

OFFICER'S REPORT FOR:

**Independent Hearing Commissioners:
Trevor Robinson (Chair)
Miria Pomare
Mark St Clair
Julia Williams**

SUBJECT:

**Proposed Porirua District Plan: Natural
Character and Public Access Chapter**

PREPARED BY:

Caroline Rachlin

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, and definitions of the Proposed Porirua District Plan (PDP) as they apply to the NATC - Natural Character Chapter and the PA - Public Access Chapter. The report outlines recommendations in response to the issues that have emerged from these submissions.
2. There were a number of submissions and further submissions received on the NATC - Natural Character Chapter. The submissions received sought a range of outcomes. The following are considered to be the key issues in contention in the chapter:
 - Integration with other chapters in the PDP;
 - Overall policy approach including where the provisions apply ;
 - Rules for buildings and structures and earthworks; and
 - Definitions of coastal margin and riparian margin.
3. This report addresses each of these key issues, as well as any other issues raised by submissions.
4. Two submissions were received on the Public Access chapter. These were in support and seek that the chapter be retained. For completeness, these two submissions are included within this report. However, the evaluation is solely on the provisions relating to the NATC - Natural Character Chapter.
5. I have recommended some changes to the PDP provisions to address matters raised in submissions and these are summarised below:
 - Amend the natural character objective NATC-01 to replace 'where appropriate' with 'where possible' (with respect to enhancing natural character); and
 - Amend natural character rule NATC-R2 by adding maintenance and upgrading.
6. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the 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 Officer's 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/ODP	Operative Porirua District Plan 1999
the Proposed Plan/PDP	Proposed Porirua District Plan 2020
GWRC	Greater Wellington Regional Council
NES	National Environmental Standard
NES-AQ	National Environmental Standards for Air Quality 2004
NESCS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-ETA	National Environmental Standards for Electricity Transmission Activities 2009
NES-FW	National Environmental Standards for Freshwater 2020
NES-MA	National Environmental Standards for Marine Aquaculture 2020
NES-PF	National Environmental Standards for Plantation Forestry 2017
NESSDW	National Environmental Standards for Sources of Drinking Water 2007
NESTF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPSET	National Policy Statement on Electricity Transmission 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-UD	National Policy Statement on Urban Development 2020
NPS REG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
PNRP	Proposed Wellington Natural Resources Plan (Decisions Version) 2019
RPS	Wellington Regional Policy Statement 2013

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
Dept of Corrections	Ara Poutama Aotearoa the Department of Corrections
DOC	Department of Conservation Te Papa Atawhai
FENZ	Fire and Emergency New Zealand
Foodstuffs	Foodstuffs North Island Limited
Forest and Bird	Royal Forest and Bird Protection Society
GWRC	Greater Wellington Regional Council
Harvey Norman	Harvey Norman Properties (N.Z.) Limited
Heritage NZ	Heritage New Zealand Pouhere Taonga
House Movers Association	House Movers section of the New Zealand Heavy Haulage Association Inc
Kāinga Ora	Kāinga Ora – Homes and Communities
KiwiRail	KiwiRail Holdings Limited

NZDF	New Zealand Defence Force
Oil companies	Z Energy, BP Oil NZ Ltd and Mobil Oil NZ Limited
Oranga Tamariki	Oranga Tamariki – Ministry of Children
PCC	Porirua City Council
QEII	Queen Elizabeth the Second National Trust
RNZ	Radio New Zealand
Survey+Spatial	Survey+Spatial New Zealand (Wellington Branch)
Telco	Spark New Zealand Trading Limited, Chorus New Zealand Limited, Vodafone New Zealand Limited
Transpower	Transpower New Zealand Ltd
TROTR	Te Rūnanga o Toa Rangatira
Waka Kotahi	Waka Kotahi NZ Transport Agency
WE	Wellington Electricity Lines Limited
Woolworths	Woolworths New Zealand Limited

In addition, references to submissions includes further submissions, unless otherwise stated.

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 NATC - Natural Character Chapter and to recommend possible amendments to the PDP in response to those submissions. I also include two submissions on the Public Access Chapter but do not analyse these submissions as explained in section 3 of this report.
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, and definitions as they apply to the NATC - Natural Character Chapter and the PA - Public Access Chapter 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 the evaluation undertaken by the author. In preparing this report the author has had regard to recommendations made in 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 Officer's Report: Part A – Overarching 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 Caroline Elizabeth Rachlin. My qualifications and experience are set out in Appendix C 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 contributed to authoring the Section 32 Evaluation Reports for Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, Natural Character, and Public Access.
18. In my previous role as a Planner at Heritage New Zealand Pouhere Taonga (Heritage NZ) I led the feedback provided to the Porirua City Council on the draft Plan.
19. 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.

20. The scope of my evidence relates to the NATC - Natural Character Chapter and PA - Public Access Chapter. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.
21. 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.
22. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.3 Key Issues in Contention

23. A number of submissions and further submissions were received on the provisions relating to the NATC - Natural Character Chapter. The submissions received sought a range of outcomes, including for example amendments to the overall policy approach.
24. I consider the following to be the key issues in contention in the chapter:
 - Integration with other chapters in the PDP;
 - Overall policy approach including where the provisions apply;
 - Rules for buildings and structures and earthworks; and
 - Definitions of coastal margin and riparian margin.
25. I address each of these key issues in this report, as well as any other issues raised by submissions.

1.4 Procedural Matters

26. 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 the NATC - Natural Character Chapter.

2 Statutory Considerations

2.1 Resource Management Act 1991

27. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
- section 74 Matters to be considered by territorial authorities, and
 - section 75 Contents of district plans.
28. As set out in the 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: Natural Character and Public Access. 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 NPS-UD and NPS-FM. This is also discussed in the Officer's Report: Part A.

