed control on areas adjoining.</li> </ul>	N/A	Accept	Agree with submitter	No
183.5	Pikarere Farm Limited	SNA149 Open Bay Bush	No objection to their designation [SNA148 and SNA149 in relation to Pikarere Farm] so long as they: <ul style="list-style-type: none"> <li>• Are not required to fence them; and</li> <li>• Are not restricted in reasonable weed control on areas adjoining.</li> </ul>	N/A	Accept	Agree with submitter	No
21.1	Fern Valley Trust - Foothead, Stephen	SNA155 Judgeford South Scrub	Amend SNA155 to exclude 522 Paremata Haywards Road.	3.28	Reject	A site visit was offered prior to hearings to better understand this submission point, but there was no response from the submitter. I consider that no amendment to the planning maps is required in line with Wildlands' expert evidence.	No
46.1	Magdalena Conradie	SNA160 Murphy's Road Bush	Amend SNA160 as it relates to 266 Murphys Road, to end at the boundary of the neighbouring property.	3.28	Accept in part	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:  <i>The SNA boundary has been revised to exclude a large pine tree, a gum tree, and a small clearing.</i>	Yes
205.1	Steven Kovacs	SNA165 Flightys Road Bush	Amend SNA165 to exclude 129B Flightys Road.	3.28	Accept in part	Wildlands undertook a site visit to better understand this submission point. I consider that the planning maps should be amended in line with their expert evidence summarised as follows:	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
						<i>The SNA boundary has been amended to exclude the māhoe forest and scrub, and instead capture all wetland vegetation.</i>	
235.1	Mark Lyle Phillips	SNA176 Moonshine Gorge Bush	Remove SNA176 from the plan as it relates to 1071 Moonshine Road, Porirua.	3.28	Reject	See body of report	No
235.2	Mark Lyle Phillips	SNA177 Mid Moonshine Forest	Remove SNA177 from the plan as it relates to 1071 Moonshine Road, Porirua.	3.28	Reject	See body of report	No
235.3	Mark Lyle Phillips	SNA179 Moonshine Valley North Bush (Phillips Bush)	Remove SNA179 from the plan as it relates to 1071 Moonshine Road, Porirua.	3.28	Reject	See body of report	No
235.4	Mark Lyle Phillips	SNA180 Moonshine Seral Forest & Treefernland	Remove SNA180 from the plan as it relates to 1071 Moonshine Road, Porirua.	3.28	Reject	See body of report	No
235.5	Mark Lyle Phillips	SNA181 Abbott South Riparian Remnant	Remove SNA181 from the plan as it relates to 1071 Moonshine Road, Porirua.	3.28	Reject	See body of report	No
35.1	Craig Parker	SNA183 Jones Deviation Bush Remnants	Amend SNA183 as it relates to 47 Jones Deviation to reflect the site environment. If PCC want to contract actions/uses of the area there should be compensation to the landowner.	3.28	Reject	See body of report	No
258.4	Milmac Homes Limited - Binns, Grant	SNA193 Baker South Bush	The removal of Significant natural Area 193 from the property [Paekakariki Hill Road (Lot 2 85726)]  Or, in the alternative  The incorporation of a policy framework and associated rules that enable appropriate development within Significant Natural Areas, with provisions to not be overlay prescriptive or constraining.	3.28	Reject	See body of report	No
209.3 <sup>293</sup>	Joy Constance Gray	SNA193 Baker South Bush	Remove SNA193 from Pt Lot 2 DP 85726; or  The incorporation of a policy framework and associated rules that enable appropriate development within Significant Natural Areas, with such provisions to not be overly prescriptive and constraining.	3.28	Reject	See body of report	No

<sup>293</sup> Support – Milmac Homes Ltd [FS59.32]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
211.3	Trustees of the Ken Gray No. 1 Family Trust & Ken Gray No. 2 Family Trust	SNA194, SNA199 and SNA200	Amend SNA194, SNA199 and SNA200 to remove these overlays from Lot 1-2 DP 1408, Lot 1 DP 89872, Lot 3 DP 332721 and Lot 2 DP 408158; or  The incorporation of a policy framework and associated rules that enable appropriate development within Significant Natural Areas, with such provisions to not be overly prescriptive and constraining.	3.28	Reject	See body of report	No
186.1	Michael Kenning	SNA212 Upper Western Horokiri Face and Tributary	Amend SNA212 to exclude 874 Paekakariki Hill Road.	3.28	Reject	See body of report	No
186.2	Michael Kenning	SNA213 Upper Horokiri Bush	Amend SNA 213 to exclude 874 Paekākāriki Hill Road.	3.28	Reject	See body of report	No
110.1	Andrea & Karl Simonlehner	SNA215 Diggins Gully Bush, High Ridge Bush	Amend SNA215 as it relates to 1079 Paekākāriki Hill Road, remove SNA restrictions for the site altogether, or at least reposition the SNA area.	3.28	Reject	See body of report	No
73.1	Inge de Boer	SNA215 Diggins Gully Bush, High Ridge Bush	[Not specified, refer to original submission.]	3.28	Reject	See body of report	No
174.1	William Mike Arnold	SNA216 Pokorua South Bush	In relation to SNA216 and 1122H Paekākāriki Hill Road:  Amend to remove planted forestry areas shown on attached Fig. 1, resulting in a reduced area as shown in attached Fig 7.  [Refer to original submission for full decision requested, including attachments with figures 1 and 7].	3.28	Accept	Wildlands considered no site visit required and that the information provided by the submitter was sufficient. I consider that the planning maps should be amended in line with Wildland's expert evidence summarised as follows:  <i>The SNA boundary has been amended based on inspection of aerial photography together with the site map and photographs provided by the submitter. Areas of planted exotic and indigenous forestry have been excluded from the SNA, together with a track to service a gas supply pipe. Naturally occurring indigenous forest has been retained.</i>	Yes

## Schedule 8- Urban Environment Allotments

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
General							



Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
81.897	Kāinga Ora	General	Retain as notified.	N/A	Accept	Agree with submitter	
193.6	Ian and Helen Gear	General	Do not confuse viable ecosystems with solitary trees (which may be worthy of protection in their own right as specimen trees. Amend plan.	2.29	Accept in part	See body of report	No
225.223	Forest and Bird	General	Supports the inclusion of these trees or groups of trees in urban allotments. This meet's Council's s76 requirements.	N/A	Accept	Agree with submitter	

