

IN THE MATTER OF: THE RESOURCE MANAGEMENT ACT 1991

AND

IN THE MATTER OF: CITY-WIDE PLAN REVIEW OF THE DISTRICT PLAN FOR PORIRUA

AND

IN THE MATTER OF: A SUBMISSION BY MS R A SMITH

**PRESENTATION
TO THE
HEARING PANEL
BY
ROBYN SMITH**

24 October 2021

Introduction

Tēnā koutu katoa

Ko Tokomaru tōku waka

Ko Taranaki tōku maunga

Ko Waitara tōku awa

Ko Te Atiawa tōku iwi

Ko Ngāti Rahiri tōku hapū

No Taranaki au

Kei Titahi Bay e noho ana

Ko Robyn Smith tōku ingoa

1. I'm presenting in support of my submission (no.168) on the City-Wide Review of the District Plan for Porirua (hereafter referred to as 'the Plan' or 'the PDP')¹.
2. I am one of five coordinators of the Whitireia Park Restoration Group which has been working to protect and restore the biodiversity values of Whitireia Park since 2006.
3. I have had a 26-year career in conservation biology in several organisations and was part of an expert panel for the Greater Wellington Regional Council's 2020 publication '*Conservation Status of Indigenous Vascular Plant Species in the Wellington Region*'. I've previously been employed as a senior biodiversity officer by Queen Elizabeth II National Trust and a biodiversity advisor by Greater Wellington.
4. Sixty-four of my submission points have been allocated to Hearing Stream Two. Those points relate to four chapters:
 - a) Strategic Direction
 - b) Ecosystems and Biodiversity
 - c) Natural Features and Landscapes
 - d) Natural Character.
5. I will focus on Significant Natural Areas (SNAs) and the Outstanding Natural Features and Landscapes (ONFLs) policy overlays as they relate to Whitireia Peninsula, the wider Titahi Bay Area, and to Taupō Swamp.

¹ Excluding land within the district known as 'Plimmerton Farm' (Lot 2 DP 489799) which is the subject of the now operative Plan Change 18.

6. I've included attachments that comprise:
- A. An analysis of additional Whitireia Park land being included in ONFL003 with reference to Policy 25 of the Regional Policy Statement (RPS);
 - B. A plan showing the layout of the Golf Course;
 - C. A summary table recording comments by the s.42A authors on each of the 64 submission points along with my responses;
 - D. Notes about matters considered in Hearing Stream One that have direct relevance to my Hearing Stream Two submission points; and,
 - E. Details of some errors I have noticed but are outside the scope of my submission.

Outstanding Natural Features and Landscapes

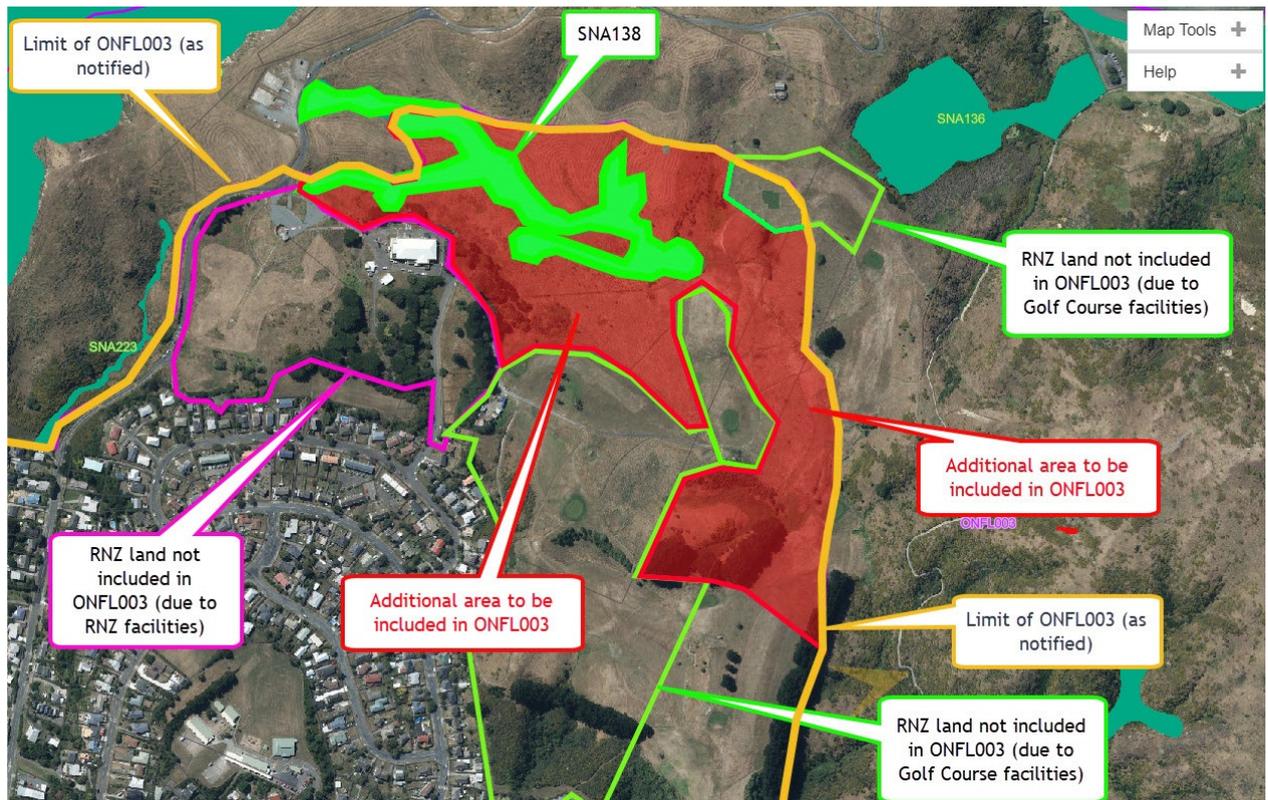
7. Map 1 shows the extent of the ONFL003 overlay on Whitireia Peninsula (in the notified plan).



Map 1: Extent of the ONFL003

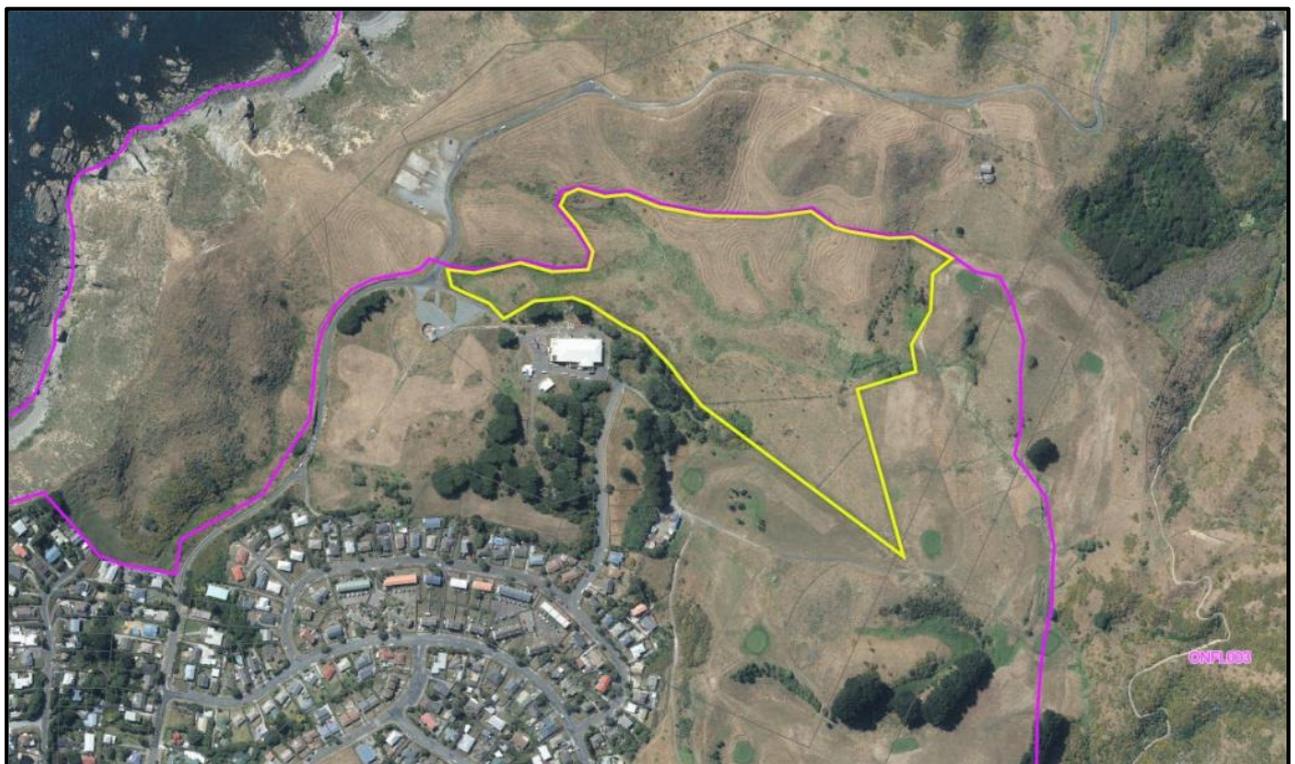
8. I submitted that the ONFL003 should apply to all Whitireia Park except small footprints of modified landforms occupied by the Golf Club and Radio New Zealand (RNZ).² Map 2 shows the relationship between the RNZ and Golf Club occupation, SNA138, the mapped ONFL003, and land that should be added to the ONFL.

² My submission point (168.7) is: "... all of Whitireia Park, except small footprints of modified landforms in the Golf Club and RNZ mast and building area, should be included in the ONFL policy overlay." I acknowledge that the exception has not been adequately recorded in submission point 168.113.



Map 2: Additional Areas to be Included in ONFL003

9. At the very least the area outlined in yellow in Map 3, whose landforms are totally unmodified, should be included. This highlighted area essentially comprises the headwaters of Onepoto Stream. It includes no land occupied by the Golf Course.



Map 3: Simplified Area to be Included in ONFL003

10. In her evidence Ms Armstrong has confirmed she did not evaluate land outside the mapped ONFL003 because it was “outside their brief”³. The option of an expanded ONFL003 has not been assessed by council under Policy 25 of the RPS and rated using the NZILA⁴ 7-point rating. It appears that the land outlined in yellow has been excluded because Ms Armstrong is under the mistaken impression that that land is occupied by the Golf Course.
11. I note Ngāti Toa neither supported nor opposed my submission.
12. RNZ (FS60) has confirmed that:
- “ONFL003 should not apply to land currently occupied, or surrounding, RNZ’s facilities. Otherwise, **RNZ has no objection** [emphasis added] to other parts of RNZ’s land being subject to the ONFL003.”*
13. On NZILA’s 7-point rating, ONFL003 (as mapped) scores as follows:⁵
- High Natural Science
 - Very High Sensory
 - Very High Shared & Recognised
14. There is no evidence to say that the Park would not get the same rating if the additional land was included. Ms Armstrong has not undertaken an assessment of this alternative. In Attachment A I have cited, and commented on, each of the assessment criteria under Policy 25 of the RPS.
15. I maintain that the yellow highlighted area (at the very least) warrants inclusion in ONFL003 because (in terms of Policy 25) the headwaters of Te Onepoto stream are exceptional and out of the ordinary; and the natural components dominate over the influence of human activity.⁶

³ Para. 37.

⁴ New Zealand Institute of Landscape Architects

⁵ Refer Isthmus_2020_Porirua_Landscape_Evaluation (2020) -

https://porirua.govt.nz/documents/4056/Isthmus_2020_Porirua_Landscape_Evaluation.pdf

⁶ The Golf Course does not occupy any land within the highlighted area. A plan is attached (Attachment B) showing the layout of the Golf Course relative to the boundaries of RNZ land and the edge of the ONFL003.



Figure 1: Natural contours of RNZ land for inclusion in ONFL003

Comments on Significant Natural Areas – Whitireia

Brief Recent History of Whitireia Park for Context

16. Until 2010, Whitireia Park, except for the bush remnant, the Golf Course and a small part of Onehunga Bay, was covered with grass and gorse and was intensively grazed. In most of the gorse areas, native species, mainly mahoe (*Melicytus ramiflorus*), was beginning to succeed the gorse.
17. In February 2010 a youth set fire to the Park which largely burned through the Te Onepoto Stream catchment and much of the hills to the west and east of that catchment although some steep gullies were spared. The fire set back the succession from gorse to native forest 15 years. Regeneration of native species, through the carpet of gorse which emerged following the fire, restarted and eventually gorse will be succeeded by native forest and gorse will largely disappear from most parts of the park. The gullies have regenerated much more quickly than the drier hillsides and provide seed sources for regeneration, as do the many planted areas.

SNA134 - Te Onepoto Catchment

18. In his evidence, Mr Goldwater suggests SNA134 should be reduced in area.⁷
19. I submit that this is inappropriate as no submitters sought that outcome.
20. SNA134 covers the lower catchment of Te Onepoto stream and estuary, and includes areas of gorse which is succeeding to mahoe dominant forest on the eastern side of the valley.

⁷ Refer Para.26 of Mr Goldwater's evidence.

21. I note that there are significant areas of indigenous vegetation planted on the hills to the east of Te Onepoto stream that have not been included. If the boundary of this SNA is to be amended then it's probably appropriate for the SNA to be assessed and mapped with this planted area possibly being included.
22. Mr Goldwater has accepted my submission that 'areas around the Onepoto estuary (the margin) should be added to the SNA.' The s.42A author agrees.⁸

SNA138 - Whitireia Spring Wetland

23. SNA138 covers the upper catchment of Te Onepoto stream. Mr Goldwater has identified some additional areas. However, I consider these are insufficient to achieve connectivity.
24. Since grazing of this area ended in 2010, native wetland vegetation has emerged and become dominant in most of the stream margins and associated wetlands.
25. Mr Goldwater's evidence, and the s.42A report, do not mention an additional wetland vegetation type found in this SNA - *Machaerina rubiginosa*/*Eleocharis acuta* sedgeland. The *M. rubiginosa* population is one of only two known populations in the Porirua district and one of only five known populations in the Wellington region.

SNA134 and SNA138 (combined – Te Onepoto Stream Catchment)

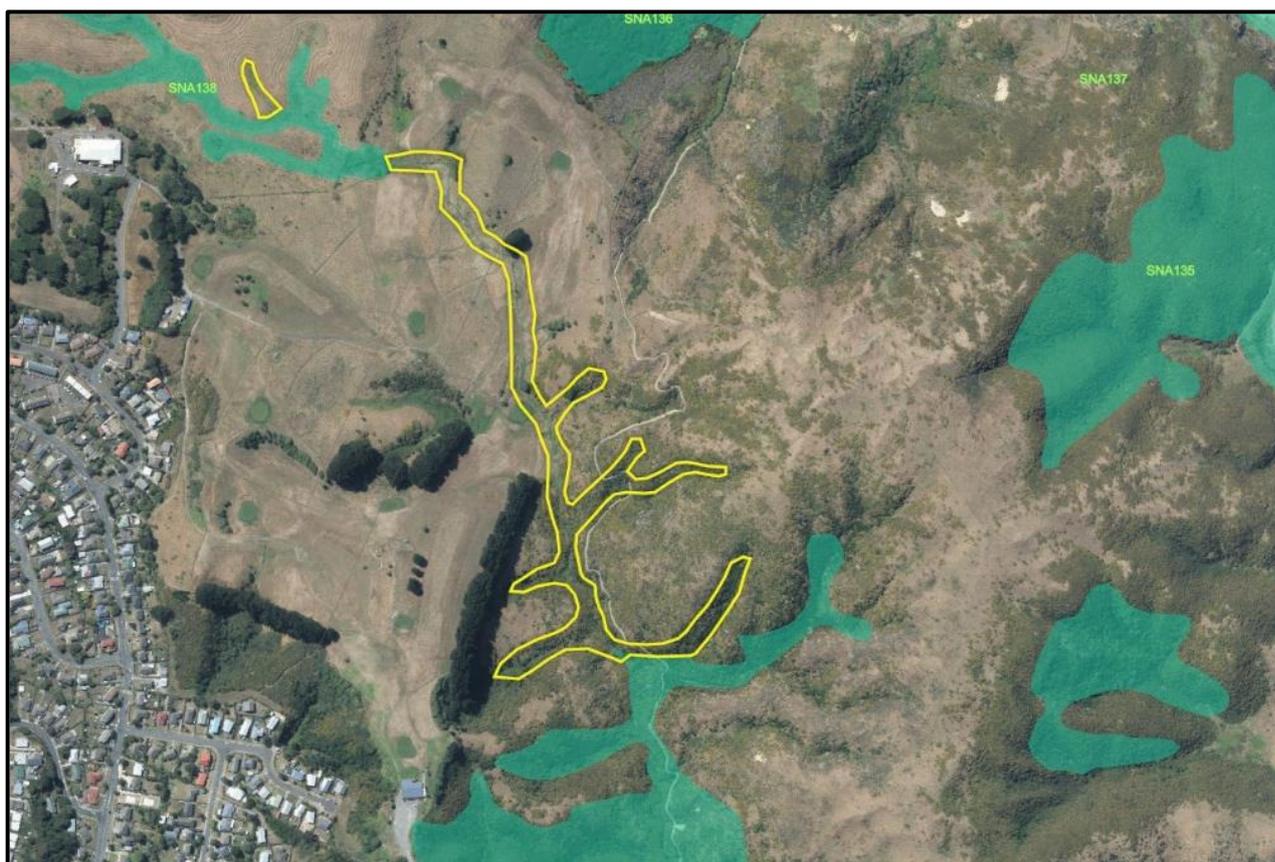
26. I think the whole stream, and its margins, should be included in a single SNA (SNA138 Te Onepoto stream and catchment) because the stream is continuous from the headwater seeps to Onepoto estuary.
27. The Plan must give effect to the RPS⁹.
28. Policy 23 of the RPS is entitled: *Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans*. Policy 23 goes on to say that: *"Identified ecosystems and habitats will be considered significant if they meet one or more of the following criteria"*.
29. Those criteria are:
 - a) representativeness,
 - b) rarity,
 - c) diversity,
 - d) ecological context, and
 - e) tangata whenua values.
30. In terms of ecological context, the upper reaches of Te Onepoto stream and its associated wetlands (so far not included in the mapped SNA) enhance the connectivity and buffer the

⁸ Because the Plan does not map MHWS and in some cases land that is clearly landward of MHWS (if it had been mapped) is outside the zoned area.