2.2 Section 32AA

29. 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).

30. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the NATC - Natural Character Chapter is contained within the assessment of the relief sought in submissions in section 3 of this report.

2.3 Trade Competition

31. No consideration of trade competition has been given with respect to the NATC - Natural Character Chapter or PA - Public Access Chapter.
32. There are no known trade competition issues raised within the submissions.

3 Consideration of Submissions and Further Submissions

3.1 Overview

33. Two submissions were received on the PA - Public Access Chapter.
34. In total, 23 submissions and two further submissions were received on the NATC - Natural Character Chapter.

3.1.1 Report Structure

35. Given the low number of submissions received on the NATC – Natural Character Chapter and in accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on a provisions-based approach, as opposed to a submission by submission approach. This is with the exception of more general submissions which I have discussed collectively. I have organised the evaluation in accordance with the layout of chapters of the PDP as notified.
36. Due to the low number of submission points, this evaluation contains specific recommendations on each submission point where an amendment to the PDP is sought. Specific recommendations on each submission point are contained in Appendix B.
37. 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.
38. 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.
39. As the two submissions received on the PA - Public Access Chapter were in support, I have not undertaken any evaluation of these submissions as there are no requested amendments to evaluate. For completeness, I have included the two submissions in Appendix B. As such, my evaluation is solely on the provisions relating to the NATC - Natural Character Chapter.

3.1.2 Format for Consideration of Submissions

40. For each identified topic, I have considered the submissions that are seeking changes to the PDP in the following format:
 - Matters raised by submitters;
 - Assessment;
 - Summary of recommendations; and
 - Section 32AA evaluation.

41. The recommended amendments to the relevant chapters are set out in in Appendix A of this report where all text changes are shown in a consolidated manner.
42. I have undertaken a s32AA evaluation in respect to the recommended amendments in my assessment.
43. Note that there are further submissions that support submissions in their entirety:
 - The further submission from QEII supports the submission from Forest and Bird in its entirety;
 - The further submission from QEII supports the submission from DOC in its entirety;
 - The further submission from Forest and Bird supports the submission from DOC in its entirety.
44. In these cases, recommendations in relation to these further submissions reflect the recommendations on the relevant primary submission.

3.2 General Submissions including integration with other PDP chapters

3.2.1 Matters raised by submitters

45. Transpower [60.78] seek to retain the chapter but if it applies to the National Grid that the provisions are amended to reflect the relief sought in their submission. Transpower are neutral on the provisions in the chapter on the basis that they do not apply to infrastructure, specifically the National Grid.
46. Forest and Bird [225.43, 225.251, 225.252,] seek the following:
 - Clarification of what and where the coastal margin is;
 - Addition of provisions to recognise riparian margins within the earthworks and biodiversity chapters and other chapters as appropriate; and
 - Add setbacks to waterbodies within the rules to provide for riparian management considerations.
47. Forest and Bird's reason for these submissions is that the scope of the chapter is unclear, particularly in regard to the coastal environment and that it is unnecessary and confusing to separate this section from the coastal environment section.
48. Forest and Bird [225.180] also request the NATC- Natural Character Chapter is amended as follows:
 - *Amend to say that significant values of wetlands in terms of indigenous biodiversity are addressed in the ECO provisions. Amend to say this chapter applies outside the coastal environment and recognise that activities landward of the coastal environment may have downstream effects which are recognised in the activity focused chapters having regard to the policy direction in this chapter and the Coastal Environment Chapter.*

49. Forest and Bird's reasons include that it is not clear the distinction between coastal margins and coastal environment. Coastal margins are described as adjacent to the coast. The submitter considers this could be interpreted to mean they are within the coastal environment. Further, the submitter suggests that riparian margins are addressed as only those adjacent to the coast and that natural character of wetlands can be addressed by provisions in the Ecosystems and Indigenous Biodiversity Chapter provisions. "If the intent is to consider natural character which is not identified as high or outstanding, then limiting the objective to coastal margins does not give effect to Policy 13(1)(b) of the NZCPS".
50. Kāinga Ora [81.432] request amendments to provisions with direct 'avoid' statements. This issue has been addressed at a high level in the Officers' Report: Part A – Overview, and it is for the topic based chapters in Part B reports to address whether the use of this term is appropriate in relation to any particular provision.

3.2.2 Assessment

51. As is explained both in the How the Plan Works – General Approach and INF- Infrastructure Chapters, the provisions in the NATC - Natural Character Chapter do not apply to infrastructure. Accordingly, I agree with Transpower to retain this approach and I consider there is no need to address their alternative relief.
52. On the issue of clarifying what and where the coastal margin is, the PDP contains a definition of 'coastal margin'. This definition is key to understanding the specifics of the coastal margin and provides the necessary clarity and certainty. As such I disagree with the request from Forest and Bird.
53. I disagree with the request from Forest and Bird to add provisions to recognise riparian margins within the earthworks and biodiversity chapters and other chapters as appropriate. I draw on the Officer's Report: Part A – Overarching Report, which in the section on PDP Structure on page 23 states:

The Ministry for the Environment was consulted in respect to interpretation of the National Planning Standards, and they advised that where controls on earthworks are to manage effects on an overlay matter, they are best placed in that chapter.
54. I consider that there is no reason to depart from this approach in relation to where provisions for earthworks in riparian margins are located in the PDP, and similarly for the Ecosystems and Indigenous Biodiversity Chapter. The request would create inconsistencies in the overall approach taken in terms of PDP structure as outlined in Part 1 Introduction and General Provisions, How the Plan Works - General Approach.
55. With respect to Forest and Bird's submission to add setbacks to waterbodies within the rules to provide for riparian management considerations, I note that the submitter's reason for the request is that the scope of the chapter is unclear. The PDP definition of 'riparian margin' prescribes the distances for all landward property of a river which is covered by this definition, and therefore the provisions of the NATC - Natural Character Chapter. Therefore, these margins are effectively setbacks for development and earthworks from these waterbodies. I do not consider it is necessary to add to or vary this approach. The submitter has not provided any section 32AA evaluation or evidence for this amendment.