## APP 8- Biodiversity Offsetting

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
<b>General</b>							
71.7	Diane Strugnell	Principle 7 Long-term outcomes	There need to be systems of recording environmental work voluntarily undertaken by landowners so that "credits" can be accumulated and then used for off-setting at a later date, if required.	3.30	Reject	See body of report	No
81.882 <sup>294</sup>	Kāinga Ora	General	Retain as notified.	N/A	Accept	Agree with submitter	No
126.65	DOC	General	PCC should follow the available guidance where possible on biodiversity offsetting principles for national consistency.  <a href="https://www.doc.govt.nz/globalassets/documents/ourwork/biodiversity-offsets/the-guidance.pdf">https://www.doc.govt.nz/globalassets/documents/ourwork/biodiversity-offsets/the-guidance.pdf</a>	3.30	Reject	See body of report	No
182.2	Jean and Simon Jones	General	Amend policies APP8 – Biodiversity Offsetting Principles 1-11, to allow for the following actions: <ul style="list-style-type: none"> <li>Any application should allow for all reasonable approaches</li> </ul>	3.30	Reject	See body of report	No
225.220	Forest and Bird	General	Include policy direction for the avoidance of certain effects as set out in the policies sought by Forest & Bird above.	3.30	Accept in part	See body of report	Yes

## APP9- Biodiversity Compensation

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
<b>General</b>							
81.883 <sup>295</sup>	Kāinga Ora	General	Retain as notified.	N/A	Accept	Agree with submitter	No

<sup>294</sup> Support – GWRC [FS40.88]

<sup>295</sup> Support – GWRC [FS40.165]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
126.66	DOC	General	PCC should follow the available guidance where possible on biodiversity compensation principles for national consistency.	3.31	Reject	See body of report	No
225.221	Forest and Bird	General	Delete APP9 and remove provisions for biodiversity compensation from the plan.	3.31	Reject	See body of report	No

## Appendix C. Section 32AA Evaluation

### C1. Overview and purpose

This evaluation is undertaken in accordance with section 32AA of the RMA. It examines the appropriateness of the recommended amendments to the objectives, policies and rules for this topic following the consideration of submissions received on the PDP. The topic provisions are contained in chapters: ECO, SCHED7, SCHED8, APP8 and APP9.

This further evaluation should be read in conjunction with Part 1 – Overview and Part 2 – Ecosystems and Indigenous Biodiversity of the Section 32 Report prepared for the development of the PDP.

### C2. Recommended amendments

My recommended amendments include:

- New definitions for 'pest' and 'vegetation removal', and amendments to the definitions 'biodiversity compensation', 'biodiversity offset' and 'restoration';
- Changes to the introduction of the Ecosystems and Indigenous Biodiversity Chapter, including a statement about the NPS-FM and NES-FW;
- A small change to the objectives to remove of the qualifier "identified" values (which is recommended throughout the chapter);
- Amendment to ECO-P2 to include an additional step in the effects management hierarchy relating to adverse effects to be avoided (to align with the Proposed NPS-IB);
- Changes to ECO-P3 and ECO-R1 to enable trimming and pruning as a permitted activity within an SNA, subject to new standard ECO-S2;
- Changes to policy ECO-P4 to remove duplication and better cross-reference to other policies;
- Changes to ECO-P6 and ECO-P10 to remove criteria around avoiding highest identified biodiversity values;
- Broadening of policy ECO-P7 relating to restoration and maintenance initiatives;
- Changes to ECO-P11 and ECO-R4 to manage earthworks in sensitive lizard habitats;
- Amending ECO-P12 to better align with the NZCPS;
- A new policy ECO-P13 to recognise the issue of wild fire management;
- Changes to ECO-R2 to limit removal of non-indigenous vegetation to pest plants, and limit the removal of larger trees that provide habitat for indigenous fauna;
- Removal of references to wetlands within rules to avoid duplication with NES-FW, including the non-complying activity rule for earthworks in wetlands to align with the NPS-FM and NES-FW;
- Removal of ECO-R7 as it duplicates ECO-R1-2;

- Amendments to ECO-S1 to align with Notable Trees chapter, and definition of a suitably qualified arborist;
- Various changes to SCHED7, SCHED8, and planning maps in response to submissions seeking addition, amendment or removal of SNA as it relates to individual properties.

### C3. Statutory Tests

The Council must ensure that prior to adopting an objective, policy, rule or other method in a district plan, that the proposed provisions meet the requirements of the RMA through an evaluation of matters outlined in Section 32.

In achieving the purpose of the RMA, the Council must carry out a further evaluation under section 32AA if changes are made to a proposal as a result of the submissions and hearings process. This evaluation must cover all the matters in sections 32(1)-(4).

#### *Objectives*

The objectives are to be examined in relation to the extent to which they are the most appropriate way to achieve the purpose of the RMA.<sup>296</sup> For the purposes of evaluation under section 32AA the following criteria form the basis for assessing the appropriateness of the proposed objectives:

- Relevance;
- Usefulness;
- Reasonableness; and
- Achievability.

#### *Provisions*

Each provision is to be examined as to whether it is the most appropriate method for achieving the objectives. For a proposed plan, the provisions are defined as the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan.<sup>297</sup>

The examination must include assessing the efficiency and effectiveness (including costs and benefits of the environmental, economic, social, and cultural effects, quantified if practicable, and the risk of acting or not acting) and a summary of the reasons for deciding the provisions.

### C4. Evaluation of Recommended Amendments to Objectives

Objectives ECO-O1 and ECO-O2 are recommended to be amended as set out in Appendix A, the same amendment to remove the qualifier "identified" is recommended for both objectives.

The following tables provide an evaluation of the recommended amendments to the objectives.

**Table C 1: Recommended Amendments to Objectives ECO-O1 and ECO-O2**

Relevance	Addresses a relevant resource management issue
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<sup>296</sup> RMA s32(1)(a)

<sup>297</sup> RMS s32(6)(a)

	<p>Yes – addresses issue 1 as outlined in the s32 evaluation: <i>Areas of significant indigenous ecosystems and habitat are not adequately protected and face threat of decline.</i></p>
	<p><b>Assists the Council to undertake its functions under s31</b></p> <p>Yes – the recommended amendment is more consistent with s31(1)(b)(iii), the maintenance of indigenous biological diversity.</p>
	<p><b>Gives effect to higher level documents</b></p> <p>Yes – better aligns with Policy 24 of the RPS directing protection of SNA, regardless of whether these values are identified at the time of mapping or through an ecological assessment.</p>
<b>Usefulness</b>	<p><b>Guides decision-making</b></p> <p>Yes – the recommended amendment better guides decision making when considering a resource consent application under s104.</p>
	<p><b>Meets best practice for objectives</b></p> <p>Yes – the objective clearly states the outcome which is consistent with national best practice.</p>
<b>Reasonableness</b>	<p><b>Will not impose unjustifiably high costs on the community / parts of the community</b></p> <p>The objective is balanced in order to avoid imposing unjustifiably high costs on the community (as outlined in the s32 evaluation).</p>
	<p><b>Acceptable level of uncertainty and risk</b></p> <p>The objective provides certainty by clearly stating the outcome sought (as outlined in the s32 evaluation).</p>
<b>Achievability</b>	<p><b>Consistent with identified tangata whenua and community outcomes</b></p> <p>The proposed objectives are consistent with identified tangata whenua and community outcomes.</p>
	<p><b>Realistically able to be achieved within the Council's powers, skills and resources</b></p> <p>The objectives are realistically able to be achieved within Council's powers, skills and resources.</p>
<b>Conclusion</b>	<p>The recommended amended objectives are the most appropriate way to achieve the purpose of the RMA by providing a coherent package of desired outcomes consistent with sustainable management.</p>

Overall, the recommended amendments proposed to the objectives provide better protection of indigenous biodiversity values within SNA. For the purposes of sections 32 and 32AA, I consider that the revised objectives are the most appropriate way of achieving the purpose of the RMA.