⁹ S.75(3)(c) of the RMA

headwaters and stream margin vegetation downstream of the headwaters.¹⁰ Te Onepoto stream needs a minimum of 5 metre (but preferably 10 metre) margins on each side as indicated in my submission, to stabilise its banks, reduce sedimentation of the stream and to protect it from the activities by the Golf Club such as fertilisation and insecticide use on the greens. I understand the Golf Club wishes to plant the stream margins located in the course.

31. In terms of tangata whenua values, Te Onepoto stream runs from spring-fed seeps in its headwaters to Onepoto estuary which is part of the Onepoto branch of Te Awarua o te Porirua. Te Onepoto stream is identified as a site of significance to Ngāti Toa Rangātira in the pNRP¹¹. Its margins should be protected along the full stream length.
32. The additional land I've identified meets two of the RPS criteria; ecological context and tangata whenua values. Map 4¹² below shows the additional land to be included.
33. Map 5 below shows the additional land Mr Goldwater recommends should be included along with the land he suggests should be removed.



Map 4: Additional Te Onepoto Stream sections to add to SNA134 (my submission Figure 5)

¹⁰ I note that definition of 'River' in the RMA does not specify that its necessarily an 'above-ground' flowing body of fresh water.

¹¹ Refer Schedule C of the proposed Natural Resources Plan (the pNRP)

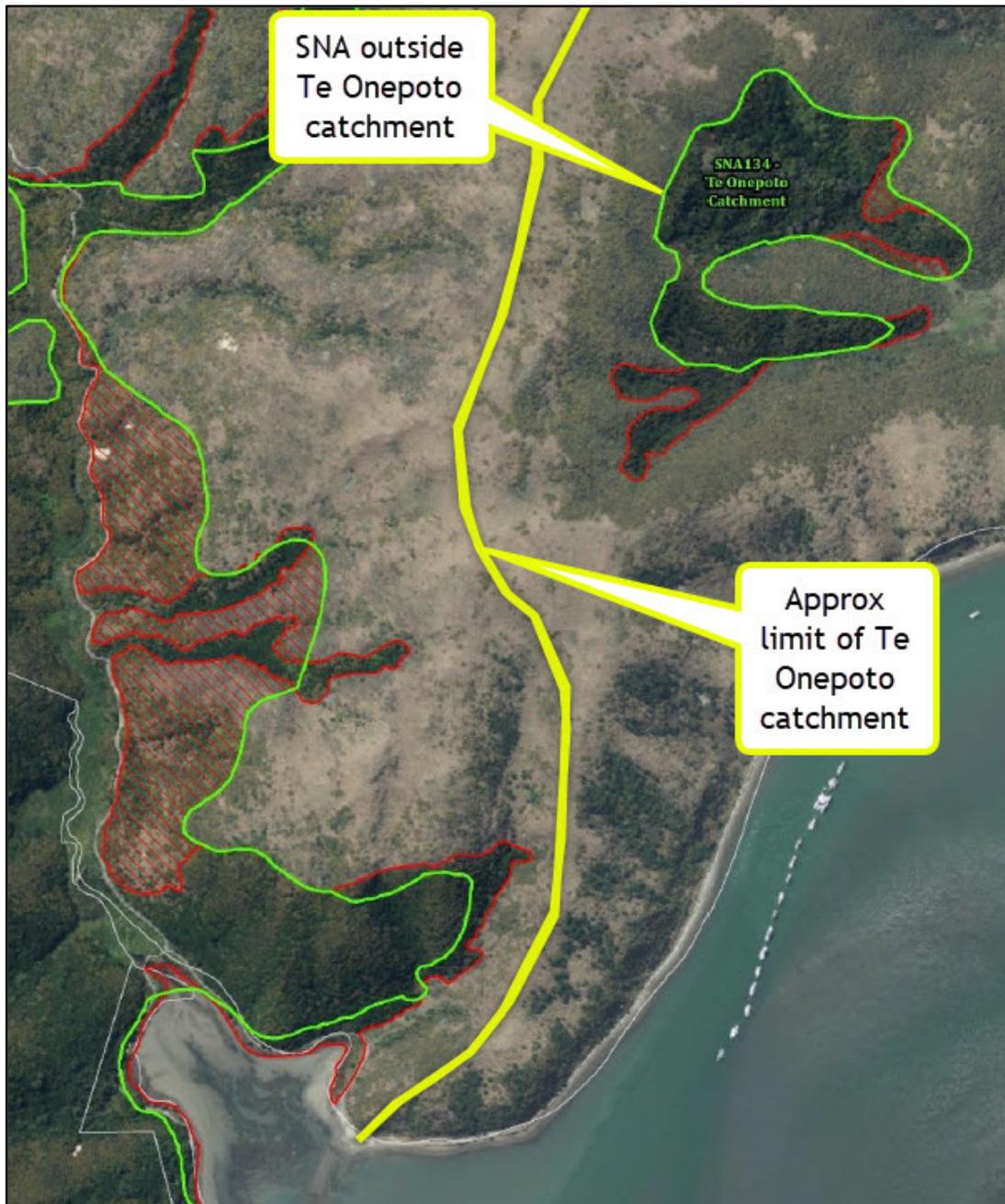
¹² Figure 5 from submission 168



Map 5: Amendments to SNA134 and SNA138 Suggested by Mr Goldwater

Land East of Onepoto Stream Catchment

34. An area of land east of SNA134 is defined on the Plan maps but unlabelled. This area is shown in Map 6 below. Mr Goldwater has commented on this area and labelled it as “SNA134 Te Onepoto Catchment”.
35. He has recommended some reductions and some additional areas to its extent, which I’m not opposed to.
36. However, this land is not part of Te Onepoto stream catchment. It should be renamed and numbered. My submission point (168.110) noted this: *“The GIS maps in C-WPR identify a SNA south of SNA135, as shown in Figure 23 below. It is not clear if this is a different SNA or if it is part of SNA135.”*
37. This aspect of my submission has not been adequately addressed by Mr Goldwater nor the s.42A author.



Map 6: Area Outside Te Onepoto Catchment

SNA135 - Whitireia Park Seral Forest

38. Figure 2 and Map 7 show this area in oblique and aerial perspective.
39. Mr Goldwater describes this area as comprising gorse and scrub on hills and regenerating indigenous scrub in gullies. He recommends deleting this SNA from Sched 7.
40. However, this part of the Park was unaffected by the fire in 2010 and has very good indigenous vegetation values. This SNA is contiguous with SNA137.
41. Notwithstanding, deletion is not appropriate as no submitter sought that outcome.



Figure 2: SNA135 showing good indigenous regeneration



Map 7: SNA135 as Shown on Notified Plan

SNA136 - Whitireia Bush – Additional Area

- 42. Mr Goldwater has recommended that an additional area east of the identified SNA136 be included.
- 43. I support the additional area to the east of SNA136 also being labelled SNA136. It is consistent with my submission point 168.61 on ECO-P1 which requires Council to identify and list all SNAs meeting the criteria of Policy 23 of the RPS.



Map 8: SNA136 Whitireia Bush

SNA136 - Whitireia Bush – Boundary Adjustment

44. This SNA includes the coastal bush remnant, adjacent wetland and a planted shrubland between the public toilets and the wetland. Mr Goldwater agrees that most additional areas covered in my submission should be included. However, he's not mentioned a small area of planted shrubland. This planted area meets the required 50% cover by native species and should be included in SNA136.



Map 9: My Proposed Amendment to SNA136



Map 10: Mr Goldwater's Proposed Amendment to SNA136



Figure 3: Planted Area in SNA136

SNA137 - Whitireia Beach

45. I support the removal of the road from the northern side of SNA137. This provides a better delineation between SNA137 and SNA139. This outcome is consistent with my submission point 168.111.

SNA139 - Whitireia Peninsula Coastal Margin - Description

46. Mr Goldwater recommends the description of SNA139 be amended to refer to *Leptinella nana*. This is consistent with my submission point 168.14. I support that outcome as *Leptinella nana* (Nationally Critical) is one of the most threatened species in the Porirua District.

47. There are several errors in the description of SNA139. These include:
- a) There is no *Ficinia spiralis* in SNA139.
 - b) There are two name changes to species present in this SNA. The Cook strait endemic *Melicytus obovatus* is now *Melicytus orarius*. *Oligosoma lineocellatum* is now Canterbury spotted skink which is confined to Canterbury. There is, however, an historic record of Northern spotted skink (*Oligosoma kokowai*) which may still be present in SNA139.

SNA139 - Whitiorea Peninsula Coastal Margin – Mapping

48. I generally agree with the extent of SNA139 but the seaward extent of the overlay area seems at odds with the landward extent of the Coastal Marine Area.¹³

Comments on Significant Natural Areas – Titahi Bay

SNA144 - Stuart Park Wetland

49. Mr Goldwater says: *‘The submitter describes the area as a wetland dominated by rautahi (Carex geminata) with a locally common patch of Juncus caespiticus’.*
50. *‘Locally common should read: ‘locally uncommon’.*
51. I support the amended boundary, so SNA144 includes all the wetland as sought in my submission.

SNA223 – Transmitter Road Gully

52. I support the description of SNA223.
53. Mr Goldwater has included this comment:
- “The submitter states that a regionally significant species is present in the wetland (page 9 of the Submission on City-Wide Plan Review prepared by Robyn Smith), although this species has not been named”.*
54. I cannot find this reference on page 9 of my submission, nor can I find the expression ‘regionally significant’ used elsewhere. I need further clarification to be able to comment on this.

Comments on Significant Natural Areas – Catchment of Taupō Swamp

SNA027 - Whenua Tapu Highway Forest

55. I support Mr Goldwater’s recommended amendments to the SNA boundary, providing a large ngaio is retained.

¹³ This has been referred to with respect to Hearing Stream One.

SNA030 - Rangī's Bay Bush

56. My submission (submisison point 168.23) included this comment:

"I support the following provisions of the C-WPR

- *Identification of parts of the Taupō Swamp catchment as being SNAs (eg; SNAs 027 and 030)."*

57. *There are no submissions or further submissions regarding this point.*

SNA047 - Taupō Swamp West

58. My submission (submission point 168.23) included this comment:

"I support the following provisions of the C-WPR

- *Identification of parts of the Taupō Swamp Complex as being SNAs (ie; SNAs 042, 043, 044, 045, 046, and 047) so the C-WPR is consistent with the pNRP."*

59. Further submitter 27 (P and J Botha) says:

'The small fragment of the Taupō swamp that is located within the greater property at 10A The Track, is separated from the main body of the Taupō Swamp, on the Eastern side of the railway line. The catchment area for this small fragment is reasonably large and the addition of a small number of houses here is not going to impact the run-off into this small swamp fragment'.

60. The wetland extent of SNA047 is recognised in the pNRP as 'a waterbody with outstanding biodiversity values'¹⁴ and this should be mirrored in this SNA.

61. Although the swamp in SNA047 is separated from the main body of Taupō Swamp by the NIMT railway line, there is a hydrological connection. The culvert which connects this wetland arm to the main body of Taupō swamp is not situated at the lowest end (southern) of the wetland and therefore the water below the culvert is embayed. Because the water sits in this area downstream of the culvert for long periods there are very few weed species present.

62. SNA047 contains *Coprosma tenuicaulis* (the only known population in the Porirua district), *Epilobium pallidiflorum* (one of two populations in the Porirua District) and *Ranunculus macropus* (one of two populations in the Porirua District).

63. I do not support any reduction to the extent of the wetland part of the SNA.



Map 11: Mr Goldwater's Proposed Amendment to SNA047

Robyn Smith
Submitter 168
24 October 2021

ATTACHMENT A: ASSESSMENT OF ADDITIONAL RNZ LAND TO BE INCLUDED IN ONFL003 WITH REFERENCE TO POLICY 25 OF THE RPS***Policy 25: Identifying outstanding natural features and landscapes – district and regional plans******Natural Science Factors***

Natural science values: these values relate to the geological, ecological, topographical, and natural process components of the natural feature or landscape:

Representativeness: the combination of natural components that form the feature or landscape strongly typifies the character of an area

Highly representative of landforms with headwater spring-fed seeps on gentle topography where water flows downstream through shallow gullies and wetlands and eventually forms stream channels where land becomes steeper.

Research and education: all or parts of the feature or landscape are important for natural science research and education.

This area is an important educational resource for schools and the wider public as it demonstrates the natural function and importance of how streams form and why protecting the headwaters of streams is important.

Rarity: the feature or landscape is unique or rare within the district or region, and few comparable examples exist.

It is very rare to find seepages and their associated wetlands vegetated with NZ native species in the Wellington region.

Ecosystem functioning: the presence of healthy ecosystems is clearly evident in the feature or landscape

It is evident that this ecosystem is healthy and functioning as there are no barriers or obstructions to water flow and the seeps are largely vegetated with NZ native plants.

Sensory Factors

Aesthetic values: these values relate to scenic perceptions of the feature or landscape:

Demonstrates the typical gentle rolling slopes and watercourses of this district and provides a contrast to the steep escarpment and hills.

Ecosystem functioning: the presence of healthy ecosystems is clearly evident in the feature or landscape

The Te Onepoto stream from the headwaters to the estuary is a healthy ecosystem with no barriers to fish passage.

Vividness: the feature or landscape is visually striking and is widely recognised within the local and wider community for its memorable and sometimes iconic qualities.

Highly accessible from the road through the park and other parts of the park including the inland track and golf course and is widely recognised by and valued by the community

Naturalness: the feature or landscape appears largely unmodified by human activity and the patterns of landform and land cover appear to be largely the result of intact and healthy natural systems.

This landform is unmodified by human activity. Of note in the Whitireia Park Management Plan 1978 is “*the topographic feature of Whitireia Park is the internal valley which extends north of Te Onepoto Bay.*”¹⁵ It goes on to describe how the valley divides into a Y shape at the RNZ boundary with one branch heading towards Onehunga Bay and the other just north of the RNZ facility. The valley dissection is clearly visible from many areas within the park and area to the north and east outside the park.

Expressiveness (legibility): the feature or landscape clearly shows the formative processes that led to its existing character

This area is an elevated rolling plateau dissected by a central valley system. The soils are Porirua silt loams which are less free draining than the soils in the remainder of the park which are Porirua hill soils.

Transient values: the consistent and noticeable occurrence of transient natural events, such as seasonal change in vegetation or in wildlife movement, contributes to the character of the feature or landscape

The wetland seeps and associated wetlands are continuously wet and contrast with the dry surrounding land particularly in summer. As cooler weather comes in autumn, the spike sedge (*Eleocharis gracilis*) turns an orange colour and dominates the landscape.

Shared or Recognised Factors

Shared and recognised values: the feature or landscape is widely known and is highly valued for its contribution to local identity within the immediate and wider community

The area is widely recognised and valued by the community as the catchment of Te Onepoto stream

Tangata whenua values: Māori values inherent in the feature or landscape add to the feature or landscape being recognised as a special place.

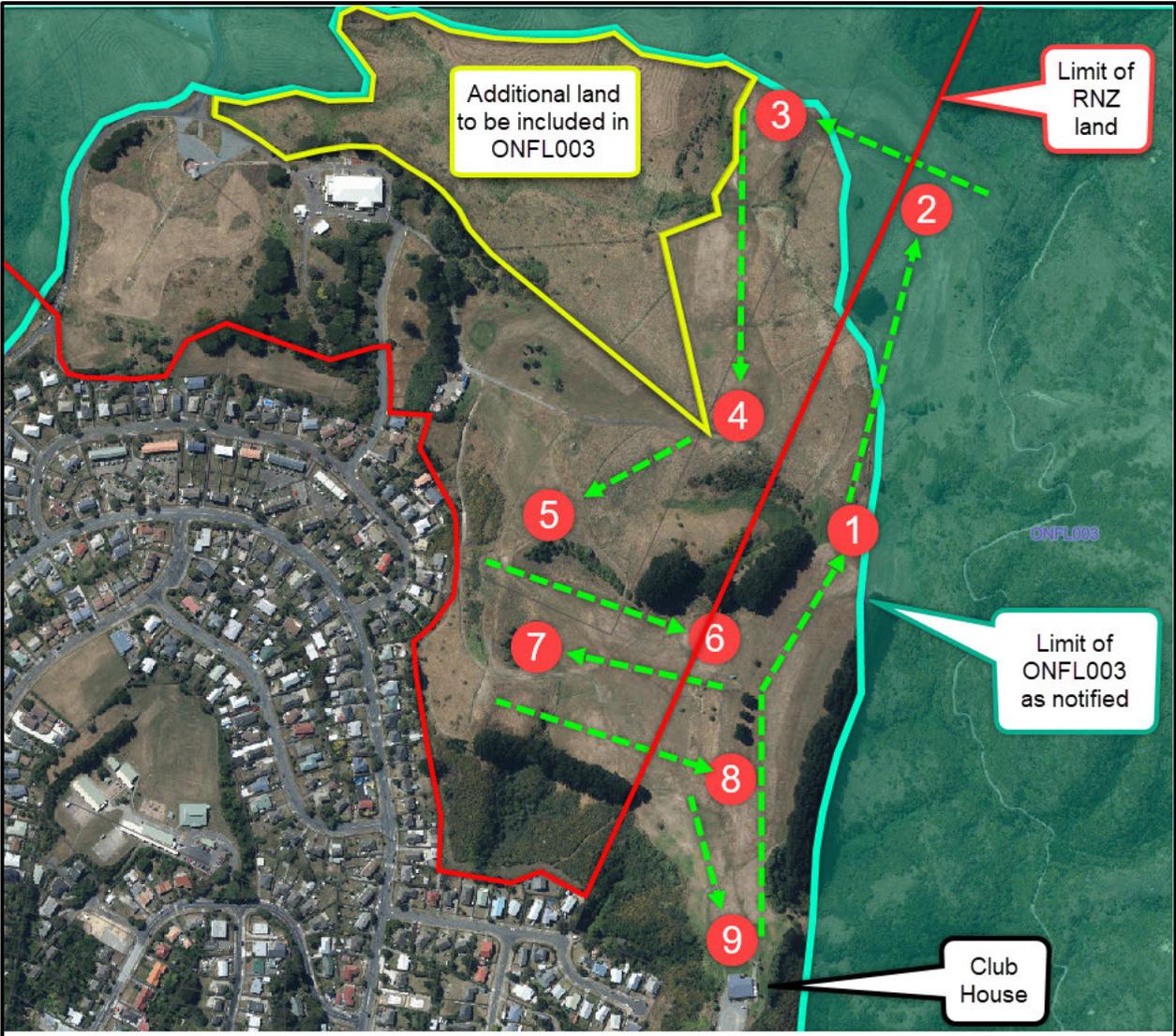
This area has the headwaters of Te Onepoto stream which is recognised as a stream of cultural importance to Ngāti Toa [refer Schedule C of the proposed Natural Resources Plan].

