

Submission Porirua City Proposed District Plan - Number 30
Introduction - Jeremy Collyns - Rural landowner in Porirua City for 40 years , forest business owner , carbon farmer and conservationist .

The land we own is 40 Ha . Half is in planted forest plantation and the remaining half is in established native forest . This native forest has been covenanted with the Queen Elizabeth National Trust , one of the first in the country , being covenanted in 1983 . This block of native forest has been fenced and extensive pest animal and weed control being carried out since covenanted .

Since it contains a number of rare and threatened native plants it has been identified a Key Native Ecosystem under Greater Wellington Council . This being unusual since it is on private land , most KNE being on council owned land.

One of KNE land goals is " High value biodiversity areas are protected" This block of forest and neighbouring forest forms one of the larger private owned forest blocks in Porirua City.

Not only is the bush areas protected under covenants , **Queen Elizabeth the Second Act 1977** , it also has KNE protection as well under the **Resource Management Act 1991** .

The planted forest is sandwiched between both covenanted bush blocks To over come access , harvesting , and future house and farm building dreams, we negotiated our open space covenant agreement to allow us to carry on doing those activities under the agreed terms . This was written and signed by both parties and has worked well for almost 40 years. This has allows us to develop the forestry business with first harvest completed and to conserve the native forest to a high standard . This also would allow house and farm building in the future in the covenanted land.

With the new SNA rules this open space agreement has these existing property rights taken away without any compensation for there loss . This is a financial hit, with existing and future landowners unable to build a house on the only house site being in the SNA/covenanted bush block.

This also causes harvest problems with the access road being though the bush block and the load out truck site being also in the SNA area by the main road . Repairing this access road after a storm event could be problematical under the SNA rules but possible with the open space agreement . This would leave us with no access to our forest if the road is

damaged in a weather event with it being unable to be repaired or rerouted under the new SNA rules are imposed . The main skid site at the top has not been replanted and is regenerating back into native .It adjoins the covenanted area and could be included as SNA land in any future revisions of the plan making it in operative .

These new SNA rules with the above issues will also affect the sale value of our property in a severe manner due to the problems of not being able to build a house and to continue a forestry business with harvesting and access being potential problems for future land owners and our selves

The solution to this problem would be as we outlined in our submission to exclude the existing Queen Elizabeth National Trust Covenants from the SNA list but include in a separate schedule that they are protected and covered by a open space covenant and covered by the covenant documents rules .

This view was supported by the Council and its advisers when meeting with Rural Residents November 2000 (meeting notes attached)

This has been the only public consultation under taken by council on the Ecological Site Survey out of which came the SNA site maps .

I would like to draw your attention to the last page of the meeting notes : Council involvement in land protection and the perceived advantages of QII covenants (remove Council from the equation) :

The covenanted protected areas have stronger rules in there protection with the trust ,than outlined in the council SNA rules .There condition is checked every two years by the National Trust and any breaches of the covenant agreement enforced.

This at no cost to the council .By removing that extra layer of bureaucracy by having the SNA rules removed from covenanted land makes management of the property much easier for the land owner and the council .

A further example of this is the boundaries of the trust covenants are surveyed and placed on the land tile . They are usually fenced and very clear to the landowner where they start and finish .

Unlike the SNA land mapping boundaries which are set from a deck top study taken from aerial photographs at a point of time . (Refer to photo attached showing planted forest in the SNA area) This photo shows a area of planted forest in a area of indigenous forest . This area has been included in the SNA land map along with planted timber trees including

eucalyptus , Blackwoods and native timber trees planted for future harvest . This area is not in the covenanted land area . With the land being designated SNA we would be unable to harvest especially the planted native timber trees .

With our replanting of plantation forest there are areas of forest which did not establish and now regenerated into native forest . In order to harvest again we need to fell into and haul trees through these areas . With the present SNA mapping we feel that over the course of the forest rotation ,30 years , the boundaries of the SNA land could change to include these areas making harvesting trees impossible . With this was the unanswered question of native forest regeneration under planted forest .