56. In my opinion, it is unnecessary to add setbacks in the rules as it would result in an unnecessary duplication between the definition of riparian margin and the rule. If the area of land is within the riparian margin, it is clear that the relevant provisions apply.
57. Further, I note the role of other plans and functions of the regional council. There are setbacks from waterbodies within the PNRP and GWRC is responsible for administering the NES-FW. The submitter's request does not address how the margins are addressed in other plans and regulations, and why additional rules that could duplicate regional rules are necessary. In addition, the submitter does not provide specific detail about what would be comprised in additional provisions for 'riparian management considerations'. As such, I disagree with the request from Forest and Bird.
58. I also disagree with the amendment sought to the introduction of the NATC – Natural Character Chapter by Forest and Bird to state that the significant values of wetlands in terms of indigenous biodiversity are addressed in the Ecosystems and Indigenous Biodiversity Chapter.
59. The Officer's Report Part B: Indigenous Biodiversity and Ecosystems discusses the identification and protection of wetlands, including responsibilities of GWRC and requirements recently introduced under the NPS-FM and NES-FW, in response to submissions regarding wetlands. The report identifies how the Council does have a role in integrated management under the NPS-FM and notes how there are nine Significant Natural Areas listed in SCHED7 with wetland in their title. However, I would note the overall key primary responsibilities of GWRC in terms of identification and protection of wetlands. I consider that it would be inconsistent to include the statement requested by the submitter and I therefore disagree with the request.
60. In my view, it not the role of the NATC – Natural Character Chapter to outline what the ECO - Ecosystems and Indigenous Biodiversity Chapter addresses in terms of significant values. Any explanation regarding the focus of a chapter is best addressed within that same chapter. The PDP needs to be read as a whole, and in my opinion, it is also not necessary to amend other chapters of the PDP as sought by Forest and Bird, in regard to downstream effects and activity focused chapters. Also, the NATC - Natural Character Chapter does apply within the coastal environment. A 'coastal margin' is defined and protected through this chapter. As such it would be inconsistent with the approach of the NATC- Natural Character Chapter to state that it applies outside of the coastal environment. Accordingly, I disagree with the submitter's relief.
61. With respect to the use of 'avoid' statements, in my opinion they have been appropriately applied in the NATC - Natural Character Chapter. Section 6(a) of the RMA requires protection of natural character from inappropriate subdivision, use and development.
- 6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
62. Avoid is a necessarily high threshold within this context. Accordingly, I disagree with the submission from Kāinga Ora.

3.2.3 Summary of recommendations

63. I recommend for the reasons in the assessment that the submissions from Transpower [60.78] be **accepted**.
64. I recommend for the reasons in the assessment that the submission from Forest and Bird [225.43, 225.180, 225.251, 225.252], Kainga Ora [81.432] be **rejected**.

3.3 Overall approach

3.3.1 Matters raised by submitters

65. Forest and Bird [225.181] seek to amend or delete and replace the policies to provide direction for the protection and preservation of natural character in the coastal environment and freshwater bodies including their margins. The submitter considers that the policies are too uncertain.
66. In seeking that NATC-O1 is retained as notified, DOC [126.24] also request policy direction for any areas of outstanding natural character that are identified during the life of the plan. No specific reason is given beyond the decision requested and the overall position in their cover letter.
67. Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pāuatahanui Inlet [77.9, 77.10] support the objectives and policies, but request amendments to NATC-O1. However, they request two separate sets of amendments, through two separate submission points. I have outlined each of these requests below:

The natural character of coastal margins and riparian margins are preserved, enhanced ~~where appropriate~~ wherever practicable, and protected from ~~inappropriate~~ all adverse effects from subdivision, use and development.

The natural character of coastal margins and riparian margins are preserved, and enhanced ~~where appropriate~~ wherever practicable, and protected from inappropriate subdivision, use and development and any adverse effects caused by subdivision, use and development on any part of the harbour and its contributing catchments.

68. The submitter [77.11] also requests an amendment to NATC-P3 as follows:

Allow for small-scale earthworks in coastal margins and riparian margins only where they have no adverse effects on the harbour and its contributing catchments and where the natural character values and ecological condition of the harbour are maintained and, preferably, enhanced.

69. No specific reason was provided by the submitter for these amendments.

3.3.2 Assessment

70. Both the NATC - Natural Character and CE - Coastal Environment Chapters contain provisions relating to natural character in the coastal environment. I refer to the section in the Officer's Report: Part A – Overarching in relation on PDP structure at page 23, which specifically addresses this division between these chapters. This division is consistent with what is required under the National Planning Standards.