¹⁵ <http://www.gw.govt.nz/assets/council-publications/Whitireia-Park-Management-Plan.pdf>

Historical associations: knowledge of historic events that occurred in and around the feature or landscape is widely held and substantially influences and adds to the value the community attaches to the natural feature or landscape.

From the first arrivals, Ngāti Toa have had an ongoing association with the peninsula and the surrounding landscape. The area is widely valued and used for recreation as it is sheltered from the predominant northerly and north-westerly winds.

ATTACHMENT B: LAYOUT OF GOLF COURSE RELATIVE TO RNZ LAND AND TO ONFL003 BOUNDARY



ATTACHMENT C: **SUMMARY OF SUBMISSION POINTS, S42A COMMENT AND
SUBMITTER'S RESPONSES**

Chapter		Strategic Direction
Plan Provision		NE-01, NE-02 and NE-03 – Strategic Objectives
Submission	Point No.	168.34
	Scope	Efficiency and effectiveness of objectives
	Explanation	The objectives do not explicitly acknowledge other significant components of the natural environment
	Outcome	A new strategic objective needs to be included and that this should read: <i>“All significant natural areas and streams are identified and protected from inappropriate subdivision, use and development, and adverse effects on outstanding natural waterbodies are avoided.”</i>
S42A		Submitter’s Response
S.42A author accepts in part	S.42A author agrees the objective is not explicit about what features of the natural environment are encapsulated. S.42A author includes amended text	S.42A author's amended text for NE-01 omits to refer to outstanding water bodies. Taupō Swamp is such a water body with outstanding values, adverse effects on that water body are required to be avoided (see Policy 39 of the pNRP). The Objective NE-01 suggested by s42A author is inconsistent with this provision of the pNRP [s.75(4)(b) of the RMA]
	S.42A author questions what submitter means when referring to 'outstanding natural waterbodies'. Suggests it is better "to use the terms in the RMA"	Submitter 168 agrees with s.42A author, and confirms the submission erroneously used the adjective 'natural' when referring to water bodies. Submitter agrees that where possible provisions in the Plan should use the same terminology as the RMA. Submitter has sought such an outcome with reference to the use of the word 'below' instead of 'seaward' with reference to the CMA [see s.42A report for 'Overarching' and para.9 of B. Warburton's presentation HS1], and the use of the word 'land' instead of the phrase 'landward property' [refer submission points 168.49 and 148.50]. Submitter 168 does note, however, that the pNRP includes a definition for: "outstanding natural wetlands" which is "Outstanding natural wetlands are identified in Schedule A3 (outstanding wetlands)". Rules R105, R109 and R111 of the pNRP all refer to "outstanding natural wetlands". The Taupō Swamp Complex is included in Schedule A3 and is therefore an outstanding natural wetland using the pNRP definition.

Chapter		Strategic Direction
Plan Provision		NE-03 and NE-04 - Strategic Objectives
Submission	Point No.	168.32 and 168.33
	Scope	Efficiency and effectiveness of objectives
	Explanation	NE-03 and NEO-4 are closely related
	Outcome	Two objectives integrated into one objective.
S42A		Submitter's Response
S.42A author "agrees", but does not accept	Two objectives are required: <i>"given the importance of the Harbour to Ngāti Toa Rangatira and the community and the strong direction contained in the RPS,"</i>	Submitter 168 still contends that only one objective is required. Writing District Plan provisions should be about quality not quantity, or in other words simply writing more words does not make the outcome any more appropriate, efficient or effective (s.32 of the RMA refers).

Chapter		Ecosystems and Biodiversity
Plan Provision		All Chapters – All Provisions
Submission	Point No.	168.16 and 168.28
	Scope	PDP must include provisions relating to activities capable of resulting in adverse effects on Taupō Swamp Complex
	Explanation	Policy P39 of the pNRP is: <i>“The adverse effects of use and development on outstanding water bodies and their significant values identified in Schedule A (outstanding water bodies) shall be avoided.”</i> Taupō Swamp Complex is identified in the pNRP as an outstanding water body.
	Outcome	Amend provisions of PDP so that: <ul style="list-style-type: none"> • 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 C-WPR is not inconsistent with the pNRP . • it includes sufficient provisions to ensure all natural wetlands and areas with indigenous vegetation are retained. • provisions prevent natural wetlands being used to filter sediments or nutrients. Buffer areas around wetlands must be established to provide the filters needed. • provisions ensure 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. • it includes policies to ensure that all new subdivisions within the Northern Growth Strategy area will be cat free. • Porirua’s infrastructure is able to accommodate any development anticipated by the Plan.
S42A		Submitter’s Response
S.42A author "accepts in part", but actually rejects the relief sought in the submission	S.42A author claims that the PDP provisions achieve adequate management of adverse effects to which the submission point relates.	<p>Like all wetlands, Taupō Swamp Complex is very susceptible to changes in land use in its catchment, with key considerations being:</p> <ul style="list-style-type: none"> • discharges of contaminants (including sediment); • changes to the hydrological regime; and • invasion of exotic weeds and animal pests. <p>Ultimately all stormwater runoff and sediment discharge from urban development in the catchment will be to the swamp complex, and all changes to the catchment hydrology (for example, by in-filling gullies and wetland drainage for roads and building platforms) will, in one way or another, impact directly on the hydrology of the complex and therefore on its faunal and floral composition, and its ecological coherence and robustness.</p> <p>Wetlands are products of their environment and by far the most important factor in characterising and managing a wetland is hydrology. This is all too often overlooked, under-estimated or simply inadequately researched, and insufficient attention is paid to hydrological events and to the size and characteristics of the full catchment area (the area inside the ecological boundary) of the wetland. The effective ecological boundary of most wetlands lies well outside the fence, or cadastral boundaries.</p>

		<p>Hydrology (water depth, and periodicity of rainfall and stream flow rate) not only interacts and often modifies the physical environment, it also determines plant distribution and wetland type, such as deep-water swamp and the extent of ephemeral (seasonal) wetland.</p> <p>Because of the prominent role of hydrology in wetland structure and functioning, changes in the hydrological parameters can have major effects on the character and sustainability of a wetland.</p> <p>Policy P39 of the pNRP is about avoiding adverse effects on Taupō Swamp Complex. S.75(4)(b) of the RMA requires the PDP not to be inconsistent with the regional plan. The rules and standards of the PDP are written so generally speaking where a consent is required it falls into the restricted discretionary and discretionary category. Council consent planners/hearing commissioners generally take the view that developments that fall within the ‘discretionary activity’ category are ‘provided for in the district plan’. The rationale by the consent decision-maker then following is that consent must be granted to such activities, with discretion only being exercised with respect to the fine print of (what normally are) standard conditions. History is full of examples where this approach has resulted in adverse effects on wetlands from sediment discharge, animal and plant pest invasions, and degradation of wetland due to catchment hydrology.</p>
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Chapter		Ecosystems and Biodiversity
Plan Provision		Significant Natural Areas - S.32 Analysis and Mapped SNAs
Submission	Point No.	168.62 and 168.63
	Scope	The s.32 analysis does not include sufficient information about SNA identification
	Explanation	The s.32 analysis does not refer to situations where additional land was worthy of including in a SNA but that did not occur due to landowner opposition
	Outcome	The section 32 documentation should include the following information: <ul style="list-style-type: none"> 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.
S42A		Submitter's Response
Reject	S.42A author states that: <i>"There was no reduction in the extent of SNA simply because landowners objected to it"</i>	The s.42A author has misconstrued the submission point, which was that land (that should have been added to a SNA) wasn't due to factors not applicable to Policy 23 of the RPS. Submission includes this text: "Note, in her evidence at the hearing the Plimmerton Farm plan change (PC18) Dr Astrid van Meeuwen-Dijkgraaf said: <i>"By this stage (mid-2018) PCC was generally only considering changes to SNA boundaries, resulting in an increased extent, with the agreement of the landowner. Hence the additional areas of wetland, and inconsistencies of some of the SNA boundaries were not incorporated into the draft SNA, although PCC was made aware of some of these."</i>
	S.42A author claims that too much work is required to address the submission point	I submit that, if this information is not available, it is not possible to undertake an adequate section 32 evaluation, and by doing so the Council: <ul style="list-style-type: none"> • will be not giving effect to Policy 23 of the RPS by omitting known sites; • will be failing to adequately perform its function under section 31(1)(b)(iii) of the Act; and, • will not be achieving the protection required by section 6(c) of the RMA.

Chapter		Ecosystems and Biodiversity
Plan Provision		Significant Natural Area and Outstanding Natural Features/Landscapes- All Provisions
Submission	Point No.	168.77
	Scope	Development controls over activities capable of affecting other land - SNAs and ONFLs
	Explanation	Activities undertaken on land that is not within the SNA/ONFL may directly affect the value of those areas because there is physical or natural process connectivity (eg: it is in the same catchment).
	Outcome	Development controls applicable to land adjacent to a SNA/ONFL, or land in the same catchment as a SNA/ONFL, need to be included and acknowledge that development on other land (eg: changes to landforms as that may relate to drainage patterns) is able to significantly affect the values of those areas.
S42A		Submitter's Response
Reject	S.42A author claims that the PDPlan provisions achieve adequate management of adverse effects to which the submission point relates.	<p>Like all wetlands, Taupō Swamp Complex is very susceptible to changes in land use, with key considerations being: discharges of contaminants (including sediment); changes to the hydrological regime; and invasion of exotic weeds and animal pests.</p> <p>Ultimately all stormwater runoff and sediment discharge from urban development in the catchment will be to the Complex, and all changes to the catchment hydrology (for example by in-filling gullies and wetland drainage for roads and building platforms) will, in one way or another, impact directly on the hydrology of the Complex and therefore on its faunal and floral composition, and its ecological coherence and robustness.</p> <p>Wetlands are products of their environment and by far the most important factor in characterising and managing a wetland is hydrology. This is all too often overlooked, under-estimated or simply inadequately researched, and insufficient attention is paid to hydrological events and to the size and characteristics of the full catchment area (the area inside the ecological boundary) of the wetland. The effective ecological boundary of most wetlands lies well outside the fence, or cadastral boundaries.</p> <p>Hydrology (water depth, and periodicity of rainfall and stream flow rate) not only interacts and often modifies the physical environment, it also determines plant distribution and wetland type, such as deep-water swamp and the extent of ephemeral (seasonal) wetland.</p> <p>Because of the prominent role of hydrology in wetland structure and functioning, changes in the hydrological parameters can have major effects on the character and sustainability of a wetland.</p> <p>Policy P39 of the pNRP is about avoiding adverse effects on Taupō Swamp Complex. S.75(4)(b) of the RMA requires the PDP not to be inconsistent with the regional plan. The rules and standards of the PDP are written so generally speaking where a consent is required it falls into the restricted discretionary and discretionary category. Council consent planners/hearing commissioners generally take the view that developments falling within the 'discretionary activity' category are 'provided for in the district plan'. The rationale by the consent decision-maker then following is that consent must be</p>

		<p>granted to such activities, with discretion only being exercised with respect to the fine print of (what normally are) standard conditions. History is full of examples where this approach has resulted in adverse effects on wetlands from sediment discharge, animal and plant pest invasions, and degradation of wetland due to catchment hydrology.</p>
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Chapter		Ecosystems and Biodiversity
Plan Provision		Definitions – Natural Wetlands
Submission	Point No.	168.38
	Scope	PDP should include a definition of ‘natural wetland’
	Explanation	Across plan consistency (implied)
	Outcome	PDP should include a definition of ‘natural wetland’ and that that definition should accord with the definition in the NPS-FM. PDP needs to explicitly confirm that all ‘natural wetlands’ are SNAs as per the pNRP.
S42A		Submitter’s Response
Reject	S42A author suggests a definition is not required as the term is not used in the PDP	Submitter 168 has however asked that the term be included. See submission on ECO-R4, and submission point 168.71. So, if the term is to be included as per the submitter’s request, then a definition is appropriate.

Chapter		Ecosystems and Biodiversity
Plan Provision		Definitions - Natural Wetlands
Submission	Point No.	168.39
	Scope	'Natural wetlands' are SNAs.
	Explanation	Consistency and transparency between district and regional planning documents
	Outcome	Include statement in PDP (perhaps in definition of 'natural wetlands') that all 'natural wetlands' are SNAs as per the pNRP
S42A		Submitter's Response
S.42A author has not addressed this submission point. The s.42A report at Section 3.7.1 (para. 85) and section 3.7.3 (para.99) cites this submission point but there is no analysis.		The Panel should accept the submission point as there is no submission or evidence to the contrary.

Chapter		Ecosystems and Biodiversity
Plan Provision		Scheduling and Mapping – Natural Wetlands
Submission	Point No.	168.30 and 168.69
	Scope	'Natural wetlands' are SNAs.
	Explanation	Statutory obligation on PCC to map all SNAs, including natural wetlands
	Outcome	Oppose any change to PDP that would result in natural wetlands within the city not being suitably identified.
S42A		Submitter's Response
Accept in part	S.42A author implies that PCC can only map wetlands where there is a " <i>wider area of significant terrestrial indigenous biodiversity.</i> "	Under section 75(3)(a) of the RMA any, and all, provisions of PDP relating to subdivision, use or development in SNAs "must give effect to a regional policy statement" and under section 75(4)(b) of the RMA, a district plan "must not be inconsistent with a regional plan." ECO-P1 states: " <i>Identify and list within SCHED7 - Significant Natural Areas with significant indigenous biodiversity values in accordance with the criteria in Policy 23 of the Regional Policy Statement</i> ". There is nothing in Policy 23 of the RPS that says PCC cannot and should not map wetlands. Quite the reverse.

Chapter		Ecosystems and Biodiversity
Plan Provision		Scheduling and Mapping – Natural Wetlands
Submission	Point No.	168.30, 168.37 and 168.69
	Scope	'Natural wetlands' are SNAs.
	Explanation	Obligation on PCC to map all SNAs, including natural wetlands
	Outcome	Oppose any change to PDP resulting in the known extent of natural wetlands not being identified or being reduced.
S42A		Submitter's Response
Accept in part	Ss42A author implies that PCC can only map wetlands where there is a " <i>wider area of significant terrestrial indigenous biodiversity.</i> "	Under section 75(3)(a) of the RMA any, and all, provisions of PDP relating to subdivision, use or development in SNAs "must give effect to a regional policy statement" and under section 75(4)(b) of the RMA, a district plan "must not be inconsistent with a regional plan." ECO-P1 states: " <i>Identify and list within SCHED7 - Significant Natural Areas with significant indigenous biodiversity values in accordance with the criteria in Policy 23 of the Regional Policy Statement</i> ". There is nothing in Policy 23 of the RPS that says PCC cannot and should not map wetlands. Quite the reverse.

Chapter		Ecosystems and Biodiversity
Plan Provision		ECO-P1 – Identify and List SNAs
Submission	Point No.	168.61
	Scope	Supports
	Explanation	Consistency and transparency between district and regional planning documents
	Outcome	Identifying and listing SNAs is required so s.6(a) and 6(c) of the RMA can be given effect to
S42A		Submitter's Response
<p>S42A author has not addressed this submission point. The s42A report at Section 3.7.1 (para. 85) and section 3.7.3 (para.99) cites this submission point but there is no analysis. There is reference to submission point 168.30 in Appendix B of the s.42A report, but there is no analysis in the substantive section of the s.42A report. Nonetheless, the table in Appendix B indicates that the s.42A author 'accepts' submission point 168.30, as well as submission points: RF&BPS (225.150), QEII (216.18, GWRC (137.47), DoC (126.10) and Waka Kotahi (82.114)</p>		<p>The Panel should accept the submission point as there is no other submission or evidence to the contrary. The submission clearly seeks retention of ECO-P1 which in turn requires all natural wetlands to be identified in accordance with Policy 23 of the RPS, which in turn says that all natural wetlands are SNAs. In short, the PDP must identify and list all natural wetlands.</p>

Chapter		Ecosystems and Biodiversity
Plan Provision		ECO-P2 - Policies Relating to SNAs
Submission	Point No.	168.65 and 168.66
	Scope	Remove reference to qualifier "where possible"
	Explanation	<p>These policies effectively reverse the presumption in section 6(c) of the RMA which is that areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected.</p> <p>These policies also do not acknowledge the fact that Taupō Swamp Complex and Te Awarua o Porirua Harbour are 'outstanding' in the pNRP, they are also SNAs, and under Policy P39 of the pNRP adverse effects on those waterbodies must be avoided.</p>
	Outcome	<p>Policies ECO-P2, ECO-P3 and ECO-P4 must be amended to, at the very least, provide for the avoidance required by Policy P39 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.</p> <p>Note: the relief sought in the submission omitted reference to ECO-P3 and ECO-P4. This was however clearly intended as the heading and the text refers to policies, not policy.</p>
S42A		Submitter's Response
Reject	Author considers it inappropriate to remove qualifiers, as this would mean that the effects hierarchy didn't apply.	In the case of Taupō Swamp Complex, application of the effects management hierarchy does not achieve the 'avoidance' required by Policy P39 of the pNRP.