With the meeting notes enclosed you can see what was agreed 20 years ago with the council and landowners there are sections which been ignored by council with the new proposed district plan which would answer and solve the above questions and problems .

The commitment outlined in Councils Public Consultation Letter dated 2000 has removed any trust in the council I had as a land owner in honouring its commitments outlined in both the letter and agreed meeting notes with the present proposed District Plan.

The section ECO-P7 of the plan requires the council to encourage and support landowners to protect , restore and maintain areas of indigenous vegetation.

With the separation of the covenanted land from the SNA land list into its own schedule it meets the above goals as below.

By encouraging land owners into covenants gives these landowners ownership of there conservation efforts in carrying out there fencing maintenance , weed and pest animal control .

This gives certainty to land owners that the boundaries of the surveyed covenanted land is understood by both council and landowner and fixed in time .

The land owner can then opt in with further land being covenanted . There choice to protect and not made compulsory as under the SNA rules by council .

Further to this the council would be able to give rate relief to the landowners with covenants to meet the objects of this section .

A win win for conservation , landowner and council .

We as a family over a period of 40 years have invested a great deal in both time and money in fencing the bush areas and in pest animal and weed control to now find that the property rights outlined in the open

space covenant agreement we enjoyed before, have now been taken away with the SNA rules in the proposed district plan .

This was highlighted when we found that the council had renamed our rear covenant . This is named : David John Collyns Covenant : set out in our covenant agreement and registered on our land tile . This was because my father spend many hours fencing and under taking pest control in this area . We would like this returned by the council and the legal name restored on the SNA maps.

The SNA rules place restrictions on both the right to build and development of our roading and harvest infrastructure as set out in the open space agreement .

With these property rights being removed we feel we are being punished for all this hard conservation work finically when if we had not done this work the bush block would no longer be in existence and the problem gone .

We ask you to consider this submission and consider the costs and problems this will cause , as a family if these rules are imposed on us and solutions offered we feel will remedy this misjudged legalisation .

The failure of the council to complete field surveys as promised in 2000 has led to many of the problems above . In fact if the council had followed through on the action points outlined in meeting notes and the letter attached from 2000 the council would still have the trust of the landowners involved in this process

As to the field survey promised by the council at this time , this was not done . This is also a requirement of one of the four criteria outlined in the Draft National Policy Statement Indigenous Biodiversity to carry out field survey with in two years . The council has since 2000 to carry out these field surveys but have failed to do so .

This casts doubt on the value of the desk top survey which I will outline in my next submission .

Relief Sought

Change the policy ECO-P3 to recognise that QEII covenanted areas are already covered by there on set of conditions and these will become the conditions under which they managed under this policy. Again rate relief will continue and strengthen where possible .

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

Thank you, Jeremy Collyns



In reply please quote: SP/10/5/2
For enquires please contact: Matthew Trlin
Extension: 8505 : MFT
Direct Dial: (04) 237 1505

29 November 2000

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Administration Bldg
Cobham Court
Porirua City

Dear Jeremy Collyns

ECOLOGICAL SITES SURVEY - MEETING WITH RURAL RESIDENTS

I would like to thank you for attending the 2 November meeting at the Brady Room Whitby.

As you are well aware the Council's Ecological Sites Survey project is one of the most challenging environmental programmes that Council has initiated in recent years.

The Council is faced with trying to formulate a programme that will both:

- (a) appropriately address Council's responsibilities under the Resource Management Act 1991 relating to "recognising and providing for" the protection of significant ecological sites, and;
- (b) appropriately recognise and provide for competing interests associated with land "protection", such as recognition of property rights and the ability and expectation of land owners to be able to derive an economic return from privately owned land.

To say that this is not an easy task is somewhat of an understatement. As councils and landowners from elsewhere within the country can attest to (i.e. Hurinui), the balance is difficult to achieve. This has been particularly the case where landowners have not been actively engaged in such a process from the outset, and have subsequently found there has been little Council understanding of landowner concerns, aspirations and expectations.