## C5. Evaluation of Policies and Rules

I have assessed how the recommended changes to the policies, rules and other methods are the most appropriate to implement the objectives below. In undertaking this assessment, I have evaluated the recommended amendments against the provisions as notified.

### *Efficiency and Effectiveness of the Provisions*

**Table C 1: Assessment of efficiency and effectiveness – ECO-P3, ECO-R1, ECO-R7, ECO-S1 and ECO-S2**

Recommended Amendments to Provisions:	
<p><b>ECO-P3 Appropriate use and development in Significant Natural Areas</b></p> <p>Enable vegetation removal within Significant Natural Areas identified within SCHED7 - Significant Natural Areas where it is of a scale and nature that maintains the <b>identified</b> biodiversity values, including;</p> <ol style="list-style-type: none"> <li>1. <b>Trimming and pruning to maintain access to sunlight.</b><sup>112</sup></li> <li>2. Maintenance around existing buildings;</li> <li>3. Safe operation of roads, tracks and <b>accesses ways</b><sup>113</sup>;</li> <li>4. Restoration and conservation activities; and</li> <li>5. Opportunities to enable tangata whenua to exercise <b>hauhake customary harvesting practices</b>.<sup>114</sup></li> </ol>	
<p><b>ECO-R1 <del>Removal</del> <b>Trimming, pruning and removal</b><sup>128</sup> of <b>indigenous</b><sup>129</sup> vegetation within a Significant Natural Area</b></p>	
<p><b>All zones</b></p>	<p>1. Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>a. The trimming, <b>pruning</b><sup>130</sup> or removal of <b>indigenous</b><sup>131</sup> vegetation is to: <ol style="list-style-type: none"> <li>i. Address an imminent threat to people or property represented by deadwood, diseased or dying vegetation and ECO-S1 is complied with;</li> <li>ii. Ensure the safe and efficient operation of any formed public road, rail corridor or access, where removal is limited to within the formed width of the road, rail corridor or access;</li> <li>iii. Enable the maintenance of buildings <b>and outdoor living space</b><sup>132</sup> where the removal of <b>indigenous</b><sup>133</sup> vegetation is limited to within 3m from the external wall <b>or, roof or deck</b><sup>134</sup> of a building, <b>or within 3m of any outdoor living space required by this Plan</b><sup>135</sup>;</li> <li>iv. <b>Maintain, upgrade or create new public walking or cycling tracks up to 2.5m in width undertaken by Porirua City Council or its approved contractor in accordance with the Porirua City Council Track Standards Manual (Version 1.2, 2014) and where no tree with a trunk greater than 15cm in diameter (measured 1.4m above ground) is removed;</b><sup>136</sup></li> <li>v. Construct new perimeter fences for stock or pest animal exclusion from areas or maintenance of existing fences provided the area of trimming or removal of any vegetation does not exceed 2m in width;</li> <li>vi. Enable necessary flood protection or natural hazard control where undertaken by a Statutory Agency or their nominated contractors or agents on their behalf as part of natural hazard mitigation works;</li> <li>vii. Comply with section 43 of the Fire and Emergency Act 2017; or</li> <li>viii. <b>Enable tangata whenua to exercise <b>hauhake customary harvesting</b>.<sup>137</sup>; or</b></li> </ol> </li> <li>b. <b>The trimming or pruning is necessary to maintain sunlight access to residential units and any outdoor living space required by this Plan where ECO-S2 is complied with.</b><sup>138</sup></li> </ol>

<p><b>ECO-R7</b>    <b>All zones</b></p>	<p><b>Removal of indigenous vegetation within Significant Natural Areas</b></p> <p><b>1. Activity status: Restricted discretionary</b></p> <p><b>Where:</b>  a. <del>The indigenous vegetation being removed is within an identified Significant Natural Area, including any tree within an Urban Environment Allotment, except as otherwise provided for under:</del>  i. <del>ECO-R4;</del>  ii. <del>ECO-R5; or</del>  iii. <del>ECO-R6.</del></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li><del>The matters in ECO-P2;</del></li> <li><del>The matters in ECO-P4; and</del></li> <li><del>The matters in ECO-P14.</del></li> </ol> <p><b>Section 88 information requirements for applications:</b>  1. <del>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:</del>  a. <del>Identifying the biodiversity values and any potential impacts from the proposal; and</del>  b. <del>Demonstrating that the ECO-P2 hierarchy has been applied.</del><sup>154</sup></p>	
<p><b>Standards</b></p>		
<p><b>ECO-S1</b>  <b>All zones</b></p>	<p><b>Trimming, pruning or removal where there is the imminent threat to the safety of people or property</b></p> <ol style="list-style-type: none"> <li>The works are essential due to the imminent threat to the safety of people or property and Council is advised of this threat as soon as <u>practicable</u>;</li> <li>All trimming or pruning must be undertaken to a growth point or branch union and in accordance with the New Zealand Arboricultural Association Incorporated Best Practice Guideline ‘Amenity Tree Pruning’ Version 3 dated April 2011 to avoid irreversible damage to the health of the tree;</li> <li><del>Any removal is</del> <u>The works must be undertaken or supervised by a <b>works arborist</b><sup>156</sup> suitably qualified arboricultural expert;</u></li> <li><del>Porirua City Council is provided with written documentation by a works arborist confirming that the works were undertaken in accordance with good arboricultural practice no later than 10 working days after the works have been completed, including why any vegetation was an immediate threat to the safety of people or property.</del><sup>157</sup></li> </ol>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>The extent to which the trimming or removal of indigenous vegetation avoids the loss, damage or disruption to the ecological processes, functions and integrity of the Significant Natural Area; and</li> <li>The effect of the vegetation removal on <u>indigenous biodiversity values the identified biodiversity values in SCHED7 Significant Natural Areas.</u></li> </ol>
<p><b>ECO-S2<sup>158</sup></b></p>	<p><b>Trimming or pruning to maintain sunlight access</b></p> <ol style="list-style-type: none"> <li><u>All trimming or pruning must be undertaken to a growth point or branch union and in accordance with the New Zealand Arboricultural Association Incorporated Best Practice Guideline ‘Amenity Tree Pruning’ Version 3 dated April 2011 to avoid irreversible damage to the health of the tree.</u></li> <li><u>The works must be undertaken or supervised by a works arborist.</u></li> <li><u>Porirua City Council is notified prior to works commencing.</u></li> </ol>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li><u>The extent to which the trimming or removal of indigenous vegetation avoids the loss, damage or disruption to the ecological processes, functions and integrity of the Significant Natural Area; and</u></li> <li><u>The effect of the vegetation removal on indigenous biodiversity values.</u></li> </ol>
<p><b>Costs</b></p>	<p><b>Benefits</b></p>	
<ul style="list-style-type: none"> <li>The recommended amendment to ECO-S1 requiring landowners to provide Council with information about trimming or removal of dangerous trees would result in relatively minor additional costs for</li> </ul>	<ul style="list-style-type: none"> <li>The recommended deletion of ECO-P7 increases plan usability and reduces regulatory uncertainty.</li> <li>Adding the ability to trim and prune vegetation to maintain access to</li> </ul>	