Chapter		Ecosystems and Biodiversity
Plan Provision		ECO-P3 - Policies Relating to SNAs
Submission	Point No.	168.65 and 168.66
	Scope	Remove reference to "enable"
	Explanation	<p>These policies effectively reverse the presumption in section 6(c) of the RMA which is that areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected.</p> <p>These policies also do not acknowledge the fact that Taupō Swamp Complex and Te Awarua o Porirua Harbour are 'outstanding' in the pNRP, they are also SNAs, and under Policy P39 of the pNRP adverse effects on those waterbodies must be avoided.</p>
	Outcome	<p>Policies ECO-P2, ECO-P3 and ECO-P4 must be amended to, at the very least, provide for the avoidance required by Policy P39 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. Note: relief sought in submission omitted reference to ECO-P3 and ECO-P4. This was however clearly intended as the heading and the text refers to policies, not policy.</p>
S42A		Submitter's Response
Reject	<p>S.42A author claims that the Plan provisions achieve adequate management of adverse effects to which the submission point relates.</p>	<p>Like all wetlands, Taupō Swamp Complex is very susceptible to changes in land use, with key considerations being: discharges of contaminants (including sediment); changes to the hydrological regime; and invasion of exotic weeds and animal pests.</p> <p>Ultimately all stormwater runoff and sediment discharge from urban development in the catchment will be to the Complex, and all changes to the catchment hydrology (for example by in-filling gullies and wetland drainage for roads and building platforms) will, in one way or another, impact directly on the hydrology of the Complex and therefore on its faunal and floral composition, and its ecological coherence and robustness.</p> <p>Wetlands are products of their environment and by far the most important factor in characterising and managing a wetland is hydrology. This is all too often overlooked, under-estimated or simply inadequately researched, and insufficient attention is paid to hydrological events and to the size and characteristics of the full catchment area (the area inside the ecological boundary) of the wetland. The effective ecological boundary of most wetlands lies well outside the fence, or cadastral boundaries.</p> <p>Hydrology (water depth, and periodicity of rainfall and stream flow rate) not only interacts and often modifies the physical environment, it also determines plant distribution and wetland type, such as deep-water swamp and the extent of ephemeral (seasonal) wetland.</p> <p>Because of the prominent role of hydrology in wetland structure and functioning, changes in the hydrological parameters can have major effects on the character and sustainability of a wetland.</p> <p>Policy P39 of the pNRP is about avoiding adverse effects on Taupō Swamp Complex. S.75(4)(b) of the RMA requires the PDP not to be</p>

		<p>inconsistent with the regional plan. The rules and standards of the PDP are written so generally speaking where a consent is required it falls into the restricted discretionary and discretionary category. Council consent planners/hearing commissioners generally take the view that developments that fall within the 'discretionary activity' category are 'provided for in the district plan'. The rationale by the consent decision-maker then following is that consent must be granted to such activities, with discretion only being exercised with respect to the fine print of (what normally are) standard conditions. History is full of examples where this approach has resulted in adverse effects on wetlands from sediment discharge, animal and plant pest invasions, and degradation of wetland due to catchment hydrology.</p>
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Chapter		Ecosystems and Biodiversity
Plan Provision		ECO-P4 - Policies Relating to SNAs
Submission	Point No.	168.65 and 168.66
	Scope	Remove reference to "allow"
	Explanation	<p>These policies effectively reverse the presumption in section 6(c) of the RMA which is that areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected.</p> <p>These policies also do not acknowledge the fact that Taupō Swamp Complex and Te Awarua o Porirua Harbour are 'outstanding' in the pNRP, they are also SNAs, and under Policy P39 of the pNRP adverse effects on those waterbodies must be avoided.</p>
	Outcome	<p>Policies ECO-P2, ECO-P3 and ECO-P4 must be amended to, at the very least, provide for the avoidance required by Policy P39 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. Note: relief sought in submission omitted reference to ECO-P3 and ECO-P4. This was however clearly intended as the heading and the text refers to policies, not policy.</p>
S42A		Submitter's Response
Reject	<p>S.42A author claims that the Plan provisions achieve adequate management of adverse effects to which the submission point relates.</p>	<p>Like all wetlands, Taupō Swamp Complex is very susceptible to changes in land use, with key considerations being: discharges of contaminants (including sediment); changes to the hydrological regime; and invasion of exotic weeds and animal pests.</p> <p>Ultimately all stormwater runoff and sediment discharge from urban development in the catchment will be to the Complex, and all changes to the catchment hydrology (for example by in-filling gullies and wetland drainage for roads and building platforms) will, in one way or another, impact directly on the hydrology of the Complex and therefore on its faunal and floral composition, and its ecological coherence and robustness.</p> <p>Wetlands are products of their environment and by far the most important factor in characterising and managing a wetland is hydrology. This is all too often overlooked, under-estimated or simply inadequately researched, and insufficient attention is paid to hydrological events and to the size and characteristics of the full catchment area (the area inside the ecological boundary) of the wetland. The effective ecological boundary of most wetlands lies well outside the fence, or cadastral boundaries.</p> <p>Hydrology (water depth, and periodicity of rainfall and stream flow rate) not only interacts and often modifies the physical environment, it also determines plant distribution and wetland type, such as deep-water swamp and the extent of ephemeral (seasonal) wetland.</p> <p>Because of the prominent role of hydrology in wetland structure and functioning, changes in the hydrological parameters can have major effects on the character and sustainability of a wetland.</p> <p>Policy P39 of the pNRP is about avoiding adverse effects on Taupō Swamp Complex. S.75(4)(b) of the RMA requires the PDP not to be</p>

		<p>inconsistent with the regional plan. The rules and standards of the PDP are written so generally speaking where a consent is required it falls into the restricted discretionary and discretionary category. Council consent planners/hearing commissioners generally take the view that developments that fall within the 'discretionary activity' category are 'provided for in the district plan'. The rationale by the consent decision-maker then following is that consent must be granted to such activities, with discretion only being exercised with respect to the fine print of (what normally are) standard conditions. History is full of example where this approach has in resulted adverse effects on wetlands from sediment discharge, animal and plant pest invasions, and degradation of wetland due to catchment hydrology.</p>
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Chapter		Ecosystems and Biodiversity
Plan Provision		ECO-R1 - Vegetation Removal within SNAs – Listed Activities
Submission	Point No.	168.73
	Scope	The extent of vegetation removal
	Explanation	<p>Rule does not consider the fact that indigenous vegetation with a trunk less than 15cm in diameter can be significant. For instance, many wetland, dune and grey scrub species have stems much less than this dimension and these species and ecosystems are threatened.</p> <p>The rule also does not recognise that PCC – Parks and Recreation has shown that is able to agree to, and authorise, substantial environment degradation within natural areas to enable formation of walking or cycle tracks, and accordingly activities such as those envisaged by rule ECO-R1 must be subject to constraints and assessment of effects.</p>
	Outcome	Clearance of indigenous and endemic vegetation within SNAs categorised as a permitted activity should be 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, must be categorised as a non-complying activity.
S42A		Submitter’s Response
Reject	S.42A author considers listed activities: <i>"have little or no material effect on the biodiversity values of SNAs"</i> .	<p>The submitter suggests that the s.42A author has made a value judgement for which there is no evidence.</p> <p>If required, Submitter 168 is able to provide photographic examples showing the extent of land disturbance achievable within the scope of this rule.</p>
	S.42A author considers there is no need for 'lawfully established' qualifier.	The s.42A author has missed the point. The qualifier explains the status of the associated activity to which the vegetation removal relates. The qualifier is not saying that the lawful activity is permitted, only that a use associated with that activity is permitted.

Chapter		Ecosystems and Biodiversity
Plan Provision		ECO-R4 – Earthworks within a Significant Natural Area
Submission	Point No.	168.71
	Scope	Earthworks setback from natural wetlands
	Explanation	ECO-R4 is more lenient than Reg. 54 of the NES-F, which is not allowed under s.44A of the RMA.
	Outcome	Amend ECO-R4 to exclude rule applying to any earthworks within 20m of the perimeter of any natural wetland.
S42A		Submitter's Response
S.42A author "accepts in part", but actually rejects the relief sought in the submission	<p>The s.42A author claims that the addition of a 10m setback is an unnecessary duplication of Clause 54 of the NES-F.</p> <p>Clause 54 requires a 10m setback from wetlands for both earthworks and vegetation removal.</p>	<p>Submitter sought a 20m wide setback, not 10 metres. The relief sought does not duplicate Reg. 54. It expands it to include additional perimeter width in recognition of the need to give sufficient protection to the few remaining wetlands in Porirua and acknowledging the adverse effects that land disturbance and vegetation removal buildings and structures can have on those wetlands in natural character terms.</p> <p>Reg. 6 of the NES-F made by Order in Council on 3 August 2020 refers to district plans both in the context of being more stringent than the Standards [Reg.6(1)] and in terms of being more lenient in certain limited circumstances.</p>

Chapter		Ecosystems and Biodiversity
Plan Provision		ECO-R4 – Earthworks within a Significant Natural Area
Submission	Point No.	168.70
	Scope	Earthworks setback from natural wetlands
	Explanation	ECO-R4(1) and ECO-R4(3) are required to give effect to Policies ECO-P5 and ECO-P11(3)
	Outcome	Submitter 168 opposes any amendment 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.
S42A		Submitter's Response
S.42A author "accepts in part", but actually rejects the relief sought in the submission	S.42A author recommends deletion of Rule ECO-R4-3.a due to perceived inconsistency with Reg. 53 of the NES-F	<p>S.42A author is not able to recommend deletion of ECO-R4-3A. as that deletion is outside the scope of submissions. No submitter sought the deletion. Making the provision more stringent is within scope, making it less so and removing it completely is not within scope.</p> <p>The s.42A author is incorrect. The prohibited status under Reg.53 only applies to earthworks that result in "complete or partial drainage". Therefore, Rule ECO-R4 is not necessarily more lenient.</p>
	S.42A author recommends deletion of Rule ECO-R4-1.b due to perceived inconsistency with Reg. 54 of the NES-F	<p>S.42A author is not able to recommend deletion of ECO-R4-1b as that deletion is outside the scope of submissions. No submitter sought the deletion. Making the provision more stringent is within scope, making it less so and removing it completely is not within scope.</p> <p>The s.42A author is incorrect. If submitter 168's requested relief under submission point 168.71 is accepted then Rule ECO-R4-1.b will not be more lenient or duplicated Reg. 54 of the NES-F.</p>

Chapter		Ecosystems and Biodiversity
Plan Provision		ECO-R7 – Vegetation Removal with SNAs
Submission	Point No.	168.74
	Scope	Activity Status
	Explanation	A discretionary (restricted) activity status sends a message that the Council considers that removal is acceptable and that it should be anticipated by the District Plan provisions. This is inconsistent with the purpose of the RMA and contrary to section 6(c) of the RMA.
	Outcome	Oppose Rule ECO-R7, and submit that it should have a non-complying activity status.
S42A		Submitter's Response
Reject	S.42A author suggests Rule ECO-R7 duplicates ECO-R1-2 and should be deleted.	<ul style="list-style-type: none"> The S.42A author's recommended change would result in any vegetation removal within an SNA being a discretionary (restricted) activity, except for that which is permitted. Policy P39 of the pNRP is about avoiding adverse effects on a wetland SNA such as Taupō Swamp Complex. S.75(4)(b) of the RMA requires the PDP not to be inconsistent with the regional plan. The rules and standards of the PDP are written so generally speaking where a consent is required it falls into the restricted discretionary and discretionary category. Council consent planners/hearing commissioners generally take the view that developments that fall within the 'discretionary activity' category are 'provided for in the district plan'. The rationale by the consent decision-maker then following is that consent must be granted to such activities, with discretion only being exercised with respect to the fine print of (what normally are) standard conditions. History is full of examples where this approach has resulted in adverse effects on wetlands from sediment discharge, animal and plant pest invasions, and degradation of wetland due to catchment hydrology.

Chapter		Ecosystems and Biodiversity
Plan Provision		ECO-R7 – Vegetation Removal with SNAs
Submission	Point No.	168.75
	Scope	Scope
	Explanation	As submitted, removal of non-endemic indigenous vegetation should be provided for as a permitted activity. For this reason, the scope of rule ECO-R7 needs refining.
	Outcome	The title of rule ECO-R7 should read: “Removal of indigenous and endemic vegetation within SNAs”
S42A		Submitter’s Response
Reject	S.42A author suggests Rule ECO-R7 duplicates ECO-R1-2 and should be deleted.	<ul style="list-style-type: none"> • The S.42A author’s recommended change would result in any vegetation removal within an SNA being a discretionary (restricted) activity, except for that which is permitted. • Policy P39 of the pNRP is about avoiding adverse effects on a wetland SNA such as Taupō Swamp Complex. S.75(4)(b) of the RMA requires the PDP not to be inconsistent with the regional plan. The rules and standards of the PDP are written so generally speaking where a consent is required it falls into the restricted discretionary and discretionary category. • Council consent planners/hearing commissioners generally take the view that developments that fall within the ‘discretionary activity’ category are ‘provided for in the district plan’. The rationale by the consent decision-maker then following is that consent must be granted to such activities, with discretion only being exercised with respect to the fine print of (what normally are) standard conditions. • History is full of examples where this approach has in resulted adverse effects on wetlands from sediment discharge, animal and plant pest invasions, and degradation of wetland due to catchment hydrology

Chapter		Ecosystems and Biodiversity
Plan Provision		ECO-R9 – Catch-All Rule - SNAs
Submission	Point No.	168.76
	Scope	Activity Status
	Explanation	Non-complying is an appropriate activity status for a default rule applying to all other activities affecting SNAs
	Outcome	Supports current rule and opposes any lesser activity status by way of submissions by others, or by council officer evidence and/or recommendations.
S42A		Submitter's Response
Reject	S.42A author considers range of potential effects are 'well' covered by the other rules and the application of the effects management hierarchy.	Application of the effects management hierarchy is inappropriate in respect of matters encompassed by Policy P39 of the pNRP. Council consent planners/hearing commissioners generally take the view that developments that fall within the 'discretionary activity' category are 'provided for in the district plan'. The rationale by the consent decision-maker then following is that consent must be granted to such activities, with discretion only being exercised with respect to the fine print of (what normally are) standard conditions. History is full of examples where this approach has resulted adverse effects on wetlands from sediment discharge, animal and plant pest invasions, and degradation of wetland under to catchment hydrology.
	PCC has submitted seeking a lower activity status for the "Catch-all rule" (submission point no. 11.46). It should relate to discretionary activities to be consistent with other overlays.	<p>There is no justification for the Submitter 11's claim about consistency with other chapters.</p> <p>The S.42A assessment notes that other chapters have 'non-complying' activity as the default category for matters that have a similar status in terms of s.6 of RMA.</p> <p>In addition, the s.42A author for the Natural; Features and Landscapes chapter acknowledges that the default non-complying activity status is consistent with the ONFL chapter, as it was notified.</p> <p>Consistency is generally desirable, but it is not the sole basis of making decisions under the RMA especially when the issues being considered have different underlying synergies, or obligations, in terms of the RPS, the pNRP, the NPSs etc. Avoiding adverse effects under Policy P39 of the pNRP, as it applies to outstanding waterbodies, is one such different synergy.</p> <p>Submitter 168 notes that PCC is the only submitter seeking this relief. If PCC hadn't made this submission, the scope issues would prevent the Panel making a recommendation to change the rule.</p> <p>Submitter 168 also notes that PCC has been required since 2009 to review the District Plan and has not done so. So, it has had 12 years to develop a standard and rule structure it is confident is fit for purpose. For PCC to make a submission of this nature, on its own plan, tantamount to a cynical strategic ploy to get one up on other stakeholders.</p>

Chapter		Ecosystems and Biodiversity
Plan Provision		Specific SNA Sites – SNA 134
Submission	Point No.	168.9 and 168.13
	Scope	SNA134 - Te Onepoto Catchment (including estuary margin)
	Explanation	Recognise and provide for s.6(a) and (c) of the RMA, and give effect to the RPS
	Outcome	Refer to text in submission, as well as additional analysis in hearing presentation (with attachments)
S42A		Submitter's Response
Accept	Refers to Wildland's re-evaluation	<ul style="list-style-type: none"> • In his evidence, Mr Goldwater suggests SNA134 should be reduced in area. • I submit that this is inappropriate as no submitters sought that outcome. • SNA134 covers the lower catchment of Te Onepoto stream and estuary, and includes areas of gorse which is succeeding to mahoe dominant forest on the eastern side of the valley. • I note that there are significant areas of indigenous vegetation planted on the hills to the east of Te Onepoto stream that have not been included. If the boundary of this SNA is to be amended then it's probably appropriate for the SNA to be assessed and mapped with this planted area possibly being included. • Mr Goldwater has accepted my submission that 'areas around the Onepoto estuary (the margin) should be added to the SNA.' The s.42A author agrees.

Chapter		Ecosystems and Biodiversity
Plan Provision		Specific SNA Sites – SNA138
Submission	Point No.	168.10
	Scope	SNA138 Whitireia Spring Wetland
	Explanation	Recognise and provide for s.6(a) and (c) of the RMA, and give effect to the RPS
	Outcome	Refer to text in submission, as well as additional analysis in hearing presentation (with attachments)
S42A		Submitter's Response
Accept in part	Refers to Wildland's re-evaluation	<ul style="list-style-type: none"> • SNA138 covers the upper catchment of Te Onepoto stream. Mr Goldwater has identified some additional areas. However, I consider these are insufficient to achieve connectivity. • Since grazing of this area ended in 2010, native wetland vegetation has emerged and become dominant in most of the stream margins and associated wetlands. • I think the whole stream, and its margins, should be included in a single SNA (SNA138 Te Onepoto stream and catchment) because the stream is continuous from the headwater seeps to Onepoto estuary. • The Plan must give effect to the RPS . • The additional land I've identified meets two of the RPS criteria; ecological context and tangata whenua values.