Your presence and participation at the 2nd November meeting was therefore appreciated, and valued, in terms of enabling the Council to outline and present its ecological sites survey project. More importantly though it was important in terms of contributing to a landowner forum to discuss preliminary thoughts and concerns relating to the project itself. For myself the meeting has certainly reinforced our desired approach of proceeding with care and consideration when progressing this project beyond its "data gathering and field survey" stage.

Given that a range of issues and concerns were raised by a number of individuals at the meeting I have enclosed, for your information, the notes that we took from our discussions. Realising that we may not have captured the full essence of some of the issues that were raised (as a lot of discussion did occur), could I also invite you to provide any additional comments that you consider these notes should contain. Please also feel free to provide your own personal views on the project to this point in time. I realise that not all who attended the meeting may have felt fully comfortable in discussing their perspectives in front of the group that was present.

Where to from here?

As discussed at the meeting the Council has engaged consultants from Boffa Miskell to conduct field surveys of those sites that may be of ecological interest.

Paul Blaschke, the Team Leader for the project from Boffa Miskell, if he has not done so already, will contact you to discuss whether arrangements can be made for a member of his team to access your land to examine any sites of interest for this work. Access would greatly assist us in terms of being able to establish those sites that are unlikely to be of further interest, and of course those sites where further inspection work may be merited. As was also outlined at the meeting these visits will also benefit you, if you choose to subdivide your land in the future, by completing work (at Council's expense) that we would normally require you to do (at your expense) as part of a subdivision application.

We would also be very interested in being shown or informed of any additional sites that you might consider would be of interest to us. This would greatly assist us in extending our knowledge of the city, and would provide the benefit of Council assessing the site as part of this project. We may also be able to offer or direct you to assistance, if it is required, in managing some of these areas.

If you have any concerns associated with Paul or one of his team accessing your site, please feel free to contact us and we can discuss how or if it is appropriate to visit your site.

Using the information we gather.

Recognising the sensitivity that is associated with the development of an inventory of ecological sites, I can assure you that you and other landowners will have ample opportunity to discuss the survey work that is underway, and any subsequent assessment that is applied to sites within your property.

Opportunities will also be provided to specifically discuss issues, including site management concerns/ options / opportunities, that may arise from this work. This will include opportunities for one-on-one discussions.

It is also recognised that further discussion or feedback will be required to consider the range of management options that may be considered for use on some sites. Part of this process will involve determining what are appropriate management options for consideration and the conditions and constraints that may need to be applied to the application of some of these options. We will contact you with details of further meetings or workshops on this matter once we have completed the inventory of ecological sites, related fieldwork, and preliminary site assessments.

In the interim, please feel free to contact Matt Trlin, Manager Environmental Policy, telephone (04) 237 1505, or email mtrlin@pcc.govt.nz, with any questions, concerns or thoughts that you may have relating to the project.

Yours sincerely

PP 

Sue Veart
GROUP MANAGER STRATEGIC POLICY GROUP
for CHIEF EXECUTIVE

INVENTORY OF SIGNIFICANT ECOLOGICAL SITES IN PORIRUA CITY

In May 2000 Porirua City Council initiated a project documenting ecological sites in Porirua City. The objectives of the project are:

- Identify and survey ecological sites within Porirua City.
- Assess the relative significance and importance of the ecological sites.
- Identify the range of threats to the on-going health and viability of the ecological sites.
- Identify a range of tools (both statutory and non-statutory) for the sustainable management and protection of the ecological sites.
- Review the provisions in the District Plan related to ecological sites as a result of the inventory of ecological sites and the review of tools available for sustainably managing and protecting the ecological sites.
- Develop a programme for monitoring the on-going health and viability of the ecological sites.

Boffa Miskell Ltd has been contracted to assist Porirua City Council with the following tasks:

- Obtain and collate all existing data of ecological sites in the City.
- Identify Ecodomains and pre-European vegetation associations.
- Undertake initial aerial photo analysis and reconnaissance.
- Communicate and discuss results of initial survey with public, and finalise significance criteria.
- Undertake field surveys of sites.
- Assess the relative significance of listed sites.
- Identify ecological issues and recommend management solutions.
- Advise on monitoring programme.

