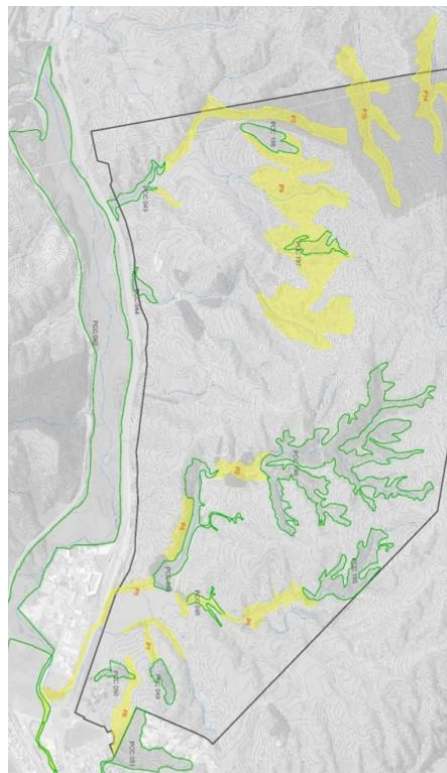


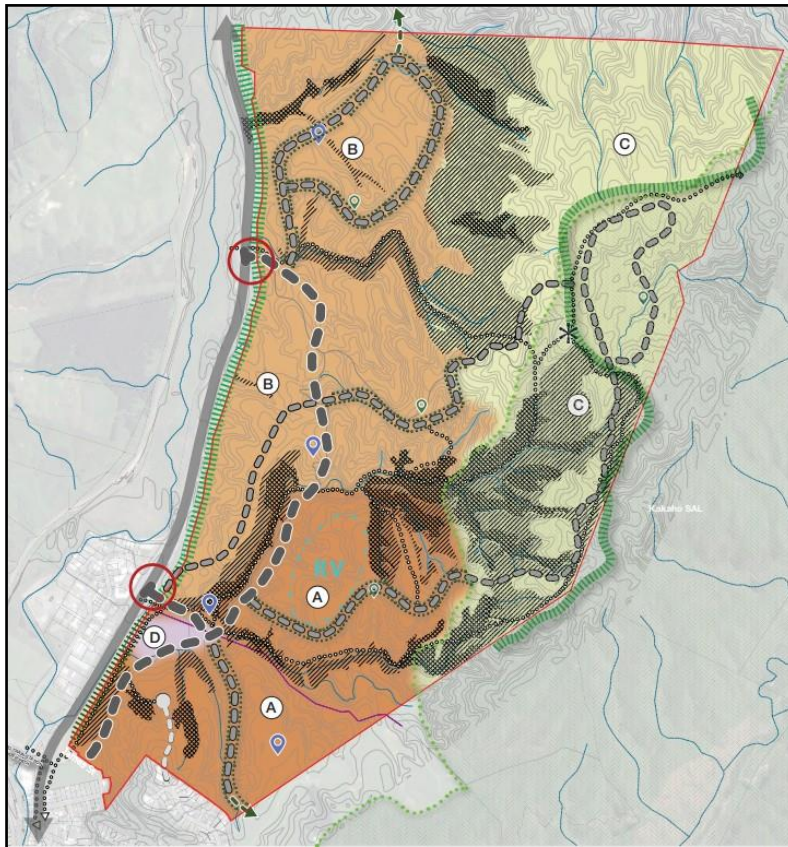
**EXTRACT FROM: COMMENTS ON DRAFT DECISION ON BEHALF OF
PLIMMERTON DEVELOPMENTS LIMITED, DATED 10 DECEMBER 2020**