Chapter		Ecosystems and Biodiversity
Plan Provision		Specific SNA Sites – Unnamed
Submission	Point No.	168.110
	Scope	Undescribed
	Explanation	Recognise and provide for s.6(a) and (c) of the RMA, and give effect to the RPS
	Outcome	Refer to text in submission, as well as additional analysis in hearing presentation (with attachments)
S42A		Submitter's Response
This aspect of my submission has not been adequately addressed by Mr Goldwater nor the s.42A author.		<ul style="list-style-type: none"> An area of land east of SNA134 is defined on the Plan maps but unlabelled. Mr Goldwater has commented on this area and labelled it as "SNA134 Te Onepoto Catchment". He has recommended some reductions and some additional areas to its extent, which I'm not opposed to. However, this land is not part of Te Onepoto stream catchment. It should be renamed and numbered. My submission point (168.110) noted this: <i>"The GIS maps in C-WPR identify a SNA south of SNA135, as shown in Figure 23 below. It is not clear if this is a different SNA or if it is part of SNA135."</i>

Chapter		Ecosystems and Biodiversity
Plan Provision		Specific SNA Sites – SNA223
Submission	Point No.	168.11
	Scope	SNA in gully west of Transmitter Road – not named and no description
	Explanation	Recognise and provide for s.6(a) and (c) of the RMA, and give effect to the RPS
	Outcome	Refer to text in submission, as well as additional analysis in hearing presentation (with attachments)
S42A		Submitter's Response
Accept in part	Refers to Wildland's re-evaluation	I support the description of SNA223.
	Refers to name suggested by Ngati Toa	

Chapter		Ecosystems and Biodiversity
Plan Provision		Specific SNA Sites – SNA136
Submission	Point No.	168.12
	Scope	SNA136 Whitireia Bush
	Explanation	Recognise and provide for s.6(a) and (c) of the RMA, and give effect to the RPS
	Outcome	Refer to text in submission, as well as additional analysis in hearing presentation (with attachments)
S42A		Submitter's Response
Accept in part	Refers to Wildlands' re-evaluation	<p>This SNA includes the coastal bush remnant, adjacent wetland and a planted shrubland between the public toilets and the wetland. Mr Goldwater agrees that most additional areas covered in my submission should be included. However, he's not mentioned a small area of planted shrubland. This planted area meets the required 50% cover by native species and should be included in SNA136.</p> <p>Mr Goldwater has recommended that an additional area east of the identified SNA136 be included, and I agreed with that outcome.</p>

Chapter		Ecosystems and Biodiversity
Plan Provision		Specific SNA Sites – SNA139
Submission	Point No.	168.14
	Scope	SNA139 Whitireia Peninsula Coastal Margin
	Explanation	Recognise and provide for s.6(a) and (c) of the RMA, and give effect to the RPS
	Outcome	Refer to text in submission, as well as additional analysis in hearing presentation (with attachments)
S42A		Submitter's Response
Accept in part	Refers to Wildland's re-evaluation	Mr Goldwater recommends the description of SNA139 be amended to refer to <i>Leptinella nana</i> . This is consistent with my submission point 168.14. I support that outcome as <i>Leptinella nana</i> (Nationally Critical) is one of the most threatened species in the Porirua District.

Chapter		Ecosystems and Biodiversity
Plan Provision		Specific SNA Sites – SNA135
Submission	Point No.	168.110
	Scope	SNA135 Whitireia Park Seral Forest
	Explanation	Recognise and provide for s.6(a) and (c) of the RMA, and give effect to the RPS. The GIS maps a SNA south of SNA135. It is not clear if this is a different SNA or if it is part of SNA135.
	Outcome	Clarity about extent and labelling of SNAs
S42A		Submitter's Response
There is no record of the s.42A author's recommendation in respect of this submission point		Submitter has not been able to respond to the s.42A analysis because it is silent about which aspect of the submission the s.42A author does not agree with. Submitter 168 disagrees with Mr Goldwater's assessment of SNA135, and his recommendation that it should be removed. Deletion is not appropriate as no submitter sought that outcome.

Chapter		Ecosystems and Biodiversity
Plan Provision		Specific SNA Sites – SNA137
Submission	Point No.	168.111
	Scope	SNA137 Whitireia Beach
	Explanation	Recognise and provide for s.6(a) and (c) of the RMA, and give effect to the RPS.
	Outcome	Accurate mapping of SNAs
S42A		Submitter's Response
Accept	Amend maps as per Wildland's recommendation	Submitter 168 agrees with this suggestion.

Chapter		Ecosystems and Biodiversity
Plan Provision		SNA Sites – Whitireia Park Generally
Submission	Point No.	168.15
	Scope	Amend SNA Overlay Maps as Required
	Explanation	Recognise and provide for s.6(a) and (c) of the RMA, and give effect to the RPS
	Outcome	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. 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.
S42A		Submitter's Response
Accept in part	Refers to Wildland's re-evaluation	Refer submitter's comment about individual SNAs. In some cases, Mr Goldwater has agreed with the outcome sought, but in some cases he has not, and in others Submitter 168 disagrees with his assessment.

Chapter		Ecosystems and Biodiversity
Plan Provision		SNA Sites – Taupō Swamp Complex
Submission	Point No.	168.18
	Scope	Identification and Listing of SNAs
	Explanation	Recognise and provide for s.6(a) and (c) of the RMA, and give effect to the RPS, and consistency with the pNRP.
	Outcome	Supports identification of parts of the Taupō Swamp Complex as being SNAs (i.e. SNAs 042, 043, 044, 045, 046 and 047).
S42A		Submitter's Response
Accept	Officer agrees with submitter	My submission indicated support for these SNAs being identified. There are no submissions or further submissions regarding this point.

Chapter		Ecosystems and Biodiversity
Plan Provision		Specific SNA Sites – SNA043
Submission	Point No.	168.19
	Scope	SNA Taupō Swamp East (North)
	Explanation	Recognise and provide for s.6(a) and (c) of the RMA, and give effect to the RPS, and consistency with the pNRP.
	Outcome	Supports identification of parts of the Taupō Swamp Complex as being SNAs (i.e. SNAs 042, 043, 044, 045, 046 and 047).
S42A		Submitter's Response
Accept	Officer agrees with submitter	My submission indicated support for this SNA being identified.

Chapter		Ecosystems and Biodiversity
Plan Provision		Specific SNA Sites – SNA044
Submission	Point No.	168.20
	Scope	SNA044 Taupō Swamp East (South)
	Explanation	Recognise and provide for s.6(a) and (c) of the RMA, and give effect to the RPS, and consistency with the pNRP.
	Outcome	Supports identification of parts of the Taupō Swamp Complex as being SNAs (i.e. SNAs 042, 043, 044, 045, 046 and 047).
S42A		Submitter's Response
Accept	Officer agrees with submitter	My submission indicated support for this SNA being identified.

Chapter		Ecosystems and Biodiversity
Plan Provision		Specific SNA Sites – SNA045
Submission	Point No.	168.21
	Scope	SNA045 Taupō Swamp Western Remnant
	Explanation	Recognise and provide for s.6(a) and (c) of the RMA, and give effect to the RPS, and consistency with the pNRP.
	Outcome	Supports identification of parts of the Taupō Swamp Complex as being SNAs (i.e. SNAs 042, 043, 044, 045, 046 and 047).
S42A		Submitter's Response
Accept	Officer agrees with submitter	My submission indicated support for this SNA being identified.

Chapter		Ecosystems and Biodiversity
Plan Provision		Specific SNA Sites – SNA046
Submission	Point No.	168.22
	Scope	SNA046 Taupō Swamp West (central)
	Explanation	Recognise and provide for s.6(a) and (c) of the RMA, and give effect to the RPS, and consistency with the pNRP.
	Outcome	Supports identification of parts of the Taupō Swamp Complex as being SNAs (i.e. SNAs 042, 043, 044, 045, 046 and 047).
S42A		Submitter's Response
Accept	Officer agrees with submitter	My submission indicated support for this SNA being identified.

Chapter		Ecosystems and Biodiversity
Plan Provision		Specific SNA Sites – SNA047
Submission	Point No.	168.23
	Scope	SNA047 Taupō Swamp West (south)
	Explanation	Recognise and provide for s.6(i) and (c) of the RMA, and give effect to the RPS, and consistency with the pNRP.
	Outcome	Supports identification of parts of the Taupō Swamp Complex as being SNAs (i.e. SNAs 042, 043, 044, 045, 046 and 047).
S42A		Submitter's Response
Accept in part	Subject to amendments made in response to other submissions	My submission indicated support for this SNA being identified. I do not support any reduction to the extent of the wetland part of the SNA.

Chapter		Ecosystems and Biodiversity
Plan Provision		Specific SNA Sites – SNA027 and SNA030
Submission	Point No.	168.25
	Scope	Identification of parts of the Taupō Swamp catchment as being SNAs (e.g. SNAs 027 and 030).
	Explanation	Recognise and provide for s.6(a) and (c) of the RMA, and give effect to the RPS.
	Outcome	Supports identification of parts of the catchment for Taupō Swamp being SNAs (i.e. SNA027 and SNA030).
S42A		Submitter's Response
Accept	Officer agrees with submitter	The SNA overlay suitably identifies these SNAs that form parts of the catchment for Taupō Swamp.

Chapter		Ecosystems and Biodiversity
Plan Provision		Specific SNA Sites – SNA027
Submission	Point No.	168.26
	Scope	SNA027 Whenua Tapu Highway Forest
	Explanation	Recognise and provide for s.6(a) and (c) of the RMA, and give effect to the RPS.
	Outcome	Supports identification of part of the catchment for Taupō Swamp being SNA (i.e. SNA027).
S42A		Submitter's Response
Accept in part	Subject to amendments made in response to other submissions	My submission indicated support for this SNA being identified. I support Mr Goldwater's recommended amendments to the SNA boundary, providing a large ngaio is retained.

Chapter		Ecosystems and Biodiversity
Plan Provision		Specific SNA Sites –SNA030
Submission	Point No.	168.27
	Scope	SNA030 Rangī's Bay Bush
	Explanation	Recognise and provide for s.6(a) and (c) of the RMA, and give effect to the RPS.
	Outcome	Supports identification of part of the catchment for Taupō Swamp being SNA (i.e. SNA030).
S42A		Submitter's Response
Accept	Officer agrees with submitter	My submission indicated support for this SNA being identified. There are no submissions or further submissions regarding this point.

Chapter		Ecosystems and Biodiversity
Plan Provision		Specific SNA Sites – SNA140
Submission	Point No.	168.108
	Scope	SNA140 - Titahi Bay Beach
	Explanation	Recognise and provide for s.6(a) and (c) of the RMA, and give effect to the RPS.
	Outcome	Supports identification of Titahi Bay Beach being a SNA (i.e. SNA140).
S42A		Submitter's Response
Accept	Officer agrees with submitter	My submission indicated support for this SNA being identified. There are no submissions or further submissions regarding this point.

Chapter		Ecosystems and Biodiversity
Plan Provision		Specific SNA Sites – SNA144
Submission	Point No.	168.109
	Scope	SNA144 - Titahi Bay South Coastal Scarp
	Explanation	Recognise and provide for s.6(a) and (c) of the RMA, and give effect to the RPS.
	Outcome	Amend boundary to include an area as a wetland dominated by rautahi (<i>Carex geminata</i>) with a locally common patch of <i>Juncus caespiticus</i> '.
S42A		Submitter's Response
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>	I support the amended boundary, so SNA144 includes all the wetland as sought in my submission. Description needs amendment.

Chapter		Natural Features and Landscapes
Plan Provision		NFL-R2 and NFL-S2 - Clearance of indigenous vegetation
Submission	Point No.	168.84 and 168.85
	Scope	Activity Status
	Explanation	<p>There is no reason why removal of endemic indigenous vegetation should be needed in the area covered by ONFL003, and in the unlikely event clearance is required then it should be subject to a consent process. A permitted activity status is inappropriate.</p> <p>A discretionary (restricted) activity status sends a message that the Council considers that indigenous vegetation removal is acceptable and that it should be anticipated by the District Plan provisions. This is inconsistent with the purpose of the RMA and contrary to section 6(a) and (b) of the RMA.</p>
	Outcome	Amend provisions to categorise clearance of indigenous vegetation as non-complying activity.
S42A		Submitter's Response
Reject	Restricted discretionary activity status is appropriate.	<p>Council consent planners/hearing commissioners generally take the view that developments that fall within the 'restricted discretionary activity' category are 'provided for in the district plan'. The rationale by the consent decision-maker then following is that consent must be granted to such activities, with discretion only being exercised with respect to the fine print of (what normally are) standard conditions. History is full of examples where this approach has resulted adverse effects on landscapes.</p> <p>A discretionary (restricted) activity status is a recipe for environmental creep, whereby progressive and successive proposals incrementally result in significant adverse effects, while each individual proposal in isolation is assessed as having 'less than minor' effects. This in turn has the effect of lowering the assessment rating (when the NZILA 7-point criteria are applied) to the extent that the land in question no longer achieves the rating sufficient for it to be classed as 'outstanding'. This is an outcome that does not recognise and provide for the matters of national importance.</p>

Chapter		Natural Features and Landscapes
Plan Provision		NFL-R4 and NFL-S4 – Buildings and Structure
Submission	Point No.	168.83 and 168.82
	Scope	Activity Status
	Explanation	<p>A change to a less onerous activity status for buildings and structures in an ONFL would potentially not recognise and provide for s.6(a) and (b) matters.</p> <p>A discretionary activity status sends a message that the Council considers that building development within an ONFL is acceptable and that it should be anticipated by the District Plan provisions. This is inconsistent with the purpose of the RMA and contrary to section 6(a) and (b) of the RMA.</p>
	Outcome	<p>Submitter 168 opposes any change to the rules that would result in a less onerous activity category for buildings and structures in an ONFL.</p> <p>Amend provisions to categorise buildings and structures as a non-complying activity.</p>
S42A		Submitter's Response
Reject	Discretionary activity status is appropriate.	<p>Council consent planners/hearing commissioners generally take the view that developments that fall within the 'discretionary activity' category are 'provided for in the district plan'. The rationale by the consent decision-maker then following is that consent must be granted to such activities, with discretion only being exercised with respect to the fine print of (what normally are) standard conditions. History is full of examples where this approach has in resulted adverse effects on landscapes.</p> <p>A discretionary activity status is a recipe for environmental creep, whereby progressive and successive proposals incrementally result in significant adverse effects, while each individual proposal is assessed in isolation as having 'less than minor' effects. This in turn has the effect of lowering the assessment rating (when the NZILA 7-point criteria are applied) to the extent that the land in question no longer achieves the rating sufficient for it to be classed as 'outstanding'. This is an outcome that does not recognise and provide for the matters of national importance.</p>

Chapter		Natural Features and Landscapes
Plan Provision		Special Amenity Landscapes
Submission	Point No.	168.114
	Scope	Buildings adjacent to SAL
	Explanation	Development on land that is not included in, but is directly adjacent to, the SAL can potentially adversely affect the landscapes values associated with the SAL.
	Outcome	Include and amend provisions so more onerous bulk and location requirements apply to buildings adjacent to SAL
S42A		Submitter's Response
Reject	Controls are not justified because the areas adjacent to these SALs do not have the characteristics and values.	<p>The s.42A author has not grasped the point, and therefore has not undertaken an adequate analysis.</p> <p>It is the activity on other land (ie: outside the SAL or ONFL) that can affect the values of the SAL or ONFL. This is synonymous with the fact that a building in a residential setting can affect the amenity aspects that the neighbour values (eg: sunlight and outlook). The consideration and control of adverse effects that occur off-site is legitimate duty and function of councils under the RMA.</p> <p>The provisions of the PDP do not achieve this with respect to off-site effects on SALs from activities on adjacent land.</p>

Chapter		Natural Features and Landscapes
Plan Provision		NFL-R4
Submission	Point No.	168.77
	Scope	Amend provisions for activities in same catchment as SAL or ONFL
	Explanation	Development on land that is not included in the SAL or ONFL but is directly adjacent to, or linked to it (eg: hydrologically) can potentially adversely affect the landscape values associated with the SAL or ONFL.
	Outcome	Include and amend provisions so more onerous bulk and location requirements apply to buildings adjacent to SAL or ONFL, or within the same catchment
S42A		Submitter's Response
Reject	Controls are not justified because the areas adjacent to these SALs and ONFLs do not have the characteristics and values.	<p>The s.42A author has not grasped the point, and therefore has not undertaken an adequate analysis.</p> <p>It is the activity on other land (ie: outside the SAL or ONFL) that can affect the values of the SAL or ONFL. This is synonymous with the fact that a building in a residential setting can affect the amenity aspects that the neighbour values (eg: sunlight and outlook). The consideration and control of adverse effects that occur off-site is legitimate duty and function of councils under the RMA.</p> <p>The provisions of the PDP do not achieve this with respect to off-site effects on SALs or ONFLs from activities on adjacent land.</p>

Chapter		Natural Features and Landscapes
Plan Provision		Definition – ONF and ONL
Submission	Point No.	168.112
	Scope	ONF and ONL definitions
	Explanation	Currently (for all intents and purposes) the PDP implies that an ONF and an ONL are one in the same; ie, they can be lumped into the same acronym (ONFL).
	Outcome	Change definitions so there is a clear distinction between what a ONF is and what a ONL is; and which of the scheduled entities are ONF and which are ONL.
S42A		Submitter's Response
Reject	Policy 26 of the RPS does not direct such a differentiation.	<p>It would be useful for plan-users to know what they are dealing with: is it an ONF or is it an ONL? Currently that information is not available.</p> <p>Policy 26 of the RPS does not direct that the PDP cannot treat s.6(b) of the RMA as dealing with two distinct categories or groups of entities.</p> <p>The section 42A author's response is not based on a rational analysis.</p>