Work commenced in June 2000 on the first three tasks. Public discussion is taking place during October and November, at the same time that initial field work is being done in publicly-owned areas. It is hoped that all potentially significant ecological areas will be visited and assessed (provided that private owners give permission for access), in order to evaluate their ecological significance and recommend management and monitoring options for them.



HIGHLIGHTS FROM THE INITIAL "DESK-TOP" SURVEY

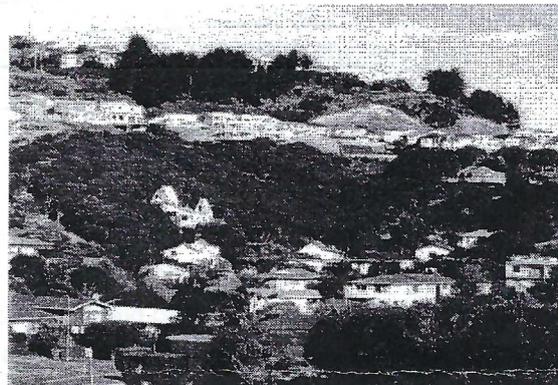
The project team has obtained all existing major sources of data on ecological sites in Porirua City, entered this information onto a database developed for the project, and drawn provisional boundaries onto recently-flown 1:7500 aerial photographs. Principal data sources drawn on for the desk-top survey were databases of areas and species held by the Department of Conservation, the Wellington Regional Council, and the Queen Elizabeth II National Trust.

Number of ecological sites

The initial number of sites compiled onto the database was 109 (after reconciling considerable duplication in the records transferred). From an examination of the aerial photographs, in particular looking at areas that are not presently recorded but which look as though they have significant or potential ecological significance, we estimate that there will probably be about 20 - 30 new sites added. **So the final total may be 130 - 140 ecological sites in the City.**

Size of ecological sites (based on provisional information)

Size (ha)	Number of sites	% of sites
>50	11	10 → includes DOC
10-50	22	20
5-10	19	17
2-5	32	29 → 3 less than 4 plus than
<2	25	23
Total	109	100



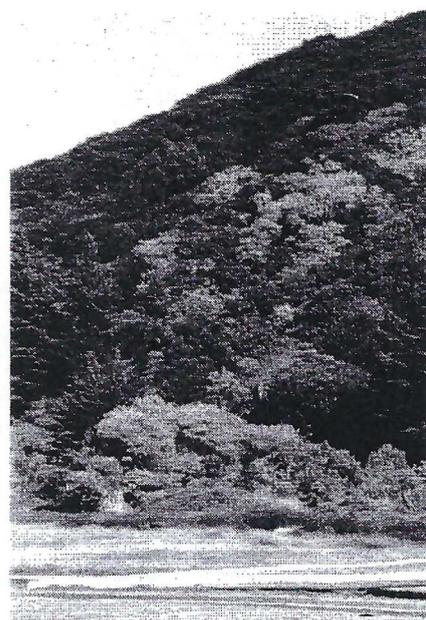
Points to highlight:

- ❖ Total area of the sites = 2148ha (12% of the area of Porirua City).
- ❖ Average area of all sites is just under 20ha.
- ❖ About 70% of the sites are less than 10 ha in area.
- ❖ There are likely to be a lot of present sites which are too small to be viable in the long term.
- ❖ Many areas (perhaps about 10% of the sites) have shrunk significantly since earlier surveys.

Land tenure of ecological sites (based on provisional information)

Tenure	Number of sites	% of sites
Private land	56	52
Private land covenanted	19	17
Crown reserve	9	8
Local authority reserve	18	17
Mixture private and public land	7	6
Total	109	100