<p>landowners in terms of obtaining a written report from the arborist and submitting it to Council.</p>	<p>sunlight in homes through ECO-R1 will reduce in warmer, drier homes and reduce the need for additional heating in homes that would otherwise be shaded by tall growing trees. It would also significantly reduce the costs of the works as resource consent and ecological assessment would not be required.</p> <ul style="list-style-type: none"> <li>• The recommended amendments to ECO-S1 better define what a suitable qualified arborist is, and therefore reduce regulatory uncertainty.</li> <li>• The requirement to notify Council would increase the regulatory oversight of the standard by Council. It would also reduce costs for monitoring a permitted activity, for example if a neighbour was to complain about works taking place in an SNA, Council would have a record of these works which may avoid the need to investigate further.</li> </ul>
<p><b>Efficiency</b></p>	<p>The recommended amendments are more efficient than the notified provisions, as they remove duplication and reduce regulatory uncertainty.</p>
<p><b>Effectiveness</b></p>	<p>The recommended amendments are more effective than the notified provisions, as they provide additional regulatory oversight for permitted standards.</p>

**Table C 2: Assessment of efficiency and effectiveness – ECO-P2 and ECO-P4**

<p><b>Recommended Amendments to Provisions:</b></p>
<p><b>ECO-P2 Protection of Significant Natural Areas</b></p> <p>Protect the biodiversity values of Significant Natural Areas identified within SCHED7 - Significant Natural Areas, by requiring subdivision, use and development to:</p> <ol style="list-style-type: none"> <li>1. <u>Avoid the following adverse effects on indigenous biodiversity values:</u> <ol style="list-style-type: none"> <li>(i) <u>Loss of ecosystem representation and extent;</u></li> <li>(ii) <u>Disruption to sequences, mosaics or ecosystem function;</u></li> <li>(iii) <u>Fragmentation or loss of buffering or connectivity within the SNA and between other indigenous habitats and ecosystems; and</u></li> <li>(iv) <u>A reduction in population size or occupancy of threatened species using the SNA for any part of their life cycle;<sup>110</sup></u></li> </ol> </li> <li>2. Avoid <u>other<sup>111</sup></u> adverse effects on <b>identified</b> indigenous biodiversity values where possible;</li> <li>3. Minimise <u>other</u> adverse effects on the <b>identified</b>-indigenous biodiversity values where avoidance is not possible;</li> <li>4. Remedy <u>other</u> adverse effects on the <b>identified</b> indigenous biodiversity values where they cannot be avoided or minimised;</li> <li>5. Only consider biodiversity offsetting for any residual adverse effects that cannot otherwise be avoided, minimised or remedied and where the principles of APP8 - Biodiversity Offsetting are met; and</li> <li>6. Only consider biodiversity compensation after first considering biodiversity offsetting and where the principles of APP9 - Biodiversity Compensation are met.</li> </ol>



ECO-P4 Other subdivision, use and development in Significant Natural Areas	
<p>Only allow subdivision, use and development in Significant Natural Areas listed in SCHED7 - Significant Natural Areas where it:</p> <ol style="list-style-type: none"> <li>1. Applies the effects management hierarchy approach in ECO-P2; and</li> <li>2. Can demonstrate that it is appropriate by taking into account: <ol style="list-style-type: none"> <li>a. <del>The findings of an ecological assessment from a suitably qualified and experienced ecologist that determines the significance of the indigenous biodiversity values and the impact of the activity on the identified values in order to support the application of the effects management hierarchy in ECO-P2;</del><sup>115</sup></li> <li>b. The provision of any protective covenants of the Significant Natural Area as part of the subdivision, use or development;</li> <li>c. Whether the fragmentation of the Significant Natural Area is minimised, including connectivity with other Significant Natural Areas;</li> <li>d. The extent to which building platforms and vehicle accessways are proposed to locate outside the Significant Natural Area;</li> <li>e. <del>The extent to which the trimming or removal of indigenous vegetation avoids the loss, damage or disruption to the ecological processes, functions and integrity of the Significant Natural Area;</del></li> <li>f. <del>The extent to which earthworks are minimised within Significant Natural Areas; and</del></li> <li>g. <del>The potential cumulative effects of activities and the extent to which any adverse effect on the values of the Significant Natural Area are minimised.</del><sup>116</sup></li> </ol> </li> </ol>	
Costs	Benefits
<ul style="list-style-type: none"> <li>• An additional step in the hierarchy could reduce the development capacity of some sites which would have opportunity costs for landowners.</li> <li>• Removal of the qualifier “identified” would broaden the scope of ecological assessment and management of effects, this would result in additional costs for landowners.</li> </ul>	<ul style="list-style-type: none"> <li>• An additional step in the effects management hierarchy better aligns with Proposed NPS-IB, and would give greater protection to the matters (i) to (iv) in the additional step.</li> <li>• Removal of the qualifier “identified” better aligns with Policy 24 of the RPS directing protection of SNA, and provides protection of values identified both at the time of mapping or through an ecological assessment.</li> <li>• Removal of provisions in ECO-R4 that duplicate ECO-P2 provides greater clarity about policy intent, and removes some regulatory uncertainty. This may result in time and cost savings for plan users.</li> </ul>
Efficiency	The recommended amendments are more efficient than the notified provisions, as they remove duplication and reduce regulatory uncertainty.
Effectiveness	The recommended amendments are more effective than the notified provisions, as they increase protection for certain biodiversity values.