BORA MAPPING ERRORS

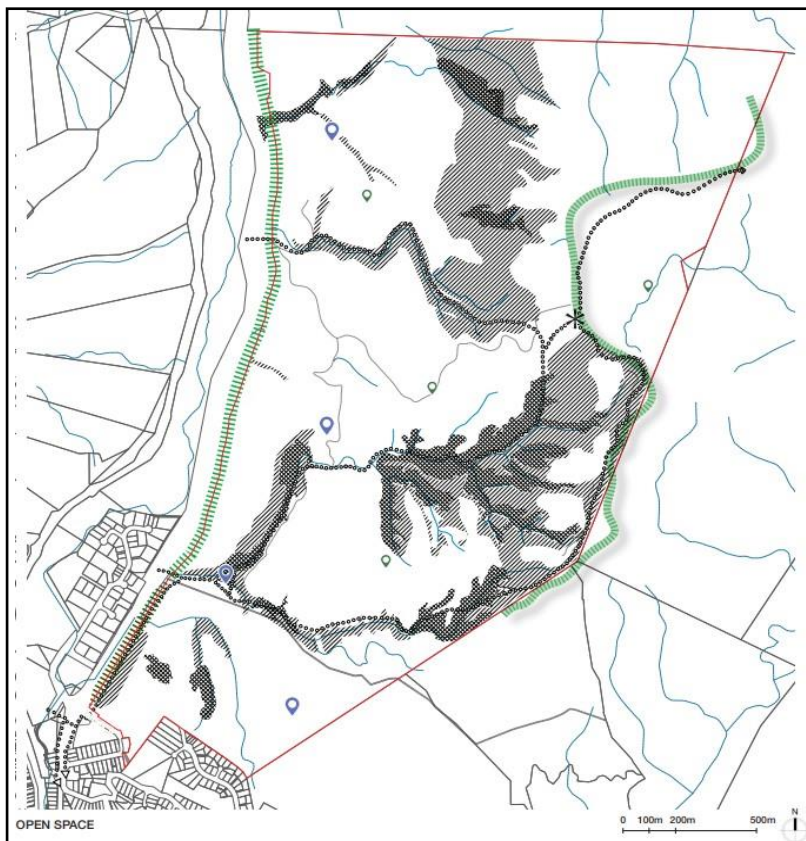
1. Since the hearing has closed, PDL has identified significant mapping errors on the proposed District Plan environment overlay map. For context, at the early stages of Plimmerton Farm, the landscape architect and ecologist jointly prepared a plan identifying SNAs (in green outline) and “other sites of ecological interest”, as follows:



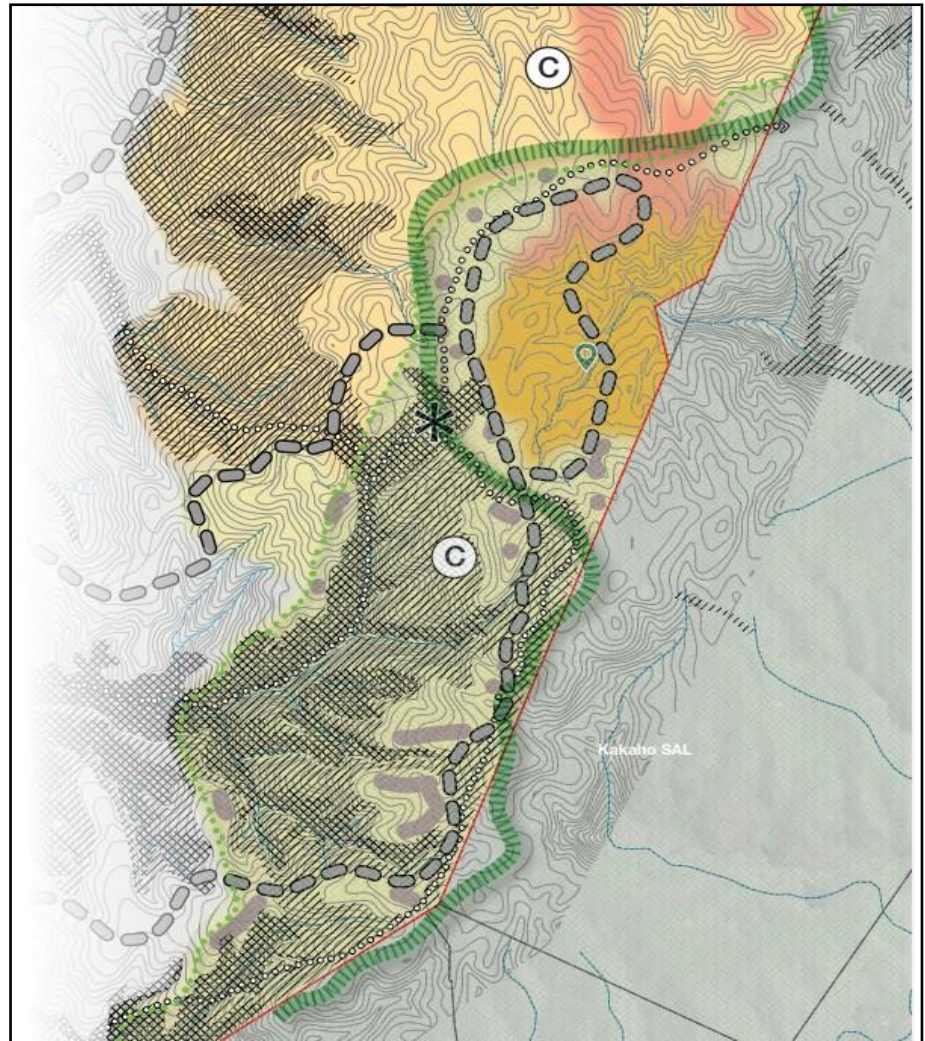
2. These areas were identified to assist in considering how, and to what extent, provision should be made to provide ecological corridors between SNAs, enhance existing SNAs, and to assist in visual integration of the development with the existing vegetation on the site. They were subject to further consideration, ground truthing, etc.
3. Some of these areas were then identified as “BORAs” – but not on the notified precinct plan or maps – on the s42A report.
4. The **notified precinct plan** provided as follows:



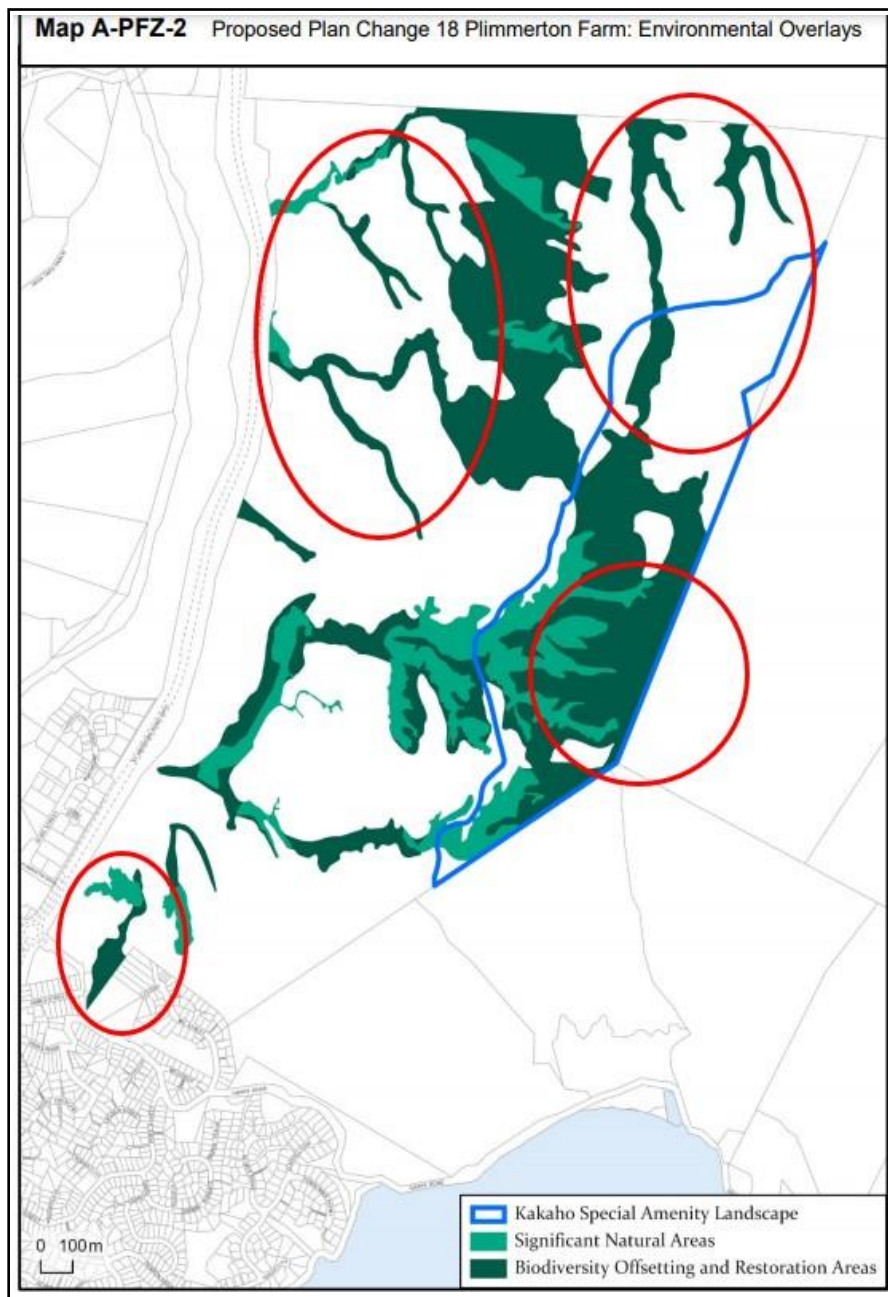
5. The notified open space plan was as follows:



6. The notified **Precinct C plan** was also as follows:

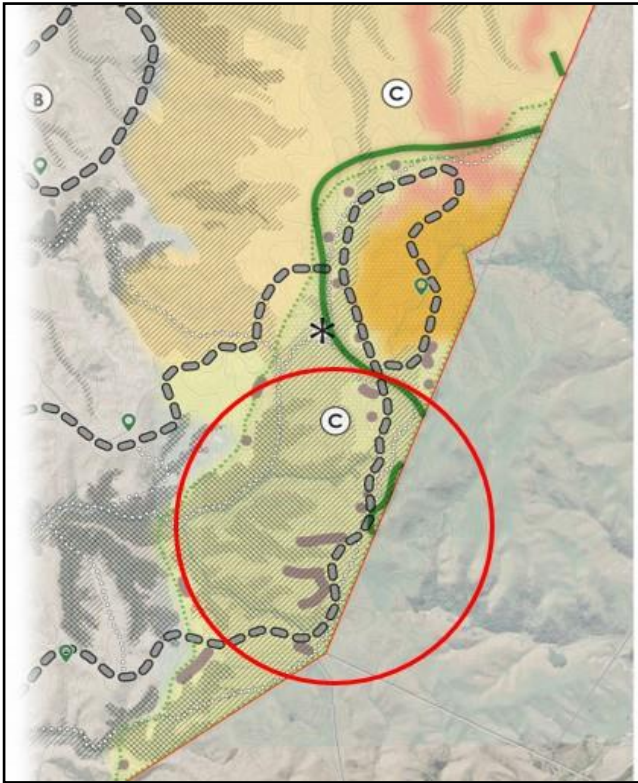
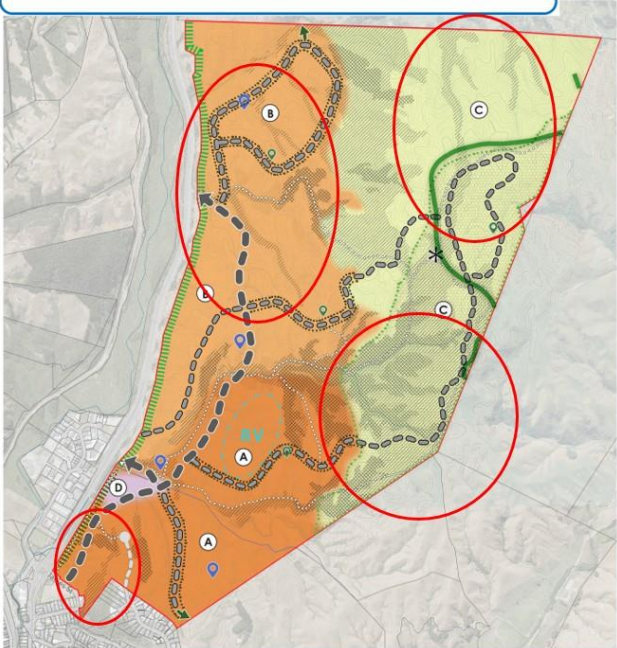


7. Significantly, in the notified version of the applicable precinct plans (above), the top of the green spine in precinct C is shown as development area. This contrasts with the notified Environment District Plan map that includes this area as BORA as well as significant tracts of land throughout the precincts. Refer notified District Plan environment overlay map as follows:



8. In short, there are areas shown on the above plan as BORAs, which are inconsistent with the Precinct Plan, as notified.
9. The Precinct Plan map was then updated in the s42A Report (although without any scope through any submission) to now include those areas of BORA that were on the notified district plan maps: refer the section 42A report precinct plan maps reproduced below.

Recommended Insertion



10. At the same time, the relevant Precinct C Plan in the Section 42A report showed the additional BORA, as follows but also illustrates the areas identified for development and referred to in the Precinct C provisions (refer purple areas):

ATTACHMENT ONE

11. This plan persists through to the reply version of the plans, which are also updated from the s42A versions to reflect Mr Goldwater's assessment of wetlands etc.
12. The critical issue is, because of the earlier updating of the relevant plans through the s42A stage, but without scope, the Panel does not therefore have jurisdiction to recommend approval of the proposed District Plan map as per the Right of Reply version – as the jurisdictional error has been carried through.
13. The inclusion of all areas identified on the earlier landscape assessment reports as BORA in the Section 42A report is very obviously an error but a significant one at that. This is evidenced in the fact that the movement network and Precinct C plan has continued to illustrate a road and development areas in the area above the green spine.
14. Accordingly:
 - (a) the right of reply environment map needs to be updated to remove all additional BORA areas that were not included on the notified precinct plan maps; and
 - (b) the right of reply precinct plan maps need to be updated to remove all of the additional BORA areas that were added to the plans that accompanied the s42A report.
15. The jurisdictional basis for these changes are that they are “errors” arising from a lack of scope, as well as to avoid an internal conflict between the various maps. In particular, in terms of jurisdiction, in all of the precinct plan documents, the area at the top of the green spine was excluded and it is the precinct plan that is referred to extensively throughout the plan change provisions – and there were no submissions that sought to reduce or change the extent of the BORAs. If the relevant plans are not updated, this will only lead to later confusion, and potential challenges, to the application/ implementation of the Plan Change.