1/3 have covenanted protection



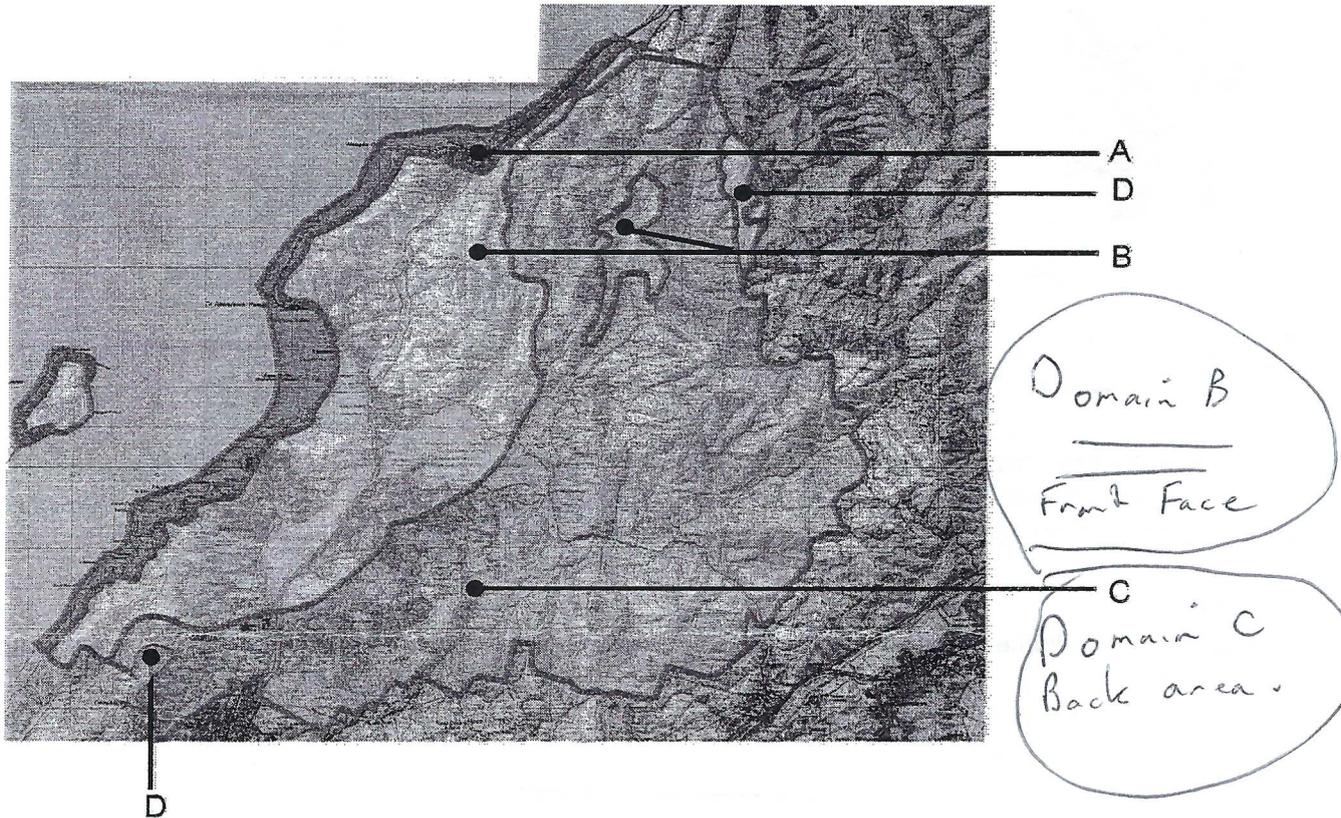
Points to highlight:

- ❖ Just under half of the areas have some sort of formal legal protection.
- ❖ This is a relatively healthy position compared with comparable districts.
- ❖ More than one third of protected sites are private land covenant.
- ❖ There are many small public as well as private reserve areas

Survey mainly plants.

ECODOMAINS: Understanding the local ecology

An area that shares a similar set of physical and climatic circumstances that in turn produces a predictable set of biological patterns, cycles and land-uses, is called an 'ecodomain'. The project team have recognised four ecodomains in Porirua City Council at a broad mapping scale of 1:50,000. At this mapping scale people can readily 'read' the character of an ecodomain in their neighbourhood landscape. These ecodomains will form the main basis for assessing the representativeness of ecological sites in Porirua City.