Table C 3: Assessment of efficiency and effectiveness – ECO-P6 and ECO-R5

<b>Recommended Amendments to Provisions:</b>
----------------------------------------------

<p><b>ECO-P6 Development of existing vacant lots</b></p> <p>Provide for the development of existing vacant, serviced residential lots established prior to 28 August 2020 where there is no suitable building platform available outside of a Significant Natural Area identified in SCHED7 - Significant Natural Areas, having regard to:</p> <ol style="list-style-type: none"> <li>1. The location of the building platform and the extent of associated vegetation removal;</li> <li>2. <del>The avoidance of adverse effects on the highest identified biodiversity values in SCHED7—Significant Natural Areas.</del><sup>147</sup></li> <li>3. The location of the access or driveway to the building platform to reduce further loss of vegetation or fragmentation of the Significant Natural Area; and</li> <li>4. The location of lateral service connections to public wastewater, sewer and water supply network, <del>electricity</del> and telephone cables.</li> </ol>	
<p><b>ECO-R5 <del>C</del>Vegetation clearance for the c<sup>147</sup>onstruction of a residential unit on a vacant allotment within a Significant Natural Area</b></p> <p><b>General Residential Zone</b></p> <p>1. Activity status: <b>Controlled</b></p> <p>Where:</p> <p>a. The lot:</p> <ol style="list-style-type: none"> <li>i. Is held in a freehold title that existed at 28 August 2020;</li> <li>ii. Is vacant and does not contain any residential unit or other building; and</li> <li>iii. Has existing service connections to the public wastewater, <del>sewer</del> and water supply network.</li> </ol> <p>b. The proposed residential unit <del>and any associated vegetation clearance: LC</del> complies with the permitted building site coverage standard and earthworks standards for the underlying zone and is unable to locate outside the Significant Natural area within the site;</p> <p>c. <del>Any associated vegetation clearance is the minimum required for the construction of an access, services and outdoor living space that is required within the lot by the permitted standards for that zone.</del></p> <ol style="list-style-type: none"> <li>i. <del>Is not located within a wetland.</del><sup>148</sup></li> </ol> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> <li>1. <del>The matters in ECO-P2; and</del><sup>149</sup></li> <li>2. The matters in ECO-P6.</li> </ol> <p><u>Section 88 information requirements for applications:</u></p> <ol style="list-style-type: none"> <li>1. <u>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> <ol style="list-style-type: none"> <li>a. <u>Identifying the biodiversity values and potential impacts from the proposal; and</u></li> <li>b. <u>Demonstrating that the ECO-P2 hierarchy has been applied.</u><sup>150</sup></li> </ol> </li> </ol> <p><b>Notification:</b></p> <p>An application under this rule is precluded from being publicly or limited notified in accordance with sections 95A and 95B of the RMA.</p> <p>2. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <p>a. Compliance is not achieved with standards <del>ECO-R5-1.a or ECO-R5-1.b ECO-R4-1.a or ECO-R4-1.b.</del><sup>151</sup></p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>1. The matters in ECO-P2; and</li> <li>2. The matters in ECO-P4.</li> </ol> <p><u>Section 88 information requirements for applications:</u></p> <ol style="list-style-type: none"> <li>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: <ol style="list-style-type: none"> <li>a. Identifying the biodiversity values and <del>and</del><sup>152</sup> potential impacts from the proposal; and</li> <li>b. Demonstrating that the ECO-P2 hierarchy has been applied.</li> </ol> </li> </ol>	
<p><b>Costs</b></p>	<p><b>Benefits</b></p>
<ul style="list-style-type: none"> <li>• The additional matter of discretion and s88 information requirements does create additional costs, however this information would have likely been required as part of an assessment of ecological effects anyway so the costs are likely minor.</li> </ul>	<ul style="list-style-type: none"> <li>• Removal of the qualifier “highest identified” from ECO-P6 would make the policy more consistent with the effects management hierarchy and reduce regulatory uncertainty.</li> <li>• Recommended amendments to ECO-R5 also improve the certainty of the rules by replacing the vague term</li> </ul>

	“associated vegetation clearance” with an exhaustive list of vegetation clearance that is acceptable as a controlled activity.
<b>Efficiency</b>	The recommended amendments are more efficient than the notified provisions, as they remove duplication and reduce regulatory uncertainty.
<b>Effectiveness</b>	The recommended amendments are more effective than the notified provisions, as they increase protection for certain biodiversity values.

Table C 4: Assessment of efficiency and effectiveness – ECO-P7 and ECO-R3

Recommended Amendments to Provisions:	
<b>ECO-P7</b>	<p><del>Protection and restoration</del> <b>Restoration and maintenance</b><sup>118</sup> initiatives</p> <p>Encourage the <del>protection and restoration</del> <b>and maintenance</b><sup>119</sup> of indigenous biodiversity, <b>especially riparian areas and wetlands and their seeps</b><sup>120</sup>, by:</p> <ol style="list-style-type: none"> <li>1. supporting initiatives by landowners, community groups and others to protect, restore and maintain areas of indigenous vegetation;</li> <li>2. <b>promoting the use of locally sourced indigenous vegetation as part of any restorative planting, and</b></li> <li>3. <b>promoting best practice pest animal and plant control.</b><sup>121</sup></li> </ol>
<b>ECO-R3</b>	<p><b>Restoration and maintenance of a Significant Natural Area</b></p> <p><b>All zones</b></p> <p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. The works are for the purpose of restoring or maintaining the <b>indigenous biodiversity values identified values in SCHED7 – Significant Natural Areas</b> by:</p> <ol style="list-style-type: none"> <li>i. Planting eco-sourced local indigenous vegetation;</li> <li>ii. Carrying out animal pest or pest plant control activities;</li> <li>iii. Carrying out activities in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or QEII Act 1977; or</li> <li>iv. Carrying out activities in accordance with a Reserve Management Plan approved under the Reserves Act 1977.</li> </ol> <p><b>All zones</b></p> <p>2. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <p>a. Compliance is not achieved with <a href="#">ECO-R3-1.a</a>.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>1. The matters in ECO-P2; and</li> <li>2. The matters in ECO-P4.</li> </ol> <p>Section 88 information requirements for applications:</p> <ol style="list-style-type: none"> <li>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:             <ol style="list-style-type: none"> <li>a. Identifying the biodiversity values and <b>and</b><sup>141</sup> potential impacts from the proposal; and</li> <li>b. Demonstrating that the ECO-P2 hierarchy has been applied.</li> </ol> </li> </ol>
<b>Costs</b>	<b>Benefits</b>
<ul style="list-style-type: none"> <li>• There are no costs identified in relation to the recommended amendments.</li> </ul>	<ul style="list-style-type: none"> <li>• The recommend amendments to ECO-P7 make the policy more specific and directive, and therefore provides greater guidance to plan users on beneficial restoration and maintenance activities. This will likely result in environmental benefits for SNA.</li> </ul>
<b>Efficiency</b>	The recommended amendments are more efficient than the notified provisions, as there are more benefits without any identified costs.