71. The NATC - Natural Character Chapter introduction identifies what is covered under each of the NATC - Natural Character and CE - Coastal Environment chapters in relation to natural character and the coastal environment. This includes that coastal high natural character areas in the coastal environment are addressed in the Coastal Environment Chapter. In my opinion, this avoids issues of uncertainty about policy direction for the protection and preservation of natural character in the coastal environment as directed by the NZCPS, and similarly the protection and preservation of natural character for freshwater bodies and their margins.
72. The approach for natural character of riparian margins is clearly set out in the objectives and provisions of the NATC - Natural Character Chapter, including the associated definition. Forest and Bird seeks protection and preservation of natural character of freshwater bodies including their margins. I note that while the margins of freshwater bodies are within Council's s31 RMA responsibilities, the waterbodies themselves fall within the GWRC's functions under s30 and are managed through the PNRP.
73. In my opinion, the NATC - Natural Character manages natural character and it is not clear from the submission from DOC what additional natural character would come forward over the life of the plan beyond what is already managed through this chapter and other parts of the PDP. As such I disagree with the submitter's request.
74. With regards to the amendments sought to NATC-01 from Te Awarua-o-Porirua Harbour & Catchments Community Trust and Guardians of Pāuatahanui Inlet, I agree with part of the relief sought to replace the words 'where appropriate'. In my opinion, these words indicate there may be some degree of assessment required. However, instead of replacing with 'where practicable' I recommend the use of the words 'where possible'. This would provide for consistency with amendments being recommended to NE-01 in the Officer's Report: Part B – Strategic Directions – Natural Environment. It also better gives effect to RPS Policy 35 which does not require enhancement of natural character.¹
75. I do not agree with adding either 'all adverse effects' or 'any adverse effects' before protected when referring to subdivision, use and development. This would be inconsistent with higher order policy documents and direction, including in the RPS and s6(a) of RMA.² As outlined in section 3.2 above, under s6(a) of the RMA, natural character is to be protected from inappropriate subdivision, use and development, not all subdivision, use and development. A threshold of avoiding any or all adverse effects would unnecessarily high and beyond the requirements of s6(a). Similarly, it would be too stringent in terms of giving effect to policy direction in RPS Policy 35.
76. With respect to adding at the end of NATC-01 the words "... and any adverse effects caused by subdivision, use and development on any part of the harbour and its contributing catchments", I recognise there is a relationship between the harbour and coastal and riparian margins managed within this chapter, although I do not consider it is appropriate to add this further outcome to the objective given that the focus of the NATC - Natural Character Chapter is on preserving the natural character of coastal margins and riparian margins. Further, the PDP needs to be read as a whole; there are provisions in the EW – Earthworks Chapter and the THWT

¹ RPS Policy 35 - Preserving the natural character of the coastal environment – consideration

² Section 4 of the Section 32 Evaluation Report – Part B Natural Character and Public Access.

– Three Waters Chapter for example which manage effects from subdivision, use and development. I also note that discharge of contaminants to land or water are managed by GWRC under s30 of the RMA. As such I disagree with the final part of relief sought on NATC-O1.

77. With the policies taking their direction from the objective I similarly disagree with the submitter's requested amendments on NAT-P3.

3.3.3 Summary of recommendations

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

a. **Amend** NATC-O1 as set out below and in Appendix A;

NATC-O1	Protecting, preserving and enhancing natural character
The natural character of coastal margins and riparian margins are preserved, and enhanced where appropriate <u>where possible</u> , and protected from inappropriate subdivision, use and development.	

79. I recommend for the reasons given in the assessment that the submissions from Forest and Bird [225.181], Te Awarua-o-Porirua Harbour & Catchments Community Trust and Guardians of Pāuatahanui Inlet [77.11], be **rejected**.

80. I recommend for the reasons given in the assessment that the submission of Te Awarua-o-Porirua Harbour & Catchments Community Trust and Guardians of Pāuatahanui Inlet [77.9, 77.10], be **accepted in part**.

3.3.4 Section 32AA Evaluation

81. In my opinion, the amendment to NATC-O1 is more appropriate in achieving the purpose of the RMA than the notified objective. In particular, I consider that the amendment will:

- Better guide decision making as it will avoid uncertainty as to whether any assessment is needed in relation to enhancing natural character;
- Better gives effect to higher order documents, including direction in the RPS, which does not direct enhancement of natural character or consideration of where it is appropriate; and
- It will provide for consistency with relevant Strategic Directions NE-O1 (as recommended to be amended in the Officer's Report Part B – Strategic Directions – Natural Environment).

82. Overall, the recommended amendments to the objective provides for increased certainty and better gives effect to and is consistent with higher order documents and Strategic Directions respectively. For the purposes of sections 32 and 32AA, I consider that the revised objective is the most appropriate way of achieving the purpose of the RMA.

3.4 Rules

3.4.1 Rule – NATC-R1

3.4.1.1 Matters raised by submitters

83. Robyn Smith [168.56] requests NATC-R1 is amended so that non-complying is the default activity status where there is non-compliance with rules NAT-C-R1-1.a, NAT-C-R1-1.b, or NAT-C-R1-1.c. The reason provided is that under rule NATC-R1 only buildings associated with specified uses are permitted in coastal margins.

3.4.1.2 Assessment

84. The amendment sought would result in non-compliance with any of NATC-R1 becoming a non-complying activity.

85. In considering this submission I note the limitations this rule places on buildings or structures in the coastal and riparian margins and where these are not met the activity becomes a restricted discretionary activity with the matters of discretion restricted to those matters in NATC-P2.

86. In my opinion, restricted discretionary activity status is appropriate, particularly considering the policy direction of NATC-P2, which in the first part of the policy directs: " 'Avoid ... unless it can be demonstrated ...'; and the five parts of the policy provide for a robust assessment of any potentially inappropriate buildings and structures and the impact on natural character values.

87. I consider that the strength and specifics of this policy ensure that a thorough assessment is required for any proposal departing from the permitted rule and therefore a restricted discretionary activity status is more appropriate than non-complying. As such I disagree with the submitter's request.