Chapter		Natural Features and Landscapes
Plan Provision		Definition – SAL and ONL
Submission	Point No.	168.115
	Scope	Definitions of ONFL and SAL
	Explanation	To assist with usability of the PDP it would be useful if the plan confirmed that a SAL cannot also be identified as an ONL, even though this is the implication.
	Outcome	Change definitions so it's clearly apparent that land cannot be both a SAL and a ONF/ONL.
S42A		Submitter's Response
Reject	The s.42A author gives no reason for her recommendation.	<p>It would be useful for plan-users to know what they are dealing with, and therefore it would be useful if they knew that a SAL was sufficiently related to a ONFL that a piece of land could not be categorised as both. Currently that information is not available.</p> <p>Not all persons using the Plan are familiar with the RMA provisions.</p> <p>Policy 26 of the RPS does not direct that the PDP cannot include definitions that will assist with interpretation and understanding.</p> <p>The s.42A author has given no reasons for her recommendation and therefore it should be rejected, and the submission point accepted.</p>

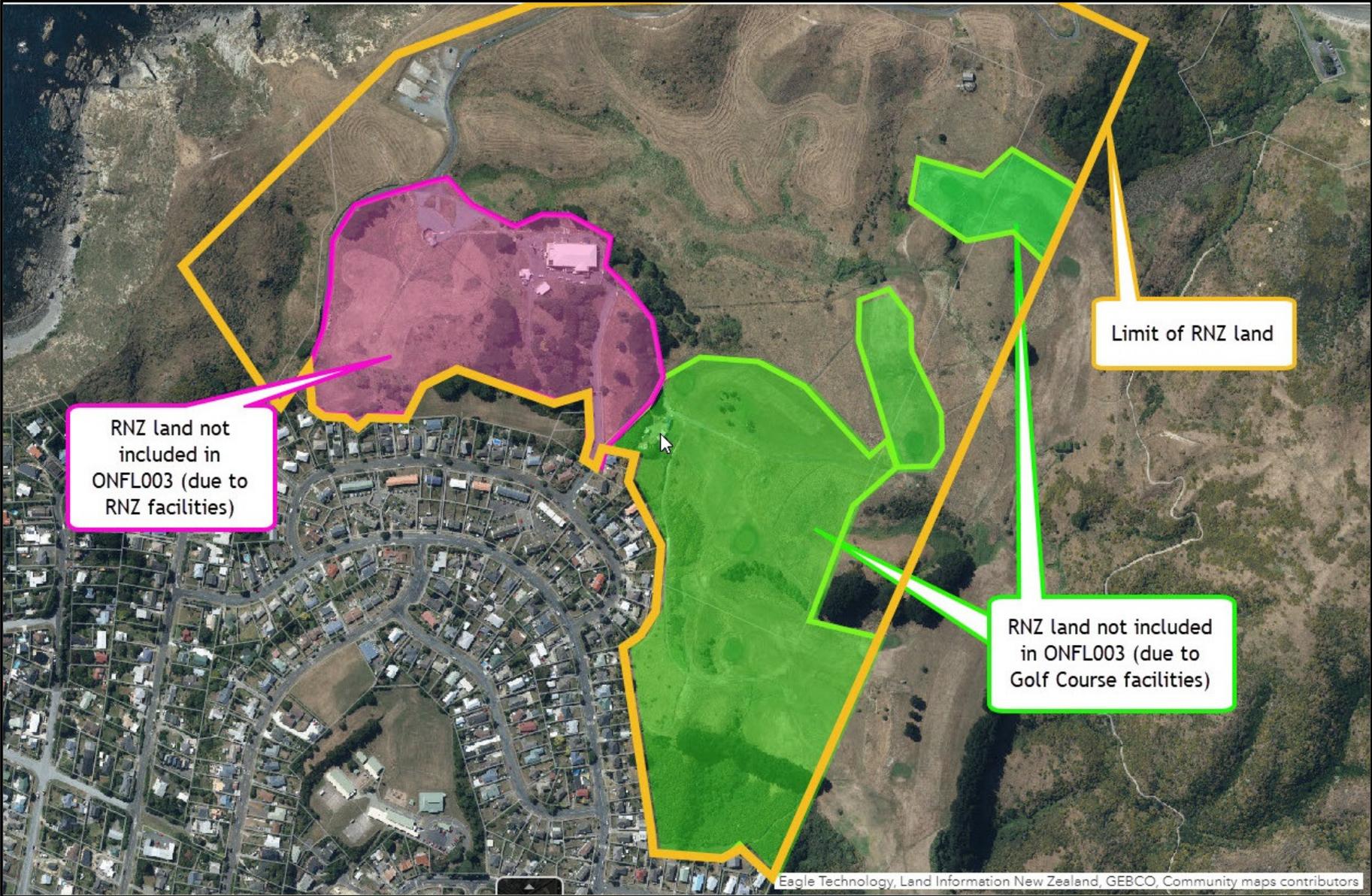
Chapter		Natural Features and Landscapes
Plan Provision		NFL-R12 – Catch-all rule
Submission	Point No.	168.86
	Scope	Activity status
	Explanation	Recognise and provide for s.6(b) of the RMA. A less onerous activity status (eg: discretionary activity) sends a message that the Council considers that landscape modification is acceptable and that it should be anticipated by the District Plan provisions.
	Outcome	Retain non-complying activity status as the default, or catch-all rule.
S42A		Submitter's Response
Reject	For justification for this recommendation the s.42A report says: "refer to body of report". However, the s.42A report includes no analysis of submission point 168.86	Submitter has not been able to respond to the s.42A consideration because it is silent about what aspects of the submission the s.42A author considers are not justified in terms of the statutory requirements and obligations.
	S.42A author does not consider non-complying is an appropriate activity status for unspecified activities in the NFL chapter.	S.42A author acknowledges that the default non-complying activity status is consistent with the ECO chapter, as it was notified, but nonetheless Ms Rachlin considers a lesser activity status is now warranted. It seems this is has been simply based on the submission by PCC (submission point 11.51). RMA reasoning should be primarily focused on the statutory provisions and obligations. Simply wanting consistency across chapters does not have that focus and is therefore inadequate justification. Council consent planners/hearing commissioners generally take the view that developments that fall within the 'discretionary activity' category are 'provided for in the district plan'. The rationale by the consent decision-maker then following is that consent must be granted to such activities, with discretion only being exercised with respect to the fine print of (what normally are) standard conditions. History is full of examples where this approach has resulted in adverse effects on landscape values.
	PCC has submitted seeking a lower activity status for the "Catch-all rule" (submission point no. 11.51). It should relate to discretionary activities to be consistent with other overlays.	There is no justification for the other submitter's (11.51) claim about consistency with other chapters. The s.42A assessment notes that other chapters have 'non-complying' as the default activity category for matters that have a similar status in terms of s.6 of RMA. Consistency is generally desirable, but it is not the sole basis of making decisions under the RMA especially when issues being considered have different underlying synergies, or obligations, in terms of the RPS, the pNRP, the NPSs, s.6 of the RMA, etc. Protection from inappropriate use and development under s.6(b) of the RMA, as it applies to outstanding natural features and landscapes, is one such different synergy.

		<p>Submitter 168 agrees with GWRC (submission point FS40.12) in this regard, summarised by the s.42A author in these terms: <i>“given the status of ONFLs in section 6(b) of the RMA, it is appropriate that the catch-all rule be a non-complying activity, and more stringent than other overlays.”</i></p> <p>A discretionary activity status is a recipe for environmental creep, whereby progressive and successive proposals incrementally result in significant adverse effects, while each individual proposal in isolation is assessed as having ‘less than minor’ effects. This in turn has the effect of lowering the assessment rating (when the NZILA 7-point criteria are applied) to the extent that the land in question no longer achieves the rating sufficient for it to be classed as ‘outstanding’. This is an outcome that does not recognise and provide for s.6(b) of the RMA matters.</p> <p>Submitter 168 notes that, except for a handful of rural-property owners with vested interests, PCC is the only submitter seeking this relief.</p> <p>Submitter 168 also notes that PCC has been required since 2009 to review the District Plan and has not done so. So, it has had 12 years to develop a standard and rule structure it is confident is fit for purpose. For PCC to make a submission of this nature, on its own plan, tantamount to a cynical strategic ploy to get one up on other stakeholders.</p>
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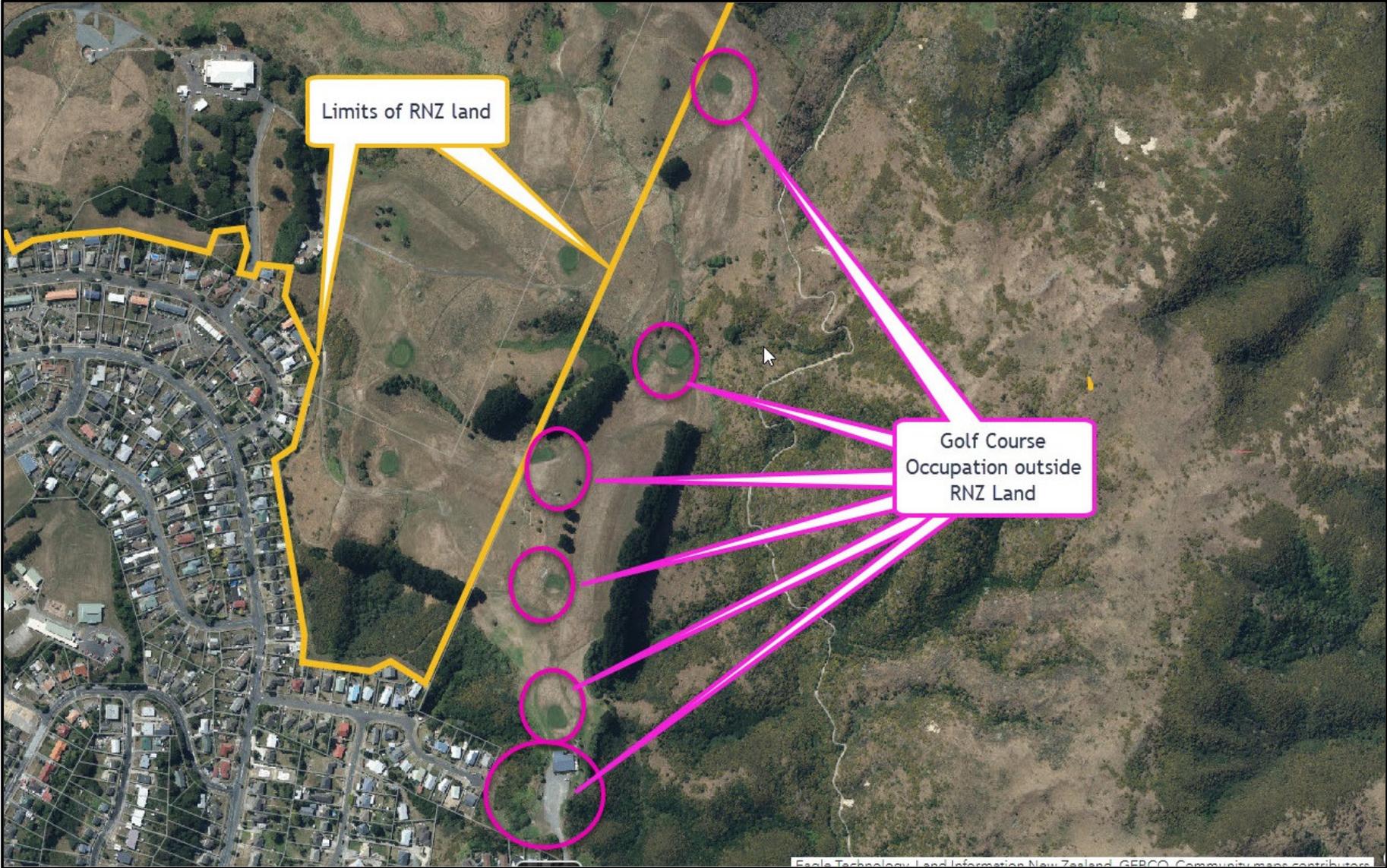
Chapter		Natural Features and Landscapes
Plan Provision		ONFL002 – Taupō Swamp
Submission	Point No.	168.24
	Scope	Taupō Swamp identified and mapped as ONFL002
	Explanation	Support
	Outcome	Retain
S42A		Submitter's Response
Accept in part	Subject to amendments made in response to other submissions	<p>Submitter 168 has not been able to respond to the s.42A analysis because the s.42A report is silent about which aspect of the submission the s.42A author does not agree with.</p> <p>Nor does the s.42A report indicate what the 'subject to' could amount to. The only other submitters in this regard are: Friends of Taupō Swamp and Catchment (178.16) and QEII Trust (216.37).</p> <p>Submitter 168 sought this: <i>"Acknowledgement that a large part of the Taupō Swamp Complex is an ONFL."</i></p> <p>The s.42A author should have accepted this submission point in full. The submitter's point is unaffected by any other submission.</p>

Chapter		Natural Features and Landscapes
Plan Provision		ONFL003 – Whitireia Peninsula
Submission	Point No.	168.113 and 168.7
	Scope	Scope of ONFL overlay
	Explanation	Extent of land at Whitireia Peninsular included in ONFL003
	Outcome	All of Whitireia Park to be included in ONFL003, except small footprints of modified landforms in the Golf Club and RNZ mast and building area. No changes that would result in the extent of ONFL003 being reduced.
S42A		Submitter's Response
Reject	S.42A author relies on evidence of Ms R. Armstrong.	Refer following commentary regarding Ms Armstrong's evidence
		The submitter sought this (submission point 168.7): <i>"... all of Whitireia Park, <u>except small footprints of modified landforms in the Golf Club and RNZ mast and building area</u>, should be included in the ONFL policy overlay."</i> The submitter acknowledges that the exception has not been adequately recorded in submission point 168.113.
		Submission point 168.7 accurately records the submitter's relief.
		The evidence of Ms Armstrong cannot be relied upon for two key reasons: <ol style="list-style-type: none"> 1. The evidence suggests Ms Armstrong is not completely aware of the scope of the RNZ land holding and the extent of the Golf Course. 2. The evidence suggests Ms Armstrong has relied upon previous assessments by Isthmus Group which failed to take into account temporal changes to the activities undertaken on Whitireia Peninsula and also failed to undertake a 'what if' analysis; ie, what would the NZILA rating be if all, or part, of the RNZ land was included.
		No person has made a primary submission seeking removal or reduction in the extent of the ONFL overlay as it applies to Whitireia Peninsular.
		RNZ made a further submission (FS60) opposing submission point 168.7 and 168.113. RNZ's opposition is only with respect to ONFL003 applying <i>".. to land currently occupied, or surrounding, RNZ's facilities"</i> . RNZ's confirms that: <i>"Otherwise, RNZ has no objection [emphasis added] to other parts of RNZ's land being subject to the ONFL003."</i>
		RNZ's submission does not, in any way, relate to that part of the Whitireia Peninsula that is occupied by the Golf Course. In other words, no part of the land occupied by the Golf Course is also required by RNZ.
		Submitter 168 suggests that the outcome sought in submission point 168.7 is 100% compatible with the outcome sought in RNZ's FS60.
Submitter 168 contends that, as there is no evidence to the contrary, submission points No. 168.7 and FS60 should be accepted and accordingly that the outer limits of the ONFL003 overlay should be amended so it encompasses all of		

		Whitireia Park, except small footprints of modified landforms in the Golf Club and RNZ mast and building area. This amendment should generally agree with the following map.
		Ms Armstrong's evidence is flawed in many respects and must be discounted, and the relief sought by Submitter 168, and many other submitters (about 30), should be accepted.
		The outcome sought by Submitter 168 (and as many as 30 other submitters) is required to give effect to Policy 25 of the RPS.

