

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
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

Further Submitter Contact Details			
Full Name	<i>Last Name</i>		<i>First Name</i>
	Saunders		Sarah
	<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	sarahdavin@hotmail.com		
Address	94 Exmouth Road, Northcote		
	City Auckland	Postcode 0627	
Mail Address for Service <i>if different</i>			
Phone	<i>Mobile</i>	<i>Home</i>	<i>Work</i>
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			
To be heard in support of my further submission <i>(Please tick relevant box)</i>			
<input checked="" type="checkbox"/> I will <input type="checkbox"/> I will not consider presenting a joint case with other submitters, who make a similar further submission, at a hearing. <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):

Submission 182.3 refers to a matter that is directly relevant to the Significant Natural Area that overlays 82 Eskdale Road, Papakowhai, which I 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.

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	Submitter Address/Email	Support or Oppose	The particular parts of the submission I support or oppose are:	The reasons for my support or opposition are:	Allow or disallow	I seek that the whole or part (describe part) of the submission be allowed or disallowed:
Jean and Simon Jones [Submission 182.3]	ionescrew771@gmail.com	Support	Submitter has requested an opportunity to further review properties which were not visited in the first round of ecological site inspections to allow for a fairer assessment of the extent of any SNA.	<p>The submission requests the opportunity to re-assess the extent of any SNA on properties that were not 'ground-truthed' prior to the Plan being notified. I support this approach.</p> <p>SNA103 (Papakowhai Bush) overlays 82 Eskdale Road, Papakowhai. Council staff did not undertake any site visits to confirm that the vegetation on the site meets the criteria for significance under Policy 23.</p> <p>I therefore support the opportunity for re-assessment of properties where site visits have not yet been undertaken by Council staff. We have already commissioned an ecological assessment (see attached) for 82 Eskdale Road which confirms that vegetation within our property does not meet the criteria for significance under Policy 23.</p>	Allow	<p>Request that part of the submission seeking the opportunity to further review properties that were not 'ground-truthed' prior to the plan being notified, be allowed.</p> <p>Specifically, I seek the removal of SNA103 (Papakowhai Bush) from 82 Eskdale Road, Papakowhai. The ecological assessment appended to this further submission included an on-site assessment, and provides evidence that vegetation within this property does not meet the criteria for significance under Policy 23. I request that Council staff either accept the findings of the ecological assessment, or undertake a site assessment themselves and remove SNA103 from 82 Eskdale Road, Papakowhai.</p>



Memorandum

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Attention: Sarah Saunders

Date: 17 March 2021

From: Stephen Fuller and Karin Sievwright (Boffa Miskell ecologists)

Message Ref: Review of SNA103 (Papakowhai Bush) is relation to a proposed dwelling

Project No: BM210140

Dear Sarah,

As requested, please find a memorandum outlining the results of a site visit to 82 Eskdale Road to ground-truth a property designated as a Significant Natural Area (SNA) in Porirua. The site visit was conducted on 10 March 2021 by Stephen Fuller and Karin Sievwright, both Boffa Miskell ecologists.

Client Brief

Based on our communications on 1 March 2021, we understand that a property in Papakowhai that you wish to develop (82 Eskdale Road) is designated as a Significant Natural Area (SNA) in the Porirua District Plan (Notified) and you require ground-truthing of this designation to help inform your potential purchase.

Our scope of works included the following:

- Visit the site and describe the vegetation within the property.
- Prepare a constraints map that delineates the different vegetation communities on the section and identifies “no-go” zones.
- Prepare a memorandum that summaries the methods and findings of the survey and constraints map.
- 82 Eskdale Road (Lot 91 DP 81840) has a land area of 0.9052 ha.

What is an SNA?

The site visited is listed in SCHED7 of the District Plan (Notified) as a component of SNA103 (Papakowhai Bush). This means that it has been assessed against the criteria in Policy 23 of the Wellington Regional Policy Statement (GWRC 2013) for its ecological significance.

In guidance to Policy 23 (GWRC 2016) it states that the Policy has been developed in response to the RMA section 6(c) which requires “*all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance*” including “*The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*”.