3.4.1.3 Summary of recommendations

88. I recommend for the reasons given in the assessment, that the submission of Robyn Smith [168.57], **be rejected**.

3.4.2 Rule – NATC-R2

89. In relation to NATC-R2 Robyn Smith [168.57] is opposed to any provision of the PDP by way of submissions by others, or by council officer evidence and/or recommendations, that would result in broadening the scope of NATC-R2 to encompass other activities. An amendment to the rule is sought so that non-complying is the default activity status where there is non-compliance with rule NATC-R2-1.

90. The submitter refers to how under the rule earthworks for hazard mitigation, boating facilities and park facilities are permitted if they comply with the area and depth/height limits in NATC-S1. The submitter supports the concept of limiting the degree to which earthworks in the coastal and riparian margins can be undertaken as a permitted activity.

91. PCC [11.48] seeks amendments to add the words 'maintenance and upgrading' following 'construction'. The reason given for the relief is to provide for ongoing maintenance and upgrading.

3.4.2.1 Assessment

92. I do not agree with amending to a non-complying activity status, for similar reasons in my response to the submitter's request on NATC-R1.
93. Any activity not meeting NATC-R2 would be assessed against the matters of discretion in NATC-P4. NATC-P4 has the policy direction of: 'Only allow ... where it can be demonstrated that they are appropriate, by taking into account ...'. Similar to NATC-R1 there are five matters under this policy which ensure a robust and specific assessment of the activity. An example is NATC-P4-1.
- 1. The effect of the earthworks by scale, volume, depth and location (visibility) on the characteristics and values of the coastal margin or riparian margin.*
94. I note that the decision requested by PCC is attributed to NATC-R1 in the submission, and also that there are formatting errors in how the rule is set out in the summary of the submission. The wording of the rule is clearly on NATC-R2 and I am satisfied that the formatting error is minor.
95. I agree with the submitter's request to add 'maintenance and upgrading'. In my opinion it is appropriate to provide for maintenance and upgrading in addition to the construction of parks facilities or parks furniture, and boating facilities as provided for within this rule as a permitted activity. I consider that any effects would be less or no greater than 'construction' that is already provided for within the rule.

3.4.2.2 Summary of recommendations

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

a. **Amend** NATC-R2 as shown below and as set out in Appendix A:

NATC-R2	Earthworks within coastal margins and riparian margins
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The earthworks are in the Open Space Zone or Sports and Active Recreation Zone and are for:</p> <p style="padding-left: 40px;">i. The construction, <u>maintenance and upgrading</u> of parks facilities or parks furniture; or</p> <p style="padding-left: 40px;">ii. The construction, <u>maintenance and upgrading</u> of boating facilities; or</p> <p>b. The earthworks are for hazard mitigation activities and undertaken by a statutory agency or their nominated contractor or agent; or</p> <p>c. Compliance is achieved with NATC-S1.</p>

97. I recommend for the reasons given in the assessment that the submission of PCC [11.48], **be accepted.**
98. I recommend for the reasons given in the assessment that the submission of Robyn Smith [168.57], **be rejected.**

3.5 Definitions

3.5.1 Definitions of Coastal Margin

3.5.1.1 Matters raised by submitters

99. Forest and Bird [225.57] request changes to the definition of coastal margin to:
- Clarify the relationship between the coastal margin and coastal environment and make amendments to give effect to the NZCPS; and
 - Increase the coastal margin to 50m or greater and make amendments to restrict use and development that would be inconsistent with providing for landward migration of indigenous biodiversity values.
100. The submitter considers that it is not clear that this definition will encompass the area required to be protected under the NZCPS and how a wider coastal margin would provide opportunity for restricting use and development activities that would prevent opportunities for landward migration of species and habitats as a result of climate change and sea level rise impacts. The submitter also finds that it is not clear how this definition relates to the mapped area of the coastal environment on the planning maps.
101. Robyn Smith [168.49] seeks to amend the definition so that it means: "*all land within 20 metres of the line of MHWS but not within the Coastal Marine Area.*" The submitter questions what is meant by specific wording in the definition, "what is landward property".

3.5.1.2 Assessment

102. There are several parts to Forest and Bird's submission. In my opinion, it is not necessary or appropriate to make amendments to the coastal margin definition to clarify how the coastal margin relates to the coastal environment. This would not be consistent with the purpose of a definition of coastal margin. Further, the coastal environment is separately defined and mapped therefore further assisting plan users to understand the relationship between these two features. As noted earlier in this report I refer to the Officer's Report: Part A – Overarching in relation on PDP structure at page 23, for further commentary on the division of provisions between the CE - Coastal Environment and NATC - Natural Character chapters, and how this division is consistent with what is required under the National Planning Standards. In addition, the submitter seeks broad relief and does not specify how to amend the definition to give effect to the NZCPS.
103. The submitter's request to increase the margin to 50m would result in a substantially enlarged area for which no detailed s32AA analysis has been provided. I consider that 20m is appropriate for the Porirua City Context, for example I consider it builds on the approach in the ODP for setbacks and riparian margins (20m setback); this approach as outlined in the Section 32 Evaluation Report - Part 2: Natural Character and Public Access, pages 20-22.
104. I do not consider that any amendments are required to restrict use and development to provide for the landward migration of indigenous biodiversity values. The 20m margin is from Mean High Water Springs which is a dynamic line which will generally move landward with sea level rise. Further, I note that the submitter's request does not provide any specific detail on the nature of any provisions to provide for landward migration of indigenous biodiversity values. For these reasons I disagree with the relief sought.

105. In my opinion the definition of coastal margin is clear, and it is not necessary to insert the words 'Coastal Marine Area' and remove 'landward'. The use of 'landward' in my view can be readily understood and does not create plan interpretation issues.

3.5.1.3 Summary of recommendations

106. I recommend for the reasons given in the assessment that the submission from Forest and Bird [225.57], and Robyn Smith [168.49], be **rejected**.