<b>Effectiveness</b>	The recommended amendments are more efficient than the notified provisions, as they will likely result in environmental benefits for SNA.
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Table C 5: Assessment of efficiency and effectiveness – ECO-P10 and ECO-R6

Recommended Amendments to Provisions:	
<b>ECO-P10 Māori Purpose Zone (Hongoeka) and Takapūwāhia Precinct</b>	<p>Recognise and provide for papakāinga activities by Ngāti Toa whānau within the Māori Purpose Zone (Hongoeka) and Takapūwāhia, and for residential activities in the Takapūwāhia Precinct where:</p> <ol style="list-style-type: none"> <li>Kaitiakitanga is exercised to protect <b>identified</b> Significant Natural Areas in accordance with the effects management hierarchy in ECO-P2;</li> <li><del>The design of the papakāinga and/or residential development avoids adverse effects on the highest identified biodiversity values within a Significant Natural Area listed in SCHED7—Significant Natural Areas; and</del><sup>122</sup></li> <li>Any activities are located outside the coastal environment.</li> </ol>
<b>ECO-R6</b>	<p><b>Removal of indigenous vegetation within a Significant Natural Area <u>within the Māori Purpose Zone (Hongoeka) and the General Residential Zone within the Takapūwāhia precinct</u></b><sup>123</sup></p> <p><b>Māori Purpose Zone (Hongoeka)</b></p> <p><b>General Residential Zone within the Takapūwāhia Precinct</b></p> <p>1. Activity status: <b>Controlled</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>The removal of vegetation is for; <ol style="list-style-type: none"> <li>The development of papakāinga within a Significant Natural Area; or</li> <li>A residential development within a Significant Natural Area within the Takapūwāhia Precinct; and</li> </ol> </li> <li>The removal of vegetation is outside the Coastal Environment; and</li> <li>No more than 3000m<sup>2</sup> of indigenous vegetation is removed per existing title that existed at 28 August 2020.</li> </ol> <p>Matters of control are limited to:</p> <ol style="list-style-type: none"> <li>The matters in ECO-P10.</li> </ol> <p>Section 88 information requirements for applications:</p> <ol style="list-style-type: none"> <li>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: <ol style="list-style-type: none"> <li>Identifying the biodiversity values and potential impacts from the proposal; and</li> <li>Demonstrating that the ECO-P2 hierarchy has been applied.</li> </ol> </li> </ol> <p><b>Notification:</b> An application under this rule is precluded from being publicly or limited notified in accordance with sections 95A and 95B of the RMA.</p>
Costs	Benefits
<ul style="list-style-type: none"> <li>There are no costs identified in relation to the recommended amendments.</li> </ul>	<ul style="list-style-type: none"> <li>Removal of the qualifier “highest identified” from ECO-P6 would make the policy more consistent with the effects management hierarchy and reduce regulatory uncertainty.</li> <li>The recommended amendments to the ECO-R6 will provide more clarity for plan users and also reduce regulatory uncertainty.</li> </ul>
<b>Efficiency</b>	The recommended amendments are more efficient than the notified provisions, as there are more benefits without any identified costs.
<b>Effectiveness</b>	The recommended amendments are just as effective as the notified provisions.

Table C 6: Assessment of efficiency and effectiveness – ECO-P11 and ECO-R4


Recommended Amendments to Provisions:	
<p><b>ECO-P11 Earthworks within Significant Natural Areas</b></p> <p>Only allow earthworks within a Significant Natural Area where it can be demonstrated that:</p> <ol style="list-style-type: none"> <li>Any adverse effects on <b>identified</b> indigenous biodiversity values of a Significant Natural Area listed in SCHED7 - Significant Natural Areas are addressed in accordance with ECO-P2 and the matters in ECO-P4 and ECO-P12;</li> <li><del>Any biodiversity offsetting proposed is in accordance with APP8 – Biodiversity Offsetting; and</del><sup>123</sup></li> <li><del>Any earthworks within a wetland are avoided.</del><sup>124</sup></li> <li><u>Any adverse effects on areas identified as a significant habitat for lizards are avoided, remedied or mitigated.</u><sup>125</sup></li> </ol>	
<p><b>ECO-R4 Earthworks within a Significant Natural Area</b></p> <p><b>All zones</b></p> <p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. The earthworks:</p> <ol style="list-style-type: none"> <li>Do not involve the removal of any indigenous vegetation; or</li> <li><u>Do not take place within a Significant Natural Area identified in SCHED7 as a significant habitat for lizards.</u><sup>142</sup></li> <li><u>Are for the maintenance of existing public walking or cycling access tracks, as carried out by Porirua City Council, GWRC or their nominated contractor or agent; and</u><sup>143</sup></li> </ol> <p>b. <del>The earthworks do not occur within any wetland.</del><sup>144</sup></p>	
Costs	Benefits
<ul style="list-style-type: none"> <li>Additional protection for lizard habitats will result in some additional administrative costs for landowners for earthworks consents. This could also potentially reduce the development capacity of some sites which would have opportunity costs for landowners.</li> <li>It would also potentially broaden the scope of ecological assessment and management of effects (e.g. lizard surveys and relocation), resulting in additional costs for landowners. However, it is likely that this would have been required undertaking an assessment under ECO-P2 anyway.</li> </ul>	<ul style="list-style-type: none"> <li>Provides additional protection of vulnerable lizard habitats and gives effect to Policy 23 of the RPS and section 6(c) of the RMA.</li> <li>Removal of the clause relating to walks and cycling tracks improves the usability fo the PDP.</li> <li>Removal of the clause relating to wetlands improves regulatory certainty, as the PDP better aligns with the NES-FW which already addressed earthworks in wetlands.</li> </ul>
<b>Efficiency</b>	The recommended amendments are more efficient than the notified provisions, as they remove duplication and reduce regulatory uncertainty.
<b>Effectiveness</b>	The recommended amendments are more effective than the notified provisions, as they increase protection for certain biodiversity values.

Table C 7: Assessment of efficiency and effectiveness – ECO-P13

Recommended Amendments to Provisions:
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<p><b>ECO-P13 Wild fire management</b></p> <p><u>Provide for the replacement of high-flammability vegetation with low-flammability vegetation near to residential units where:</u></p> <ol style="list-style-type: none"> <li><u>the works are to protect residential units from a demonstrated <b>wild fire risk</b>, and</u></li> <li><u>ECO-P2 is applied, including the use of eco-sourced local indigenous vegetation to replace high-flammability vegetation.</u><sup>129</sup></li> </ol>	
<b>Costs</b>	<b>Benefits</b>
<ul style="list-style-type: none"> <li>There are no costs identified in relation to the recommended amendments.</li> </ul>	<ul style="list-style-type: none"> <li>The recommended new policy would provide policy guidance where landowners want to create fire breaks to comply with national guidance, this will reduce regulatory uncertainty.</li> </ul>
<b>Efficiency</b>	The recommended amendments are more efficient than the notified provisions, as there are more benefits without any identified costs.
<b>Effectiveness</b>	The recommended amendments are just as effective as the notified provisions.