Field survey and assessment of ecological sites

All sites will be surveyed first before their significance is assessed. The survey concentrates on gathering basic environmental information to augment what is already available from existing surveys. This includes information about plants and animals present, types of habitat, connections to other sites, and threats to the future viability of the site. Landowners and other local people can contribute greatly to our understanding of aspects of ecological sites not easily recognised in field surveys (such as seasonal or nocturnal wildlife patterns).

In assessing the ecological significance of the sites the following must be taken into account:

- *Vegetation and animals present*
- *Variety and integrity of physical habitats and natural processes*
- *Representativeness* - within Porirua City boundaries
within successional or habitat characteristics of ecodomain
- *Rarity* - of plant and animal species
of habitat
- *Ecological context* (relationship to other sites or ecosystems in the vicinity)
- *Condition and threats*
- *Viability*

The survey team

The inventory project is being undertaken for the Council by Boffa Miskell Ltd, a leading New Zealand environmental consultancy firm specialising in landscape design, ecology and planning. The Boffa Miskell team doing the field survey are:



Paul Blaschke
Team leader: ecologist



Isobel Gabites
Landscape ecologist



Tim Park
Field surveyor: ecologist

All landowners who own sites that may be of significance will be contacted by Paul or Isobel to request permission for access. Contact them on 04 385 9315 for matters relating to the field survey.

How will the inventory information be used?

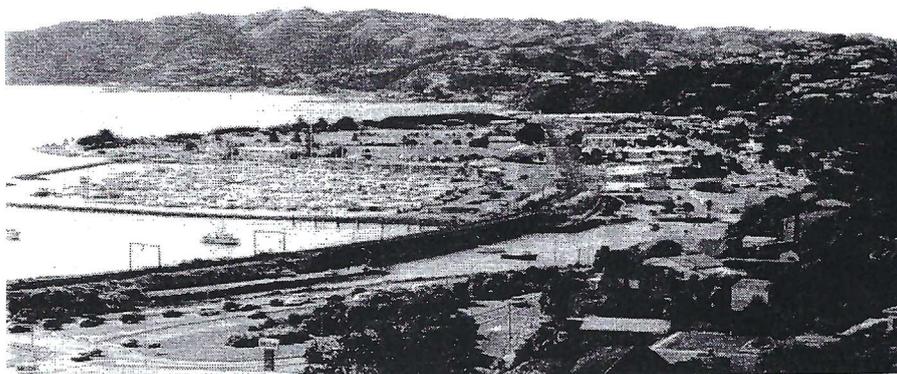
The identification of sites of ecological value will provide a database not only for the Council but will also be a valuable resource for landowners who may be looking to develop or subdivide their land.

Once sites are identified a separate dialogue needs to take place as to the management response. The Council does not assume regulation is the only response and is keen to work with landowners on a range of management options. Once the full scale of potential sites is known the Council, with the landowners, can develop arrangements to best meet the needs of the landowners and the legal responsibilities of the Council. The Council is well aware that the wider community cannot/should not impose unreasonable expectations on landowners. The Council is aware that elsewhere in the country farmers and others have felt that the public was placing an unreasonable burden onto the private landowner. Porirua is keen to avoid such tension.

Information gathered both from databases and from site inspections will be shared with the landowner for information and discussion or clarification.