3.5.2 Definition of Riparian margin

3.5.2.1 Matters raised by submitters

107. Submissions seeking amendments to the definition of 'Riparian margin' were received from Forest and Bird [225.71] and Robyn Smith [168.50]

108. Forest and Bird request that the definition is amended to describe what a riparian margin is:

For example: "the area of land adjacent to a waterbody where the land is influenced by and retains a direct relationship with the waterbody. For the purposes of this plan, it does not include the bed. Activities in these areas are managed through the use of setbacks from the bed of a waterbody as specified in relation to specific activities."

Include:

- *a note that activities in the bed of a waterbody are managed under functions of the regional councils.*
 - *distance limits for setbacks in relevant policies and rules.*
109. There are several parts to the reason provided by Forest and Bird and I have summarised these below:
- The definition does not define what a riparian margin is.
 - It is unclear why the term has not been applied to wetlands.
 - The appropriate margin may differ depending on the sensitivity of the receiving environment, the activity type and the scale of the activity.
 - It is better to have the distance limits for setbacks in relevant policy and rules.
110. Robyn Smith [168.50] seeks that the definition of riparian margin is amended as shown below and is opposed to any amendments that would result in the effect of the relevant provisions creating incompatibility with section 6(a) of the RMA.

"all land which is within:

- a. 20m of a river within an average bed width of 3m or more, or*
- b. 5m of a river within an average bed width of less than 3m, or*
- c. 20m of a natural riparian wetland."*

Note: for the purposes of this definition, bed width shall be determined from that section of the river where it flows through the subject property and/or where it flows through adjacent land."

111. Similar to the reason provided for 'Coastal margin', the submitter queries "what is landward property". In addition, that it is unclear why the definition includes "where the river flows through or adjoins an allotment." The submitter's reason also extends to concerns about the PDP not including the concept of riparian margins relative to stream banks.
112. Waka Kotahi [FS36.16] further submits in opposition to this relief seeking alignment with the NPS-FM, which the submitter refers has rules around works within 10m of a natural wetland.

3.5.2.2 Assessment

113. I do not consider it is appropriate to introduce the word 'landward' for the same reasons as my assessment of this issue of the submitter's request to change the definition of 'coastal margin'.
114. In my opinion it is not appropriate to add within '20m of a natural riparian wetland' to the definition. Section 3.7 The Officer's Report Part B – Ecosystems and Indigenous Biodiversity addresses the regulations and responsibilities for the identification and protection of natural wetlands, including through the NES-FW and PNRP. Extending the NATC- Natural Character provisions to manage activities in relation to 20m from a natural riparian wetland would in my opinion be outside of the responsibilities of the Council. The NPS-FM and NES-FW clarify that regional councils are responsible for identification and protection of wetlands. Similar to the assessment in this report Officer's Report Part B – Ecosystems and Indigenous Biodiversity I note that the submitter has not provided a reason why this 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 or the PNRP.

3.5.2.3 Summary of recommendations

115. I recommend for the reasons given in the assessment that the submissions of Forest and Bird [225.71], and Robyn Smith [168.50], **be rejected**
116. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission

3.6 Minor Errors

117. I recommend that amendment be made to NATC-P1 to correct where riparian was misspelt. This amendment could have been made after PDP was notified through the RMA clause 16 process to correct minor errors, but I recommend the amendment is made as part of the Hearing Panel's recommendations for completeness and clarity in Appendix A.

4 Conclusions

118. Submissions have been received in support of, and in opposition to the PDP.
119. 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.
120. For the reasons set out in the Section 32AA evaluation 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.

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	Caroline Rachlin	

Appendix A. Recommended Amendments to Natural Character Chapter

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~~.

NATC - Natural Character

Porirua City has 55km of coastline, enclosing one of the largest estuaries in the lower North Island, Te Awarua-o-Porirua Harbour. Te Awarua-o-Porirua Harbour and its catchment contribute significantly to the City's natural character, including its identity and sense of connection to the environment. The harbour is highly valued by the community and tangata whenua.

There are no large freshwater bodies within Porirua, but there are numerous streams and wetlands within the catchment that are also highly valued.

The coastal margins and riparian margins adjacent to the coast, Te Awarua-o-Porirua Harbour, streams and wetlands have natural character values and provide public and customary access to the coast and freshwater bodies, while also providing public amenity, recreation, hazard management and ecological values within the City. This chapter addresses the natural character of coastal margins and riparian margins.

The Porirua City Council works with the Greater Wellington Regional Council and Ngāti Toa Rangatira to ensure the coast and waterbodies are managed in an integrated way.

Provisions relating to coastal high natural character areas in the coastal environment are located in the Coastal Environment chapter, while this chapter focuses on the wider natural character of coastal margins. This chapter does not contain provisions for the natural character of wetlands and relies on other provisions and methods within and outside of this Plan that address the wider values of wetlands, which include their natural character. These include the Ecosystems and Biodiversity Chapter and Strategic Objective NE-O1 of this Plan, and provisions for wetlands in the Greater Wellington Regional Council's proposed Natural Resources Plan.

Objectives

NATC- O1 Protecting, preserving and enhancing natural character

The natural character of coastal margins and riparian margins are preserved, and enhanced ~~where appropriate~~ where possible³, and protected from inappropriate subdivision, use and development.

Policies

NATC- P1 Appropriate buildings and structures

Enable buildings and structures in coastal margins and riparian margins where these:

1. Have an operational need and functional need for their location; and

³ Te Awarua-o-Porirua Harbour & Catchments Community Trust and Guardians of Pāuatahanui Inlet [77.9, 77.10]

2. Are of a form, scale and nature that will not detract from the natural character of the coastal margin or riparian⁴ margin, including parks facilities and furniture; buildings and structures associated with boating facilities and hazard mitigation activities.