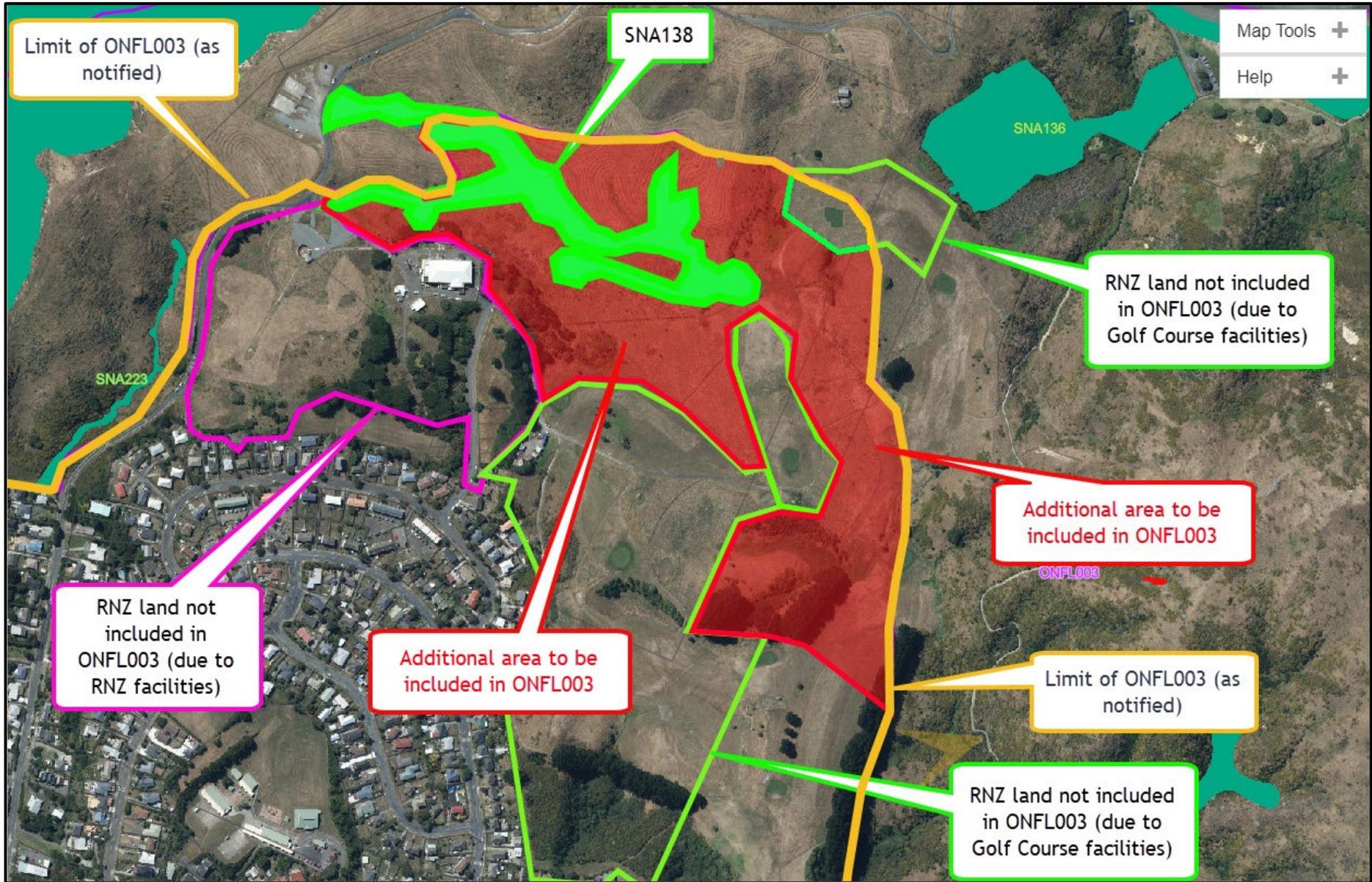


Evidence of Ms R Armstrong		Submitter’s Comment and Response
Para.3 (second bullet point)	Evidence refers to <i>“inclusion of a new ONFL at Whitireia Hill”</i> .	Submitter 168 suggests this should read: ‘Waitangirua Hill’
Para.33	<i>“One submission considered that all parts of Whitireia Park should be identified as either ONFL, or SAL.”</i>	Refer comment above, with respect to error in submission point 168.113 in terms of scope.
Para. 35	<i>“... the whole of Whitireia Park in the ONFL, on the basis that the RNZ land (which includes the golf course) is ...”</i>	<p>Ms Armstrong’s evidence implies that all of the golf course is contained within the RNZ land. This is not correct. Evidence should have said: <i>“RNZ land (which includes part of [emphasis added] the golf course ..”</i>.</p> <p>The evidence proceeds to work on this presumption that all of the RNZ land is encompassed by the Golf Course. This is not correct.</p> <p>This brings into question whether Ms Armstrong’s evidence can be relied upon.</p> <p>The image below shows the extent of the Golf Course that occupies land outside [emphasis added] RNZ land.</p>
Para.35 and Footnote 10	Evidence cites Policy 25 of the RPS. The only cited text is this: <i>“... an ONFL is “a) exceptional or out of the ordinary; and b) its natural components dominate over the influence of human activity”</i> .	<p>Policy 25 of the RPS is about: <i>“Identifying outstanding natural features and landscapes – district and regional plans”</i></p> <p>Ms Armstrong’s evidence fails to advise that the explanation to Policy 25 of the RPS says this: <i>“This does not mean that evidence of human activity cannot be present, but that it should be subordinate to the natural components.”</i></p> <p>Submitter 168 maintains that this is exactly the situation with the anthropogenic influences associated with the RNZ structures and the Golf Course activities.</p>



<p>Para.37</p>	<p>Ms Armstrong confirms that the landscape assessment did not “undertake a detailed evaluation of part of Whitireia Park outside the ONFL boundary ...”</p>	<p>Ms Armstrong’s evidence relies entirely on work previously undertaken by Isthmus Group [https://storage.googleapis.com/pcc-wagtail-media/documents/Isthmus_2020_Porirua_Landscape_Evaluation.pdf]</p> <p>In turn, this work by Isthmus Group was based on earlier work by Boffa Miskell Limited in 2018.</p> <p>The Isthmus Group assessment (2020) is cited in the section 32 assessment [https://storage.googleapis.com/pcc-wagtail-media/documents/Section_32_Evaluation_Report_Part_2_-_Natural_Features_and_Landscapes_1.pdf]</p> <p>The Isthmus Group assessment (2020) concludes that ‘Whitireia Peninsula’ scores the following ratings under the NZILA recommended 7-point rating scale.</p> <ul style="list-style-type: none"> • High Natural Science • Very High Sensory • Very High Shared & Recognised <p>The Isthmus Group assessment (2020) notes that minor amendment onto the Boffa work was made to “.... more appropriately capture ridgeline values, associated with the top of escarpment.”</p> <p>The Isthmus Group assessment (2020), and the earlier Boffa Miskell assessment (2018) upon which Isthmus has relied, make no mention of a ‘what if’ analysis being undertaken. In other words, what would the NZILA 7-point rating be for Whitireia Peninsula if:</p> <ul style="list-style-type: none"> • all RNZ land was included; or, • all RNZ land, excluding that part occupied by the Golf Course and/or RNZ, was included. <p>Submitter 168 maintains that there are several key points that need to be considered in this regard:</p> <ul style="list-style-type: none"> • The influence by RNZ’s structures has been ameliorated with the recent removal/relocation of radio antennae. • Stock grazing has ceased, and restoration planting has progressed, since the last meaningful landscape assessment was undertaken. • Natural hydrological patterns have re-emerged and this is being recognised by parts of the RNZ land (currently excluded from ONFL003) being identified as SNA138 (Whitireia Spring Wetland). • The natural feature recognised as SNA138 (Whitireia Spring Wetland) forms a hydrological and bio-physical connection with SNA134 (Te Onepoto Catchment), taking into account the recommendation by Mr Goldwater in his evidence (Para. 27) and Submitter 168’s comment in respect of submission points 168.10 and 168.113] this is sufficient for the ‘natural science’ rating under the NZILA 7-point scale to be elevated to ‘Very High’. • The headwaters of Te Onepoto stream are exceptional and out of the ordinary and the natural components dominate over the influence of human activity.
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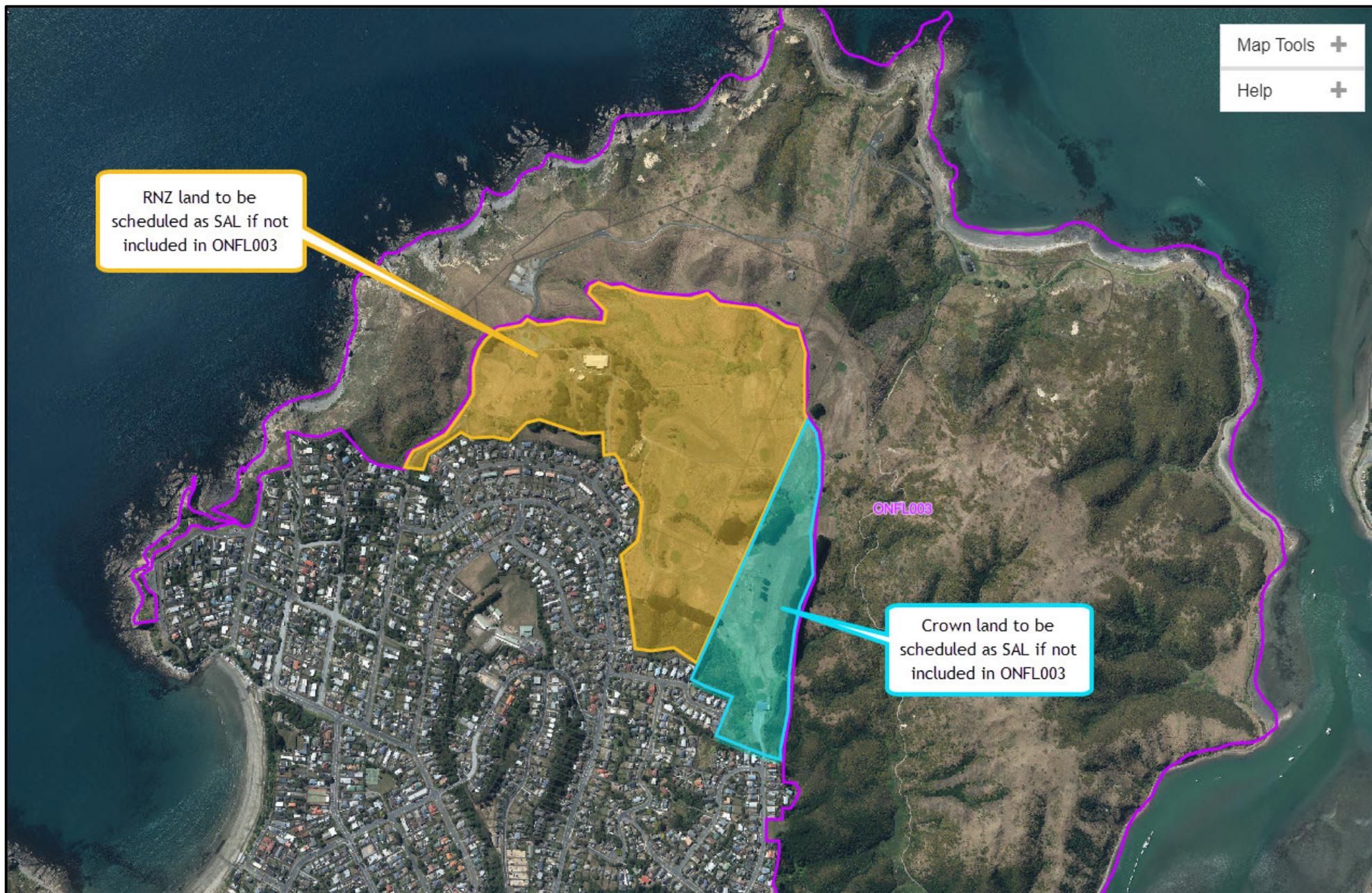
		<ul style="list-style-type: none"> • The Natural Sciences component of the NZILA 7-point assessment rating takes into all aspect of the bio-physical environment which are not always encompassed by an assessment in terms of the Significant Natural Areas chapter of the PDP (which is the inference from the s.42A assessment). <p>In other words, if a ‘what if’ analysis had been undertaken (ie: ‘what if we include all of RNZ land excluding that part occupied by RNA and that part occupied by the Golf Course’) what would the recommendation be? I maintain that this ‘what if’ analysis has not been undertaken. A ‘what if?’ analysis is inherent in s.32 of the RMA. Accordingly, the requirements of s.32 of the RMA to consider alternatives have not been fulfilled.</p>
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Para.37	<p>Ms Armstrong’s evidence includes this comments: <i>“...we consider [emphasis added] that the golf course area generally ...”</i></p> <p><i>“... we confirmed [emphasis added] it as appropriate that the golf course”</i></p>	<p>Submitter 168 asks: what is meant by the use of the pronoun ‘we’ in this context. Evidence should generally be written the first person and, if it is not, then this begs the questions: ‘exactly, whose opinion is this?’.</p>
Paras.37 and 38	<p>Ms Armstrong’s evidence includes these comments:</p> <p><i>“...after consultation with mana whenua ..”</i></p> <p><i>“The peninsula as a whole holds particularly important values to mana whenua.”</i></p> <p><i>“... mana whenua did not consider that the golf course area should appropriately be defined as ONFL or SAL.”</i></p>	<p>Ms Armstrong’s evidence in this regard seems better placed with reference to the ‘Historical and Cultural Values’ chapter.</p> <p>As far as Submitter 168 is aware Ngāti Toa did not make a submission on the Natural Features and Landscapes chapter.</p> <p>Any reliance Ms Armstrong has in that regard is simple hearsay, and this aspect of her evidence should be discounted accordingly.</p>
Para. 40	<p>Ms Armstrong’s evidence includes this comment: <i>“.. I consider that the Whitireia ONFL boundary is appropriately defined, with the golf course land predominantly excluded.”</i></p>	<p>Ms Armstrong’s evidence is silent about whether or not the balance of the RNZ land (ie: that part of the RNZ land not occupied by the Golf Course) should be included in the ONFL. Ms Armstrong seems unaware that most of the RNZ land is not occupied by the Golf Course.</p> <p>Ms Armstrong’s evidence has not addressed the submission point (as well as the points made by as many as 30 other submitters) which was that: <i>“... all of Whitireia Park, <u>except small footprints of modified landforms in the Golf Club and RNZ mast and building area</u>, should be included in the ONFL policy overlay.”</i></p> <p>Ms Armstrong seems keen on excluding:</p> <ul style="list-style-type: none"> • all the Golf Course land (on the basis that this is what Mana Whenua wants) but without any ONFL assessment and no submission by Ngāti Toa to support this exclusion; and,

		<ul style="list-style-type: none">• all the balance of the RNZ land but with no ONFL assessment (apparently because she is under the incorrect impression that the Golf Course occupies all of the RNZ land.).
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Chapter		Natural Features and Landscapes
Plan Provision		SCHED10 - Special Amenity Landscapes
Submission	Point No.	168.116
	Scope	SAL003 – Rukutane/Titahi Bay
	Explanation	<p>There is some land owned/administered by GWRC and Radio NZ/the Crown at Whitireia that has not been identified as either a SAL or an ONL. This is a significant oversight and needs to be corrected. Whitireia Peninsula has special amenity and outstanding landscape values. Whitireia Peninsula is also a significant part of the coastal environment, and its protection is a matter of national importance.</p> <p>The image attached shows the extent of the RNZ and Crown land that should be classified as SAL if it is not included in ONFL003 as per submission points 168.113 and 168.7, and as per the submissions made by about 30 other parties.</p>
	Outcome	Include balance of Radio NZ/ Crown land into SAL003
S42A		Submitter's Response
Reject	<p>The s.42A report, as well as the evidence of Ms Armstrong which the s.42A author relies, has referred to submission point 118.116 but have not provided any justification for why the request for the relief be rejected.</p>	<p>The evidence suggests Ms Armstrong has relied upon previous assessments by Isthmus Group which fail to take into account temporal changes to the activities undertaken on Whitireia Peninsula and also failed to undertake a 'what if' analysis; ie, what would the NZILA rating be if all, or part, of the RNZ land was included.</p> <p>Apparently, Ms Armstrong (and Ms Rachlin by association) consider, without the benefit of any landscape analysis, that there is no part of the Whitireia Peninsula worthy of the Special Amenity Landscape classification.</p> <p>The s.42A author has no basis upon which to recommend rejection of the submitter's requested relief.</p> <p>No person made a primary submission, or a further submission, asking for the balance of RNZ and Crown land (ie: than land not included in the ONFL) not be identified as SAL.</p> <p>The relief sought by Submitter 168 in this regard should be accepted, for the reasons stated in the submission (Para. 9.5.2 of the submission).</p>



Chapter		Natural Character
Plan Provision		New NATC-S2 - Earthworks
Submission	Point No.	168.58 Note: S.42A consideration of this submission point has been included in the s42A report about the Ecosystems and Biodiversity chapter
	Scope	Standard for earthworks relative to a natural riparian wetland
	Explanation	NATC-S1 specifies a setback for earthworks relative to the "riparian margin". The limit of the setback is therefore running parallel to the stream edge. Therefore the standard does not 'bulge' out to encompass natural wetlands where they may be located within the 'riparian margin'.
	Outcome	Include new standard to read: 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.
S42A Note: The s.42A author for this submission point is Mr T. Mc Donnell		Submitter's Response
S.42A author rejects	S.42A author states: <i>"Robyn Smith [168.58] also seeks that earthworks within 20m of a natural wetland be non-complying."</i>	This is not correct. Submission point 168.58 is: <i>"that a new standard [emphasis added] should be included."</i> Submission point 168.58 makes no mention of a rule or the activity status.
	S42A author does not include an explanation about why he is commenting on a submission point that is related to another chapter in the Plan	S.42A report states (at Para.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 s.42A author is analysing something that, on the face of it, is outside the scope of his evidence. The comment by the s.42A author in respect of NAT-SC should be disregarded accordingly.
	S42A author appears to claim that due to the provisions of the NPS-FM and NES-FW that the District Plan need not have provisions relating to wetlands.	The S42A author is in error for the following reasons: <ul style="list-style-type: none"> • Policy 61(c) of the RPS does not specifically exclude the Council from managing wetlands. Policy 61 specifically refers to GWRC's responsibilities as including wetlands, but this is not exclusive. • Reg. 6 of the NES-F made by Order in Council on 3 August 2020 refers to district plans both in the context of being more stringent than the Standards [Reg.6(1)] and in terms of being more lenient in certain limited circumstances. • The explanation to Policy 23 of the RPS is unequivocal – it states: <i>"District plans will identify indigenous ecosystems and habitats with significant biodiversity values for all land [my emphasis], except the coastal marine area and the beds of lakes and rivers."</i> Wetlands are not excluded under Policy 23 and nor are they excluded from consideration by territorial authorities in Section 2.2 of GWRC's explanatory guideline. So, as far as SNAs are concerned the only land excluded from consideration in a district plan is land in the CMA, and the beds of rivers and lakes.