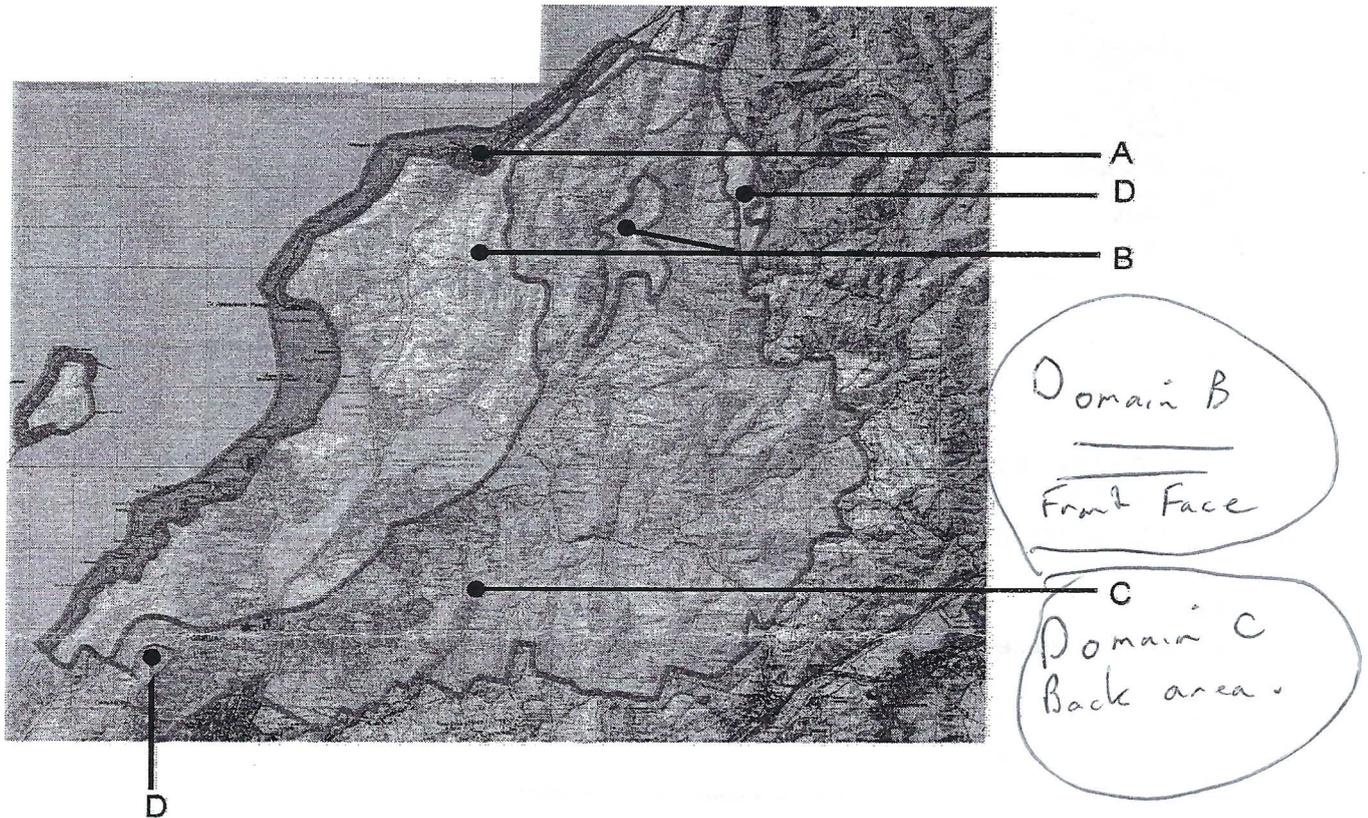
For further information

Please contact Matthew Trlin or Sue Veart at Porirua City Council, phone 237 5089.



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- *Viability*

Ecological Sites Survey- Meeting with Rural Residents **Thursday 2 November 2000.**

Parties Present:

Porirua City Council

Sue Veart- Group Manager Strategic Policy Group
Matt Trlin- Manager Environmental Policy

Paul Blaschke- Boffa Miskell
Isobel Gabites- Boffa Miskell
Tim Park - Boffa Miskell
Robert Schofield- Boffa Miskell

Residents/ Landowners

Donald Love
Ian Benge
Dan Stevensen
Claire Gray
James Gray
John Carrad
Joy Gray
Wallace Thorneycroft
Clare Ashton
Christine Stanley
Valma and Bob Gyton
Jeremy Collyns
Lynette Wharfe
Mike Jacobson
Dave Scafie
Kevin Wharfe
George Tripe

Notes from Meeting:

Sue Veart introduced the Ecological Site Survey Project and the project team from Boffa Miskell.