NATC- P2 Inappropriate buildings and structures

Avoid all other buildings and structures in coastal margins and riparian margins unless it can be demonstrated that:

1. The natural character and amenity values of the coast, the waterbodies and their margins will not be adversely affected;
2. There is a functional need or operational need for a building or structure's location, and no alternative locations are practicable;
3. Public access, customary access and recreational use is already possible and can be maintained for the future;
4. The ecological values of the margin will not be adversely affected; and
5. Natural hazard risk will not be increased, taking into account the likely long term effects of climate change.

NATC- P3 Appropriate earthworks

Allow for small-scale earthworks in coastal margins and riparian margins where natural character values are maintained.

NATC- P4 Inappropriate earthworks

Only allow other earthworks within coastal margins and riparian margins where it can be demonstrated that they are appropriate, by taking into account:

1. The effect of the earthworks by scale, volume, depth and location (visibility) on the characteristics and values of the coastal margin or riparian margin;
2. The ability to restore or rehabilitate earthwork areas;
3. How the alignment and location of the earthworks are designed to reduce cut heights and minimise changes to the landform and visual impact;
4. Erosion and sediment control measures; and
5. Effects on indigenous vegetation and effects of the removal of indigenous vegetation on the characteristics and values of the coastal margin or riparian margin.

Rules

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

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

⁴ Minor correction under Clause 16

NATC-R1	Buildings and structures within coastal margins and riparian margins, including additions to existing buildings and additions to existing structures
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. The buildings or structures are in the Open Space Zone or Sports and Active Recreation Zone and are for: <ul style="list-style-type: none"> i. Parks facilities or parks furniture; or ii. Boating facilities. b. The buildings or structures are for hazard mitigation activities and undertaken by a statutory agency or their nominated contractor or agent; and c. The structure is a fence used for farming purposes and is constructed in post and wire.
All zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance is not achieved with NATC-R1-1.a, NATC-R1-1.b, or NATC-R1-1.c. <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> 1. The matters in NATC-P2.
NATC-R2	Earthworks within coastal margins and riparian margins
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> d. The earthworks are in the Open Space Zone or Sports and Active Recreation Zone and are for: <ul style="list-style-type: none"> i. The construction, <u>maintenance and upgrading</u>⁵ of parks facilities or parks furniture; or ii. The construction, <u>maintenance and upgrading</u>⁶ of boating facilities; or e. The earthworks are for hazard mitigation activities and undertaken by a statutory agency or their nominated contractor or agent; or f. Compliance is achieved with NATC-S1.
All zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance is not achieved with NATC-R2-1.a, NATC-R2-1.b or NATC-R2-1.c. <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> 1. The matters in NATC-P4.

⁵ PCC [11.48]⁶ Ibid

Standards		
NATC-S1	Earthworks within coastal margins and riparian margins	
All zones	<ol style="list-style-type: none">1. The quantity of earthworks is limited to 25m² in any 12 month period per site.2. The cut height or fill depth must not exceed 0.5m measured vertically.	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none">1. The matters in NATC-P4.

Appendix B. Recommended Responses to Submissions and Further Submissions

The recommended responses to the submissions made on these topics are presented in **Error! Reference source not found.** and Table B 2 below.

Table B 1: Recommended responses to submissions and further submissions - NATC - Natural Character Chapter

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
225.43	Forest and Bird	General	Clarify what and where the coastal margin is.	3.2	Reject	See body of the report	No
225.252	Forest and Bird	General	Add setbacks to waterbodies within rules to provide for riparian management considerations.	3.2	Reject	See body of the report	No
225.180	Forest and Bird	General	Amend to say that significant values of wetlands in terms of indigenous biodiversity are addressed in the ECO provisions. Amend to say this chapter applies outside the coastal environment and recognise that activities landward of the coastal environment may have downstream effects which are recognised in the activity focused chapters having regard to the policy direction in this chapter and the Coastal Environment Chapter.	3.2	Reject	See body of the report	No
264.51	TROTR	General	Retain as notified.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
81.432 ⁷	Kāinga Ora	Multiple provisions	Amend to be consistent with its overall submission on the Plan. Key areas of concern are (but not limited to): 1. Inclusion of earthworks rules within the earthworks chapter 2. Amend provisions with direct 'avoid' statements. This needs to be qualified in light of the King Salmon meaning of 'avoid'.	N/A	Reject	See body of the report	No
60.78	Transpower	General	Retain the Natural Character Chapter. If the chapter applies to the National Grid, amend provisions to reflect the relief sought in submission. [Refer to original submission and specific submission points for full decision requested]	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
77.9	Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pauatahanui Inlet	NATC-O1	Amend: The natural character of coastal margins and riparian margins are preserved, enhanced where appropriate <u>wherever practicable</u> , and protected from inappropriate <u>all adverse effects</u> from subdivision, use and development.	3.3	Accept in part	See body of the report	Yes
77.10	Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pauatahanui Inlet	NATC-O1	Amend: The natural character of coastal margins and riparian margins are preserved, and enhanced where appropriate <u>wherever practicable</u> , and protected from <u>inappropriate subdivision, use and development and any adverse effects caused by subdivision, use and development on any part of the harbour and its contributing catchments.</u>	3.3	Accept in part	See body of the report	Yes

