

## RMA Form 6

**Further submission – Proposed Porirua District Plan***Clause 8 of First Schedule, Resource Management Act 1991*

**To:** Porirua City Council  
**Email to:** [dpreview@porirua.govt.nz](mailto:dpreview@porirua.govt.nz)  
**Subject:** Further submission - PDP  
**Post:** Proposed District Plan, Environment and City Planning, Porirua City Council, PO Box 50-218, PORIRUA CITY  
**Delivery:** Ground Floor, Council Administration Building, Cobham Court, Porirua City, marked "Attention: Proposed District Plan, Environment and City Planning"

**Closing date for further submissions is 5pm Tuesday, 11 May 2021**

Submissions, a summary of decisions requested and submitter contact details can be viewed at:

[www.porirua.govt.nz/proposeddistrictplan](http://www.porirua.govt.nz/proposeddistrictplan)

Further Submitter Contact Details			
Full Name	<i>Last Name</i>		<i>First Name</i>
	Clark		Thomas and Claire
	<i>[insert additional rows if needed]</i>		
Or Company/Organisation Name <i>if applicable</i>			
Contact Person <i>if different</i>			
Email Address for Service	tandc.clark@outlook.com		
Address	22 Whanake Street Titahi Bay		
	City Porirua	Postcode 5022	
Mail Address for Service <i>if different</i>			
Phone	<i>Mobile</i>	<i>Home</i>	<i>Work</i>
	027 213 7567	04 236 7928	
Attendance and wish to be heard at the hearing: <i>you must fill in both rows below</i>			
<input type="checkbox"/> I do not wish <input checked="" type="checkbox"/> I wish			
<b>To be heard in support of my further submission</b> <i>(Please tick relevant box)</i>			
<input type="checkbox"/> I will <input checked="" type="checkbox"/> I will not			
<b>consider presenting a joint case with other submitters, who make a similar further submission, at a hearing.</b> <i>(Please tick relevant box)</i>			

Relevance - you must select one box that applies to you:

- I am a person representing a relevant aspect of the public interest
- I am a person who has an interest in the proposal that is greater than the interest the general public has
- I am the local authority for the relevant area

Explain/specify the grounds for saying that you come within this category (you must fill this in):

Example: "Submission number [insert submission reference number here] directly affects the property at XXX, which I own"

Submission 153 directly affects the property at 24 Whanake Street which we own.

Note to person making further submission:

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Privacy note:

When a person or group makes a submission or further submission on the Proposed District Plan this is public information. Please note that by making a submission your personal details, including your name and addresses will be made publicly available under the Resource Management Act 1991. This is because, under the Act, any further submission supporting or opposing your submission must be forwarded to you as well as to PCC. There are limited circumstances when your submission or your contact details can be kept confidential. If you consider you have reasons why your submission or your contact details should be kept confidential please contact the Environment & City Planning Team at [dpreview@porirua.govt.nz](mailto:dpreview@porirua.govt.nz).

Signature of person making further submission  
(or person authorised to sign on behalf of  
person making further submission)

.....

Date

(A signature is not required if you make your submission by electronic means.)

## Your further submission:

Please complete section below and insert additional rows per submission point or submitter if required by using the enter button  
Delete examples provided and enter your own further submission points