Table C 8: Assessment of efficiency and effectiveness – ECO-R2

<b>Recommended Amendments to Provisions:</b>	
<p>ECO-R2   All zones</p>	<p><b>Removal of non-indigenous (exotic) vegetation within a Significant Natural Area</b></p> <ol style="list-style-type: none"> <li>Activity status: <b>Permitted</b></li> </ol> <p><u>Where:</u></p> <ol style="list-style-type: none"> <li><u>The vegetation is a pest plant;</u></li> <li><u>Any trees over 8m in height or over 500mm measured at diameter breast height are controlled by either ring-barking or poisoning methods; and</u></li> <li><u>No more than 100m<sup>2</sup> of trees that exceed this size threshold is removed in any 12-month period.</u></li> </ol> <ol style="list-style-type: none"> <li>Activity status: <b>Restricted discretionary</b></li> </ol> <p><u>Where:</u></p> <ol style="list-style-type: none"> <li><u>Compliance is not achieved with ECO-R2-1.a, ECO-R2-1.b, or ECO-R2-1.c.</u></li> </ol> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>The matters in ECO-P2; and</u></li> <li><u>The matters in ECO-P4.</u></li> </ol> <p><u>Section 88 information requirements for applications:</u></p> <ol style="list-style-type: none"> <li><u>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> <ol style="list-style-type: none"> <li><u>Identifying the biodiversity values and potential impacts from the proposal; and</u></li> <li><u>Demonstrating that the ECO-P2 hierarchy has been applied.</u><sup>142</sup></li> </ol> </li> </ol>
<b>Costs</b>	<b>Benefits</b>
<ul style="list-style-type: none"> <li>Protecting non-indigenous vegetation in SNA will result in some additional administrative costs for landowners for vegetation removal consents. However, this is largely limited to large woody species as a large range of pest species can be removed.</li> </ul>	<ul style="list-style-type: none"> <li>Provides additional protection of habitats of indigenous fauna and gives effect to Policy 23 of the RPS and section 6(c) of the RMA.</li> </ul>

<ul style="list-style-type: none"> <li>This could also potentially reduce the development capacity of some sites which would have opportunity costs for landowners.</li> </ul>	
<b>Efficiency</b>	The recommended amendments are more efficient at protecting indigenous fauna than the notified provisions.
<b>Effectiveness</b>	The recommended amendments are more effective at protecting indigenous fauna than the notified provisions.

Overall, taking into account the assessment above, I consider the recommended amendments to the policies and rules to be more efficient and effective in achieving the objectives than the notified provisions.

#### *Adequacy of Information and Risk of Acting or Not Acting*

Section 32(2)(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

Submissions have raised a number of matters that need to be addressed to provide greater clarity and robustness to the provisions of the PDP. If no action is taken and the PDP is retained as notified, it could result in a lack of consistent interpretation of the PDP and increased costs in terms of regulatory uncertainty.

Submissions also seek to amend the PDP so it better achieves the purpose of the RMA. The recommended amendments address this matter assist in making the provisions efficient and effective in achieving the objectives. The risk in not acting is that the provisions do not effectively or efficiently achieve the objectives.

After reviewing the relevant provisions of the PDP for this topic, and considering the submissions on these provisions and matters raised in mediation, I consider there is sufficient information on which to base the recommended revised objectives, policies and rules.

## **C6. Conclusion**

I have evaluated the recommended amendments to the objectives to determine the extent to which they are the most appropriate way of achieving the purpose of the RMA where this is necessary, and otherwise to give effect to higher order planning documents. I have also evaluated the recommended amendments to the proposed provisions, including their efficiency and effectiveness of the provisions in achieving the proposed objective(s). I consider the proposed objectives as recommended to be amended are an appropriate way of achieving the purpose of the RMA and the recommended changes to provisions are the most appropriate means of achieving the objectives.

## Appendix D. Report Author's Qualifications and Experience

Torrey James McDonnell – Principal Policy Planner, Porirua City Council

I hold the following qualifications:

- Bachelor of Science (Majoring in Geography), Otago University
- Master of Planning, Otago University
- New Zealand Certificate in Te Reo Māori (Level 4), Te Wānanga o Aotearoa

I have 12 years' experience working as a planner for local and central government organisations.

My work experience includes working as a planner for the Transit New Zealand Otago/Southland regional office (consent processing and plan advocacy), and as a Senior Analyst for the Ministry for the Environment (developing national direction under the RMA).

I have been employed by the Porirua City Council since May 2017 as a Principal Policy Planner within the Environment and City Planning Team.

I am a full member of the New Zealand Planning Institute.



## Appendix E. Assessment of differences between PC18 and PDP

The analysis in this table is generally informed by the Final Report and Recommendations from the Independent Hearing Panel on PC 18 dated 22 December 2020

Topic	How PC18 differs from PDP	Analysis
Mapping and scheduling wetlands	<ul style="list-style-type: none"> <li>Wetlands were removed from the notified version of the SNA schedule of PC18 through the hearings process.</li> <li>Planning maps include wetlands identified in the PNRP (<i>Significant Natural Wetlands and Wetlands with Outstanding Indigenous Biodiversity Value</i>)</li> <li>PC18 includes advisory statements noting that the management of wetlands is a function of GWRC and directing plan users to the pNRP and NES-FW</li> </ul>	<p>The notified version of PC18 included several wetlands in the SNA schedule. Through the hearing process it became clear that this was an unnecessary overlap with regional council functions and the PNRP. The gazettal of the NPS-FM 2020 during the hearings process further clarified that it was the responsibility for regional councils to identify and map every natural inland wetland in its region (Clause 3.23 of the NPS-FM).</p> <p>The decisions version of PC18 included mapped GWRC wetlands. It was considered appropriate that these were identified to assist plan users in terms of integrated management and with understanding where further consents may be required from GWRC<sup>298</sup>.</p> <p><b>Recommendation:</b> SCHED7 of the PDP does not contain any wetlands that are not part of a wider area of terrestrial biodiversity. It is therefore unnecessary to follow the approach of PC18 of removing wetlands.</p> <p>I consider that it is unnecessary duplication of regulatory functions to map wetlands that have been mapped in the PNRP (see section 3.7 of this report for more commentary on wetlands).</p>
Provisions relating to wetlands	<ul style="list-style-type: none"> <li>Objective to protect natural wetlands (ECOPFZ-O3)</li> <li>Policies and rules to map natural wetlands and outlines how they will be protected/enhanced (PFZ-P2, ECOPFZ-P4, and SUBPFZ-R1 to R6 and SUBPFZIR-1)</li> </ul>	<p>There was much discussion throughout the PC18 hearing process about uncertainty around the extent of wetlands, in particular whether a commercial precinct (known as Precinct D in notified PC18) would be available for development.</p> <p>The Panel recommended a zone-wide requirement tied to the first application for subdivision within the zone, that would require amongst other matters a confirmation of the extent of natural wetlands. Objective and ECOPFZ-O3 was also added.</p>