		<ul style="list-style-type: none"> Wetlands are therefore included within the scope of SNA identification and scheduling. The NES-F does not affect that situation.
	<p>The s.42A author claims: <i>"earthworks within a wetland is prohibited under clause 53 of the NES"</i></p>	<p>The s.42A author is incorrect. The prohibited status under Reg.53 only applies to earthworks that result in "complete or partial drainage".</p>
	<p>S.42A author does not recommend any change to standards under NATC.</p>	<p>Accordingly, Submitter 168 seeks this standard to be included: 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.</p> <p>Consequentially, Submitter 168 seeks a new term and definition to be included, and for this to cover the concept of a 'natural riparian wetland' as discussed in section 6.4.14 of the submission.</p>

Chapter		Natural Character
Plan Provision		NATC-R1-1 – buildings
Submission	Point No.	168.56
	Scope	Buildings in coastal or riparian margins
	Explanation	It is appropriate to limit the degree to which buildings in the coastal or riparian margin can be erected as a permitted activity
	Outcome	Supports permitted activity rule NATC-R1-1
S42A		Submitter's Response
Note: The s.42A author for this submission point, and subsequent submission points, is Ms C. Rachlin		
S.42A author does not consider the supportive component of submission point 168.56		Retain rule NATC-R1-1 as notified

Chapter		Natural Character
Plan Provision		NATC-R1-2 - buildings
Submission	Point No.	168.56
	Scope	Activity Status
	Explanation	<p>There is no reason why buildings other than those listed as permitted need to be located with a coastal or riparian margin. In the unlikely event such buildings are needed then it should be subject to a consent process, but a discretionary (restricted) activity status is inappropriate.</p> <p>A discretionary (restricted) activity sends a message that the Council considers that buildings in coastal margins are acceptable and that it should be anticipated by the District Plan provisions. This is inconsistent with the purpose of the RMA and contrary to section 6(a) of the RMA.</p>
	Outcome	Amend provisions to categorise the erection of buildings not provided for as permitted activities to be a non-complying activity
S42A		Submitter's Response
Reject	Restricted discretionary activity status is appropriate.	<p>Council consent planners/hearing commissioners generally take the view that developments that fall within the 'restricted discretionary activity' category are 'provided for in the district plan'. The rationale by the consent decision-maker then following is that consent must be granted to such activities, with discretion only being exercised with respect to the fine print of (what normally are) standard conditions. History is full of examples where this approach has resulted adverse effects on the natural character of coastal and/or riparian margins.</p> <p>A discretionary (restricted) activity status is a recipe for environmental creep, whereby progressive and successive proposals incrementally result in significant adverse effects, while each individual proposal in isolation is assessed as having 'less than minor' effects. This is an outcome that does not recognise and provide for the preservation and protection required by section 6(a) of the RMA.</p>

Chapter		Natural Character
Plan Provision		NATC-R2-1 - earthworks
Submission	Point No.	168.57
	Scope	Earthworks in coastal or riparian margins
	Explanation	It is appropriate to limit the degree to which earthworks in the coastal or riparian margins can be undertaken as a permitted activity.
	Outcome	Supports permitted activity rule NATC-R2-1
S42A		Submitter's Response
S.42A author does not consider the supportive component of submission point 168.57		Retain rule NATC-R2-1 as notified

Chapter		Natural Character
Plan Provision		NATC-R2-2 - earthworks
Submission	Point No.	168.57
	Scope	Activity Status
	Explanation	<p>There is no reason why earthworks (other than those listed as permitted) need to be located within a coastal or riparian margin. In the unlikely event such earthworks are needed then it should be subject to a consent process, but a discretionary (restricted) activity status is inappropriate.</p> <p>A discretionary (restricted) activity sends a message that the Council considers that earthworks in coastal or riparian margins are acceptable and that it should be anticipated by the District Plan provisions. This is inconsistent with the purpose of the RMA and contrary to section 6(a) of the RMA.</p>
	Outcome	Amend provisions to categorise the earthworks not provided for as permitted activities to be a non-complying activity.
S42A		Submitter's Response
Reject	Restricted discretionary activity status is appropriate.	<p>Council consent planners/hearing commissioners generally take the view that developments that fall within the 'restricted discretionary activity' category are 'provided for in the district plan'. The rationale by the consent decision-maker then following is that consent must be granted to such activities, with discretion only being exercised with respect to the fine print of (what normally are) standard conditions. History is full of examples where this approach has resulted in adverse effects on the natural character of coastal and/or riparian margins.</p> <p>A discretionary (restricted) activity status is a recipe for environmental creep, whereby progressive and successive proposals incrementally result in significant adverse effects, while each individual proposal in isolation is assessed as having 'less than minor' effects. This is an outcome that does not recognise and provide for the preservation and protection required by section 6(a) of the RMA.</p>

Chapter		Natural Character
Plan Provision		Definitions
Submission	Point No.	168.49
	Scope	Definition of 'coastal margin'
	Explanation	Definition as notified includes the term 'landward property', the meaning of which is not clear.
	Outcome	Amend definition of 'coastal margin'
S42A		Submitter's Response
Reject	S.42A author considers definition of coastal margin is clear.	<p>The term 'landward property' is part of the definition as notified. The meaning of 'landward' is clear as it is used in the RMA definition of CMA. But the meaning of 'property' is not so clear.</p> <p>The word 'property' is used sparingly in the RMA and then generally in circumstances where the legislation is referring to assets excluding land (eg; property seized under section s.336 of the RMA). Property can be tangible (a house or land) and intangible (eg: intellectual property, or an easement or encumbrance or similar instrument), but the concept is very broad. Use of such a broad term is not desirable when attempting to define quite a succinct physical concept such as 'the margin'.</p> <p>I agree with Ms Sweetman, who (in her s.42A assessment for the 'Strategic Objectives chapter (Para. 49)) says this: <i>" My preference is to use the terms in the RMA, which is reflected through the PDP. In particular, the Natural Character chapter refers to waterbodies and the protection of the natural character of coastal margins and riparian margins."</i></p> <p>Submitter 168 agrees that where possible provisions in the Plan should use the same terminology as the RMA.</p> <p>Submitter 168 has sought such an outcome with reference to the use of the word 'below' instead of 'seaward' with reference to the CMA [see s.42A report for 'Overarching' and para.9 of B. Warburton's presentation HS1].</p> <p>Accordingly, Submitter 168 seeks the use of the word 'land' instead of 'landward property', and seeks the following definition:</p> <p>Coastal margin means: "Land in the District that is within 20 metres of MHWS".</p>

Chapter		Natural Character
Plan Provision		Definitions
Submission	Point No.	168.50
	Scope	Definition of 'riparian margin', and inclusion of wetlands.
	Explanation	Definition as notified includes the term 'landward property', the meaning of which is not clear.
		Definition as notified includes the expression " <i>where the river flows through or adjoins an allotment</i> ", which seems to add nothing and is superfluous.
		The definition as notified does not include wetlands.
	Outcome	Amend definition of 'riparian margin'
S42A		Submitter's Response
Reject	S.42A author considers definition of riparian margin is clear.	<p>The term 'landward property' is part of the definition as notified. The meaning of 'landward' is clear as it is used in the RMA definition of CMA.</p> <p>The term 'landward' while used in association with the CMA does not obviously assist with respect to rivers, streams and wetlands as all the land encompassed by those features is 'landward' by definition (ie: it is not within the CMA).</p> <p>The meaning of 'property' is not so clear.</p> <p>The word 'property' is used sparingly in the RMA and then only in circumstances where the legislation is referring to assets excluding land (eg; property seized under section s.336 of the RMA). Property can be tangible (a house or land) and intangible (eg: intellectual property, or an easement or encumbrance or similar instrument), but the concept is very broad. Use of such a broad term is not desirable when attempting to define quite a succinct physical concept such as 'the margin'.</p> <p>I agree with Ms Sweetman, who in her s.42A assessment for the 'Strategic Objectives chapter (Para. 49) says this: "<i>My preference is to use the terms in the RMA, which is reflected through the PDP. In particular, the Natural Character chapter refers to waterbodies and the protection of the natural character of coastal margins and riparian margins.</i>"</p> <p>Submitter 168 agrees that where possible provisions in the Plan should use the same terminology as the RMA.</p> <p>Submitter 168 has sought such an outcome with reference to the use of the word 'below' instead of 'seaward' with reference to the CMA [see s.42A report for 'Overarching' and para.9 of B. Warburton's presentation HS1].</p> <p>Accordingly, submitter seeks the use of the word 'land' instead of 'landward property'.</p> <p>The expression "<i>where the river flows through or adjoins an allotment</i>" is apparently meant to relate to how and where the river width is measured so it can be deduced if the river is more or less than 3 metres wide. This is not clear from the</p>

	<p>S.42A author does not consider that the scope needs widening to include wetlands. The s.42A author claims that inclusion of wetlands is precluded by NES-F.</p>	<p>definition as notified. Submitter 168 suggests an explanatory note would be more useful.</p> <p>The s.42A author is in error for the following reasons:</p> <ul style="list-style-type: none"> • Policy 61(c) of the RPS does not specifically exclude the Council from managing wetlands. Policy 61 specifically refers to GWRC’s responsibilities as including wetlands, but this is not exclusive. • Reg. 6 of the NES-F made by Order in Council on 3 August 2020 refers to district plans both in the context of being more stringent than the Standards [Reg.6(1)] and in terms of being more lenient in certain limited circumstances. • The explanation to Policy 23 of the RPS is unequivocal – it states: <i>“District plans will identify indigenous ecosystems and habitats with significant biodiversity values for all land [my emphasis], except the coastal marine area and the beds of lakes and rivers.”</i> • Wetlands are not excluded under Policy 23 and nor are they excluded from consideration by territorial authorities in Section 2.2 of GWRC’s explanatory guideline. So, as far as scope is concerned, the only land excluded from consideration in a district plan (by virtue of the NES-F) is land in the CMA, and the beds of rivers and lakes. • Section 6(a) of the RMA specifically includes margins of wetlands. S.6(a) of the RMA says this: <i>“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.”</i> • The explanation to Policy 40 of the RPS [Maintaining and enhancing aquatic ecosystem health in water bodies – consideration] says this: <i>“District and city councils could implement this policy by requiring setback distances between buildings and rivers, wetlands and the coastal marine area to protect riparian areas, limiting the amount of impervious surfaces allowed in new developments in some catchments, requiring rooftop rainwater collection for gardens, requiring roadside swales, filter strips and ‘rain gardens’ for stormwater runoff instead of kerb and channelling, encouraging advanced community sewerage schemes rather than septic tanks in areas where groundwater is vulnerable, and encouraging the treatment of stormwater at source in car parks and industrial yards.</i> • Development of the type to which the RPS refers is within the scope of the Council’s functions under s.31 of the RMA, and also outside the scope of the restrictions under the NES-F. Submitter 168 notes that the default non-complying activity regulation
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		<p>(Reg. 54) under NES-F only applies to drainage, earthworks and vegetation removal.</p> <ul style="list-style-type: none"> • NES-F is not attempting to manage effects on natural character. The NES-F and the NPS-FM both do not include the term ‘natural character’. • It is, therefore, appropriate for the Council to include provisions in the District Plan relating to management of land use activities able to affect the natural character values associated with wetlands or their margins. The NES-F does not affect that situation.
	<p>S.42A author does not recommend any change to definition.</p>	<p>Accordingly, Submitter 168 seeks this definition for ‘riparian margin’.</p> <p><i>“all land in the District which is within:</i></p> <ol style="list-style-type: none"> <i>a. 20m of a river with an average bed width of 3m or more, or</i> <i>b. 5m of a river with an average bed width of less than 3m, or</i> <i>c. 20m of a natural riparian wetland.”</i> <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>Consequently, Submitter 168 seeks a new term and definition to be included, and for this to cover the concept of a ‘natural riparian wetland’ as discussed in section 6.4.14 of the submission.</p>

ATTACHMENT D: NOTES ABOUT MATTERS CONSIDERED IN HEARING STREAM ONE THAT HAVE DIRECT RELEVANCE TO MY HEARING STREAM TWO SUBMISSION POINTS

My submission points out that, in many aspects, the maps included with the Plan are not helpful in delineating the extent of the Council's jurisdiction (ie: the limits of the 'District' as defined in the Act).

Several examples are given in the submission, and also in Mr Warburton's Hearing Stream One presentation on my behalf.

These mapping deficiencies fall into three categories:

- a. where the maps do not identify a zoning as applying to part of the District clearly landward of MHWS.
- b. where the maps identify a policy overlay applying to part of the District but do not identify a corresponding underlying zoning.
- c. where the maps identify the seaward extent of a zone (and therefore by association the seaward extent of the District) which is significantly inconsistent with the limit of the CMA as depicted in the maps in Chapter 13 of the pNRP.

The location of the MHWS is an important method to achieve the purpose of the Act.

With his right of reply, Mr McDonnell suggested text for insertion into the PDP. This text in essence would result in the determination of the limit of the Council's jurisdiction being deferred until a later date. This later date would be as and when matters arose requiring the MHWS to be located.

Mr Warburton's presentation¹⁶ highlighted some of the difficulties and impracticalities of this approach.

The purpose of these notes is to bring the Panel's attention to two key issues applicable to my Hearing Stream Two submission points that directly result from uncertainty about the extent of the Councils jurisdiction due to the PDP's approach to spatial mapping.

1. POLICY OVERLAYS

Mr McDonnell's suggested text refers to what, he believes, could happen if the MHWS was delineated, at the later date, such that there was no zone applying to the land landward of the MHWS. His suggested text includes this:

"Where there is land identified landward of MHWS that does not have a zone, the Open Space Zone shall apply, except for land adjacent to the Māori Purpose Zone (Hongoeka) where that Zone shall apply."

¹⁶ At Para.22 and in Attachment C

Mr Mc Donnell's suggested text, however, makes no mention of what, if anything, would happen to any relevant policy overlays; ie, do they remain static, or do they too move with the zoning. Either way, this raises issues with respect to the relevant provisions of the RPS and s.31 of the RMA.

With my Hearing Stream Two submission points I have sought appropriate spatial mapping in the PDP relating to the SNA, ONFL, and SAL overlays. I maintain that the matters identified in these submission points cannot be adequately addressed until the issues raised in my Hearing Stream One submission points are addressed which is not achieved with the additional PDP text suggested by Mr McDonnell.

2. COASTAL MARGIN

As Mr Warburton noted in his Hearing One presentation¹⁷, the delineation of the MHWS is an important planning mechanism; one reason being (in the context of the PDP) that it defines the extent of the 'coastal margin'. As recorded in my Hearing Stream Two submission points, I support the concept of a 'coastal margin'. However, as recorded in my Hearing Stream One submission points there are implications in terms of needing the MHWS to be delineated.

There were no submissions opposing the concept of the 'coastal margin'.

There is a functional need for the MWHS to be delineated for without that the delineation of the 'coastal margin' is vague and uncertain, and likely to be ineffective.

Mr McDonnell's suggested additional PDP text does not address this issue.

In her assessment of Royal Forest and Bird Protection Society's submission¹⁸ about the coastal margin Ms Rachlin says this:

"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."¹⁹

I maintain that the definition of the 'coastal margin' provides neither clarity nor certainty. Because the extent of the Council's jurisdiction has not been delineated on the spatial maps, it is impossible for, what is in essence, an offset relative to the MHWS to have any meaning let alone meaning with clarity and certainty.

¹⁷ At Para. 15
¹⁸ Submitter 225
¹⁹ At Para. 52

With my Hearing Stream Two submission points I have sought appropriate provisions in the PDP relating to the 'coastal margin'. I maintain that the matters identified in these submission points cannot be adequately addressed until the issues raised in my Hearing Stream One submission points are addressed which is not achieved with the additional PDP text suggested by Mr McDonnell.

ATTACHMENT E: ERRORS AND OMISSIONS IN SECTION 42A REPORTS AND EVIDENCE**1) Submission Points Referencing**

CHAPTER: Ecosystems and Indigenous Biodiversity					
Section No.	Section heading	Para. No.	Submission point	s.42A author's text	Comment
3.28.6.1	Amendments sought to SNA boundaries - Matters Raised by Submitters	531	168.5	<i>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:</i> <ul style="list-style-type: none"> • 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 	Submission point 168.5 relates to OSZ-R17, and the appropriate activity status for residential and commercial activities in the Open Space Zone. There is no direct linkage to the Ecosystem and Biodiversity provisions and this doesn't seem compatible with the s.42A officer's commentary
3.28.6.3	Amendments sought to SNA boundaries - Recommendations	545		<i>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, 127.5, 128.5, 129.5, 131.5, 132.5, 133.5, 142.5, 150.5, 166.5, 168.5, 171.5, be accepted in part.</i>	
3.28.6.3	Amendments sought to SNA boundaries - Recommendations	545	168.6	<i>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, 8.... 127.5, 128.5, 129.5, 131.5, 132.5, 133.5, 142.5, 150.5, 166.5,131.6, 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]be accepted in part.</i>	Submission point 168.6 relates to OSZ-R18, and the appropriate activity status for residential and commercial activities in the Open Space Zone. There is no direct linkage to the Ecosystem and Biodiversity provisions and this doesn't seem compatible with the s.42A officer's commentary
3.28.6.1	Amendments sought to SNA boundaries - Matters Raised by Submitters	531	168.7	<i>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:</i> <ul style="list-style-type: none"> • Amend SNA134 [3.5, 80.5, 87.5, 88.6, 105.5, 127.5, 128.5, 129.5, 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 	Submission point 168.7 relates to the extent of the Outstanding Natural Feature and Landscapes (ONFL) policy overlay as it relates to Whitireia Park. There is no direct linkage to the Ecosystem and Biodiversity provisions and this doesn't seem compatible with the s.42A officer's commentary. The s.42A report for the Natural Features and landscapes chapter refers to submission point 168.7.
3.28.6.3	Amendments sought to SNA boundaries - Recommendations	545		<i>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, 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....</i>	

2) SNA Descriptions

The s.42A report for the 'Ecosystems and Biodiversity' chapter includes an annotated copy of Schedule 7 'Significant Natural Areas'.

In terms of SNA130 – Porirua Scenic Reserve – the site summary includes references to: "*Leptinella nana*; Threatened-Nationally Critical".

Leptinella nana is not present in Porirua Scenic Reserve.

There are two tiny remnants in Whitireia Park only, which is the full extent of this species in the North Island.

There are two tiny populations in the South Island.

This error is repeated in Mr Goldwater's evidence with respect to submissions relating to SNA130.

3) SAL Descriptions

The s.42A report for the 'Natural Features and Landscapes' chapter includes an annotated copy of Schedule 7 'Significant Natural Areas'.

In terms of SAL003 – Rukutane/Titahi Bay – the site summary includes reference to: "*Active restoration projects mean increasing natural science values on beach dunes.*"

I am unaware of any such projects currently underway.