Sue identified consultation and discussion with landowners as an integral part of the project, and that Council needed to work with landowners to complete survey and data gathering phase of the project. A key part of the contract with Boffa Miskell therefore related to a requirement for Boffa's to individually consult with each landowner, and for permission to be obtained from landowners prior to accessing land for the field survey component of the project. Landowners were invited to raise any problems or issues with the consultant, access arrangements or this process directly with Sue or Matt Trlin.

Once this stage of the project was complete Council would work with landowners, both collectively and at an individual level, to establish how to best deal with the information that had been gathered.

Key benefits associated with Council undertaking this work:

For landowners:

- Council funded assessment of potential ecological sites on their land, and the relative significance of any such site. Landowners choosing to subdivide their land at some later point in time would be able to use this information as part of any subdivision application (at no cost to the landowner).

For Council:

- Meeting RMA responsibilities, re monitoring for example.

Paul Blaschke outlined the scope of the initial desktop study (including analysis of aerial photographs) and presented highlights of this work, including details of:

- number of sites with ecological areas of potential interest;
- site sizes, including site size distribution and average site size;
- public/private ownership;
- existing use of protective covenants;
- evidence of shrinkage in areas of indigenous bush that had been previously documented

Concepts of site linkages and ecological viability were also discussed.

Isobel Gabites outlined the use of Ecodomains in the project, including the use of ecodomains to establish a context for sites that were to be examined. Examples and ideas were provided of what might have value.

Questions raised by residents and landowners during the course of the meeting included:

Q: Proportion of identified sites that are privately owned?

A. Approximately 50%

Q: Identification of species- did the survey have a broad scope for the range of species that would be looked at?

A. The scope of the survey did not enable a "fine" survey to be undertaken of animals.

Q: Given that the Council was already surveying sites, to what extent was the Council then collecting information on animals ?

A. Council was not doing an invertebrate or bird study. Sites would be largely examined in a one off site visit, which was far from ideal in terms of being to accurately document the range of species that might be present within the site. The survey work

was primarily focused on plants plus material was available from a range of other sources- including animal surveys.

Q: Regenerating scrub – at what stage does this become significant? Is it related to when a site serves a linkage role?

A. Isobel response- An interpretation will need to be made of each site and a determination made. Soil conditions could be real factor in terms of their ability to support successor species. Paul- Linkage is a factor, in addition to the presence of indicative species. Explained that we are dealing with a moving target and the assessment of a site may change in say 10 years time with further regeneration.

Q: Forest owners- are pine forests to be excluded from ecological sites, even where bush regeneration is occurring beneath such stands?

A. Council has to acknowledge that plantation forests are there as a commercial crop and will be harvested. Such sites would therefore be excluded from ecological site lists.

Q: What is the incentive for a landowner to share information with the Council- e.g. glow worm sites that are hidden within the property and that are not readily visible?

A. This rests largely with the landowner, however it was hoped that such information would be shared to contribute to local knowledge, and also to seek assistance in managing such areas. It was acknowledged that people wouldn't share unless they wanted to.

Q: Rates Relief- is this something that would be looked at?

A. Yes. Concepts of fencing assistance, pest management contributions and greater rates relief all appeal. These would be looked at in detail as the project unfolds. Opportunities exist to co-ordinate with the Regional Council on such initiatives.

Q: How did DoC criteria compare to Ecosurvey criteria for evaluating areas?

A. There are differences. Ecosurvey places an emphasis on habitat rarity as opposed to species rarity.

Q: Ranking of surveyed sites and relative ranking of properties- will there be an opportunity to discuss?

A. The range of assessment criteria outlined in the handout / pamphlet were highlighted. Landowners would have the opportunity to discuss rankings following the completion of survey work.

Key concerns raised by residents and landowners included:

- **The presence of invasive species** – gorse, bone seed,- and the spread of these species through the City particularly since the war.

- Natives beneath commercial forests being subject to protection and preventing logging.
- Impact of walkways on private land.
- Council involvement in land protection and the perceived advantages of QEII covenants (remove Council from the equation).
- Ecodomain zones and the management of land within these zones.
- The ranking of sites following survey – what are the overall goals that we are trying to achieve? Some areas may be within or outside of long term desired corridors that may affect ranking.