Submitter Name/ Submission Number <i>[See submission contact list]</i>	Submitter Address/Email <i>[if provided]</i>	Support or Oppose <i>[Only choose support or oppose]</i>	The particular parts of the submission I support or oppose are: <i>[clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal]</i>	The reasons for my support or opposition are: <i>[give reasons]</i>	Allow or disallow <i>[Only choose allow or disallow]</i>	I seek that the whole or part (describe part) of the submission be allowed or disallowed: <i>[give precise details]</i>
Thomas and Claire Clark (submission 143)	tandc.clark@outlook.com	Support	<p>The submitter has made a number of points in opposition to the draft plan. The matter relates to the designation of a group of notable trees on the property which are so extensive they will effectively preclude the ability of the property owner to develop and make use of the remainder of the property.</p> <p>We support the previous submission in full. In particular,</p> <ul style="list-style-type: none"> <li>we support the opposition to the trees being designated as Notable when they fail to meet the standards and criteria appropriate to that classification.</li> <li>We support the opposition to the proposition that the Council should have the power through the Notable Trees policy to deny the property owner the opportunity to realise the economic benefits of the property and the impacts on the property owners' future economic well-being</li> <li>We support the opposition to the rules and policies that would apply to the Notable Trees on the basis they are unnecessarily harsh and restrictive on development options.</li> </ul> <p>The owner has offered to meet with the Council officers to discuss the proposal as it applies to 24 Whanake Street. There has been no response from the Council.</p>	<p>We oppose the policies and conditions proposed to apply to Notable Trees and we oppose the designation of the 8 Nikau palms and the puriri as being notable trees.</p> <p>The trees occupy the bottom quarter of the property, boundary to boundary across the street frontage of the property, and preclude access and development of the remainder of the property.</p> <p>The trees are not naturally in situ and there is no evidence that they are representative of the previous habitat or fauna of the area. The trees were planted by the previous property owner to improve the visual appearance of the property. Due to favourable growing conditions, the trees have flourished. However they fail to meet the criteria as Notable trees.</p> <p>Nikau palms are quite common throughout the Titahi Bay and wider Porirua area, with many planted in Porirua City Council reserves. The priority should be for such common plants and trees to be planted and protected on Council property and in only those circumstances where the trees on private property are genuinely rare or outstanding examples should they be designated Notable Trees and then only with the property owner's consent as to conditions of the use of the property. Nikaus are not rare. The Nikau palms, which are on what is otherwise residential property, are not visible to the public and provide no amenity, scientific, or ecological value. They are not part of an ecosystem of note or of any remnant of the original examples – they are merely 8 Nikau palms which through neglect and favourable conditions have survived. The Council has undertaken no surveys to establish the abundance of Nikau palms in the city nor identify why these 8 should be selected overall other Nikaus in the city.</p> <p>The puriri is equally an accident – it was not planted to provide ecological benefits, it was not planted to be within a natural ecosystem – it was one random tree that was planted and grew as a result of favourable conditions and an absence of concern by the property owner. The tree has now attained significant coverage of the property. Puriri trees are not uncommon in the Porirua area and there is no indication that this example is an outstanding example.</p> <p>The Section 32 Evaluation report considers Notable Trees to provide the following benefits:</p> <ul style="list-style-type: none"> <li>Trees in urban environments help to create a sense of place and contribute to local amenity values. They may</li> </ul>	Allow	<p><b>In the interests of fairness and equity, I seek that the whole of the submission be allowed and that this additional submission should also be taken into consideration.</b></p>

## Your further submission:

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Delete examples provided and enter your own further submission points

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				<p>be valued highly by communities for many reasons including visual amenity, shade, shelter, wildlife habitat, food, timber, carbon sequestration, pollutant absorption, runoff control and soil stabilisation.</p> <ul style="list-style-type: none"> <li>• Notable trees may be of particularly high value for the community as prominent landmarks, or connections to the past or to significant cultural sites. Whether native or exotic, they may be a rare species, old or large, or may have special significance to the local community.</li> <li>• Notable trees represent continuity between the past, present and future generations. The continued existence of notable trees is important to our heritage and to the legacy that we leave to future generations.</li> </ul> <p>The trees at 24 Whanake Street do not fit any of the above attributes. The local community does not know of their existence, their role, and lack of heritage. The trees play no role in the ecological or environmental community greater than any other tree. They should not have been designated as Notable Trees in the first place. Had the property owners been advised properly in 2018 when the possibility of the trees being proposed as notable was first mooted, a more pragmatic and realistic proposal might have been generated.</p> <p>The purpose of the Resource Management Act is to promote the sustainable management of natural and physical resources. Sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being.</p> <p>The Notable trees policy as would apply to 24 Whanake Street precludes the utilisation of the property and effectively precludes the attainment of the economic well-being of the owners. The outcome of the designation and the adoption of the proposed rules would effectively preclude the development of the property and prevent the ability of the owners to realise the economic benefits of the property to support the property owners in their retirement. The value of the property would be substantively reduced if the property cannot be developed into multiple unit residential purpose.</p> <p>Chapter 6 of the Section 32 Evaluation Report of Notable Trees came to a conclusion that <i>given the assessment in section 5 of the scale and significance of the proposed provisions, specific quantification of the benefits and costs in this report is considered neither necessary, beneficial nor practicable in</i></p>		

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				<p><i>relation to this topic.</i> While that statement may have been appropriate in respect of the policy as a strategic concept, it lacked any appreciation of the impact on individual property owners. It should have noted the potential for owners to be significantly and adversely impacted.</p> <p>Chapter 9 of the Evaluation report evaluates the objectives in respect of a number of characteristics. In respect of fairness, the report defined the objective to be <i>Will not impose unjustifiably high costs on the community / parts of the community</i> and summarised the proposed policy as <i>while this objective will result in some costs for landowners when implemented through policies and methods, these costs are justifiable in context of addressing an identified resource management issue.</i></p> <p>That was a statement that either:</p> <ol style="list-style-type: none"> <li>1. Should not have been made until the notable trees were designated and the costs of individuals assessed or</li> <li>2. Any reasonable application of the policy would not have those impacts.</li> </ol> <p>Clearly, the designation of the notable trees on 24 Whanake Street will, contrary to policy expectations, have major costs and impacts on the well-being of the property owners. The costs on the property owner are not justifiable in the absence of any benefits arising from the retention of the trees. Any cost-benefit analysis of the proposition in respect of 24 Whanake Street would have demonstrated the excessive and unreasonable costs to be borne by the property owner relative to the low benefits of the designation.</p>		