<sup>298</sup> Statement of rebuttal evidence of Andrew Brown Cumming and Thomas William Anderson For the Porirua City Council (5 October 2020)

		<p><b>Recommendation:</b> It would be inappropriate to apply this policy approach at a City-wide level through the PDP as it is outside Council's jurisdiction. This policy approach was very much designed around a site-specific issue for a particular rezoning. The matter of identification of natural wetlands would likely need to be addressed through structure planning process in APP11 for any new greenfield areas should it precede the GWRC giving effect to Clause 3.23 of the NPS-FM (i.e. the upzoning of a site from FUZ to residential).</p>
Ecological function	<ul style="list-style-type: none"> <li>Objective to maintain and restore ecological function and protective buffering of hydrological and ecological systems (ECOPFZ-O4)</li> </ul>	<p>The s32 report states that this objective seeks to encourage the maintenance, enhancement and ongoing protection of the ecological function and biodiversity values of the site.</p> <p><b>Recommendation:</b> I consider that it is unnecessary duplication of regulatory functions as outlined above. Hydrological systems are a regional council function under s31.</p>
Additional step in effects management hierarchy	<ul style="list-style-type: none"> <li>The effects management hierarchy in ECOPFZ-P5 includes an initial step as outlined in ECOPFZ-P5-1: <ul style="list-style-type: none"> <li><i>1. Avoid adverse effects on indigenous biodiversity values associated with: <ul style="list-style-type: none"> <li>a. Loss of ecosystem types and their extents;</li> <li>b. Reductions in abundance of threatened species;</li> </ul> </i></li> <li><i>2. Avoid other adverse effects on identified indigenous biodiversity values where practicable; ...</i></li> </ul> </li> </ul>	<p>Through the PC18 hearings process, several submitters argued that the hierarchy did not protect biodiversity values, rather it allows for effects on SNAs from any activity so long as the hierarchy is worked through. As a result, in their opinion, this policy is not based on the effects of the activity, rather simply that there is not a more practicable option.</p> <p>The decisions version of PC18 included this first step with wording suggested by a submitter's expert ecologist. The logic being that avoiding these effects are appropriate for the management of SNAs, and they are also able to be quantified in an AEE and hence helpful for plan users to manage the effects of development.</p> <p><b>Recommendation:</b> As outlined in section 3.25.2 of this report, I consider there needs to be some additional policy direction added to in the effects management hierarchy at ECO-P2 before "avoid where possible". This policy direction covers these matters, as well as others.</p>
Removal of non-indigenous vegetation	<ul style="list-style-type: none"> <li>Reference to "vegetation" rather than "indigenous vegetation" i.e. all native</li> </ul>	<p>In the decisions version of PC18, reference to "indigenous vegetation" was removed, and replaced with "vegetation". The Final Report and Recommendations says that it was considered that</p>

	and non-native vegetation protected.	<p>non-indigenous vegetation can have habitat value, and that its removal within an SNA should not be a permitted activity.</p> <p>The removal of pest plants (as opposed to non-indigenous) in a SNA, other significant area and / or BORA is permitted by ECOPFZ-R4. The interpretation of this rule is assisted by the inclusion of a definition of 'pest'.</p> <p><b>Recommendation:</b> As outlined in section 3.18 of this report, I consider the term the term 'indigenous vegetation' should be amended to 'vegetation' in the PDP where appropriate.</p>
BORAs	<ul style="list-style-type: none"> <li>• Identification of Biodiversity Offsetting and Restoration Areas</li> </ul>	<p>BORAs were identified as part of site-specific investigations by the developer, as areas earmarked for future enhancement as part of a package of measures to ensure sustainable development of a particular site. The BORA sites are currently almost exclusively pasture. The area of PFZ set aside for BORAs is 88.1ha, which is over double the area currently protected as SNAs or wetland (43.5ha).</p> <p><b>Recommendation:</b> I consider that identifying similar areas at a district-wide level is inappropriate. The appropriate mechanism to consider offsetting areas is either through rezoning proposals from FUZ to a residential zoning through structure planning (i.e. process that PC18 followed), or through application of the effects management hierarchy through a resource consent application.</p>
Significant Terrestrial Indigenous Biodiversity	<ul style="list-style-type: none"> <li>• Areas of Significant Terrestrial Indigenous Biodiversity</li> </ul>	<p>This policy was developed to provide a mechanism for identification of additional areas that may meet policy 23 criteria on titles through the subdivision process.</p> <p>The Final Report and Recommendations stated that this was to "address an 'information gap' emphasised by submitters". Some commentary on this is available in section 8.10 to 8.18, where the PC18 panel said that the process to map SNA (the same process used in the PDP) was sufficient for a plan-making process, but insufficient for the production of detailed development plans. An example given was the lack of a site-specific lizard survey.</p> <p><b>Recommendation:</b> In developing the PDP, every effort has been made to comprehensively identify all significant natural areas in the PDP under policy 23. No evidence has been presented that there is a</p>

		<p>similar information gap with the PDP, including evidence that there are areas that meet the criteria set out in Policy 23 of the RPS that have been missed, except for two new SNA being sought by submitters [see 147.1 and 106.5].</p> <p>It is possible that there will be areas that may meet criteria with a few more years' growth, or if the threat status of any species was to change. I consider that the plan review process is the appropriate mechanism to add these to the plan.</p> <p>As with BORA areas, I consider that the appropriate mechanism to consider detailed development plans is either through structure planning and rezoning plan changes (i.e. process that PC18 followed), or through application of the effects management hierarchy through a resource consent application.</p>
Walking and cycle track construction	<ul style="list-style-type: none"> <li>• Track construction within a BORA area where undertaken by PCC is a permitted activity under ECOPFZ-R1-1.a.vi.</li> <li>• Track construction outside these areas where undertaken by PCC is a controlled activity under ECOPFZ-R1-2.</li> </ul>	<p>Through the hearings process, submitters argued that the construction of tracks in SNAs should not be a permitted activity in PC18. This was accepted by the Panel and it was changed from a permitted activity to a controlled activity. The officer's rebuttal assessment outlined that "this would be appropriate because it would provide certainty that tracks can be constructed as long as they meet appropriate requirements".</p> <p><b>Recommendation:</b> This topic will be addressed in the Part B Infrastructure s42A report for assessment of submissions relation to track construction.</p>