⁷ GWRC – Oppose [FS40.81]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
126.24	DOC	NATC-O1	Retain as notified, but also provide policy direction for any areas of outstanding natural character that are identified during the life of the plan	3.3	Reject	See body of the report	Yes
225.181	Forest and Bird	General	Amend or delete and replace the policies to provide direction for the protection and preservation of Natural character in the coastal environment and freshwater bodies including their margins.	3.3	Reject	See body of the report	No
86.48	KiwiRail	NATC-P1	Retain as proposed.	N/A	Accept	Agree with submitter	No
77.11	Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pauatahanui Inlet	NATC-P3	Amend: Allow for small-scale earthworks in coastal margins and riparian margins <u>only where they have no adverse effects on the harbour and its contributing catchments and where the natural character values and ecological condition of the harbour are maintained and, preferably, enhanced.</u>	3.3	Reject	See body of the report	
86.49	KiwiRail	NATC-P3	Retain as proposed.	N/A	Accept	Agree with submitter	No
11.48	PCC	NATC-R1	Amend the rule as follows: 1. Activity status: Permitted Where: a. The earthworks are in the Open Space Zone or Sports and Active Recreation Zone and are for: b. The construction, <u>maintenance and upgrading</u> of parks facilities or parks furniture; or i. The construction, <u>maintenance and upgrading</u> of boating facilities; or ii. The earthworks are for hazard mitigation activities and undertaken by a statutory agency or their nominated contractor or agent; or c. Compliance is achieved with NATC-S1.	3.4	Accept	See body of the report	Yes
168.56	Robyn Smith	NATC-R1	Amend the rule so that non-complying is the default activity status where there is non-compliance with rules NAT-C-R1-1.a, NAT-C-R1-1.b, or NAT-C-R1-1.c.	3.4	Reject	See body of the report	
168.57	Robyn Smith	NATC-R2	Opposed to any provision of the PDP by way of submissions by others, or by council officer evidence and/or recommendations, that would result in broadening the scope of rule NATC-R2 to encompass other activities. Amend the rule so that non-complying is the default activity status where there is non-compliance with rule NATC-R2-1.	3.4	Reject	See body of the report	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
225.251	Forest and Bird	Whole of Plan	Add provisions to recognise riparian margins within the earthworks and biodiversity chapters and other chapters as appropriate.	3.2	Reject	See body of the report	No
Definitions							
81.147	Kāinga Ora	Riparian margin	Retain definition as notified	N/A	Accept	Agree with submitter	No
168.50	Robyn Smith	Riparian margin	<p>Amend to:</p> <p><i>"all land which is within:</i></p> <p><i>a. 20m of a river within an average bed width of 3m or more, or</i></p> <p><i>b. 5m of a river within an average bed width of less than 3m, or</i></p> <p><i>c. 20m of a natural riparian wetland."</i></p> <p><i>Note: for the purposes of this definition, bed width shall be determined from that section of the river where it flows through the subject property and/or where it flows through adjacent land."</i></p> <p>Opposed to any amendments 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 section 6(a) of the RMA.</p>	3.5	Reject	See body of the report	No
FS36.16	<i>Waka Kotahi</i>		Opposes amendment. Seeks alignment with NPS-FM (referring how this has rules around works within 10m of a natural wetland)				
225.71	Forest and Bird	Riparian margin	<p>Amend the definition to describe what a riparian margin is. For example: "the area of land adjacent to a waterbody where the land is influenced by and retains a direct relationship with the waterbody. For the purposes of this plan, it does not include the bed. Activities in these areas are managed through the use of setbacks from the bed of a waterbody as specified in relation to specific activities."</p> <p>Include:</p> <ol style="list-style-type: none"> 1. a note that activities in the bed of a waterbody are managed under functions of the regional councils. 2. distance limits for setbacks in relevant policies and rules. 	3.5	Reject	See body of the report	No
225.57	Forest and Bird	Coastal margin	<p>Clarify the relationship between the coastal margin and coastal environment and make amendments to give effect to the NZCPS.</p> <p>Increase the coastal margin to 50m or greater and make amendments to restrict use and development that would be</p>	3.5	Reject	See body of the report	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			inconsistent with providing for landward migration of indigenous biodiversity values. Ensure that provisions provide for the protection of natural character throughout the coastal environment.				
168.49	Robyn Smith	Coastal margin	Amend to: <i>"all land within 20 metres of the line of MHWS but not within the Coastal Marine Area."</i>	3.5	Reject	See body of the report	No
81.46	Kāinga Ora	Coastal margin	Retain definition as notified	N/A	Accept	Agree with submitter	No

Table B 2: Recommended responses to submissions and further submissions – PA - Public Access Chapter

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
264.53	TROTR	General	Retain as notified.	N/A	Accept	Agree with submitter	No
81.434	Kāinga Ora	General	Retain as notified	N/A	Accept	Agree with submitter	No

Appendix C. Report Author's Qualifications and Experience

I hold the following qualifications: Bachelor of Arts (in History and Geography) from the University of Canterbury, and a Master of Resources Studies (in Environmental Planning) from Lincoln university.

I have been employed by the Porirua City Council since March 2020 as a Senior Policy Planner within the Environment and City Planning Team.

I have 15 years' experience working as a planner in New Zealand, and five years' experience in planning in the United Kingdom.

Before being employed by Porirua City Council, I held a Planner role at Heritage New Zealand Pouhere Taonga for the Central Region Office. My role included providing planning advice in relation to proposals under the Resource Management (RMA). Prior to this I held senior planner positions at Upper Hutt City Council and Christchurch City Council, where my work was primarily focused on the preparation of Council led plan changes (under the RMA). During my work at Christchurch City Council I was involved in the proposed Christchurch Replacement District Plan, including assisting in drafting chapter proposals (including for Natural and Cultural Heritage) and providing evidence before the Independent Hearings Panel.

Before these positions, I was employed in planning positions in the United Kingdom in development control (similar to New Zealand resource consents planning), and by the Selwyn District Council in a policy planner role. I am an associate member of the New Zealand Planning Institute.