Specifically, the purpose of Policy 23 is to provide criteria for the identification and protection of indigenous ecosystems and habitats with significant indigenous biodiversity values, which are therefore significant under Section 6(c) of the RMA¹.

SNA103 - Papakōwhai Bush

SNA 103 extends along steep slopes below Eskdale Road. This SNA is separated into three sections; the southern and central sections (which are connected by a narrow strip of planted trees at Glengavel Road) and a northern section about half of which extends across the property at 82 Eskdale Road. The central northern sections are separated by 85m of residential gardens².

82 Eskdale Road (Lot 91 DP 81840) has a land area of 0.9052 ha therefore it contains approximately 53% of the northern segment of SNA103 which has an approximate area of 1.7 ha.

SNA103 is described in “Schedules / SCHED7 - Significant Natural Areas” of the Porirua District Plan (Notified) as follows:

SNA103	Papakōwhai Bush
Site Summary	Two areas containing a range of forest, scrub and shrubland ecosystems on a series of prominent hill slopes. Mainly kānuka-mānuka low forest, interspersed with remnants of podocarp broadleaved forest dominated by mātai (<i>Prumnopitys taxifolia</i> ; of local interest), kohekohe, tītoki, wharangi and karaka, as well as areas of lower-statured vegetation and exotic trees. Supports bush falcon (<i>Falco novaeseelandiae ferox</i> ; At Risk-Recovering). Includes kānuka (presumably <i>Kunzea robusta</i> ; Threatened-Nationally Vulnerable), mānuka (<i>Leptospermum scoparium</i> ; At Risk-Declining), and indigenous vegetation on Chronically Threatened land environments.
Relevant values under Policy 23 of RPS	Representativeness (RPS23A) Rarity (RPS23B) Ecological context (RPS23D)

Summary of Findings

The vegetation within the boundaries of 82 Eskdale Road contain none of the plant communities or special species described in Schedule 7, other than a few scattered kanuka. Rather the vegetation on this property is predominantly exotic and can be summarised into five broad communities.

1. Australian blackwood (*Acacia melanoxylon*) forest and treeland at the southern end of the site adjacent to Eskdale Road.
2. Wild cherry (*Prunus avium*) forest and treeland on the northern slopes of the property into the gully. Also includes other exotic trees, wilding pine, sycamore, etc.
3. Blackberry-pohuehue (*Muehlenbeckia complexa*) vineland in areas of historic pine removal.
4. Mixed mahoe (*Melicytus ramiflorus*) scrub and low forest with scattered wilding pine and wild cherry areas of gorse and blackberry, Japanese honeysuckle etc.
5. Mahoe (*Melicytus ramiflorus*) and five finger (*Pseudopanax arboreus*) scrub and low forest on slopes and in the gully floor below Moray Place Playground.

¹ We note that the words used in Policy 23 of the RPS are not consistent with those used in Section 6(c) of the RMA. However, the guide to Policy 23 (Greater Wellington Regional Council, 2016) states: “The criteria in RPS Policy 23 assist with applying RMA section 6(c) for the Wellington region by describing a process for identifying these significant values”.

² see <https://data-pcc.opendata.arcgis.com/datasets/significant-natural-areas-pdp>.

The most abundant native tree in the property is mahoe which forms a broken understorey within the blackwood and wild cherry forest, and occasionally assumes a canopy role where there is a break in the exotic tree canopy.

The weediness of the site is in part due to historical clearance of pines. In 2002 approximately 45% of the site was in pine, with much of the rest in blackwood and young wild cherry (See Figure 1). Between 2002 and 2005 approximately half of the pine in the centre of the site was cleared and this has regenerated into a weedy scrub dominated by mahoe (Plant Community 4). Between 2009 and 2011 most of the remaining pine was removed and this area has regenerated in a mix of blackwood treeland (Community 1) and blackberry vineland (Community 3). An area of blackwood treeland along Eskdale road was unaffected by this felling. The mixed communities on the northern slope's wild cherry treelands (Community 2), and mahoe fivefinger (Community 5) were also unaffected.

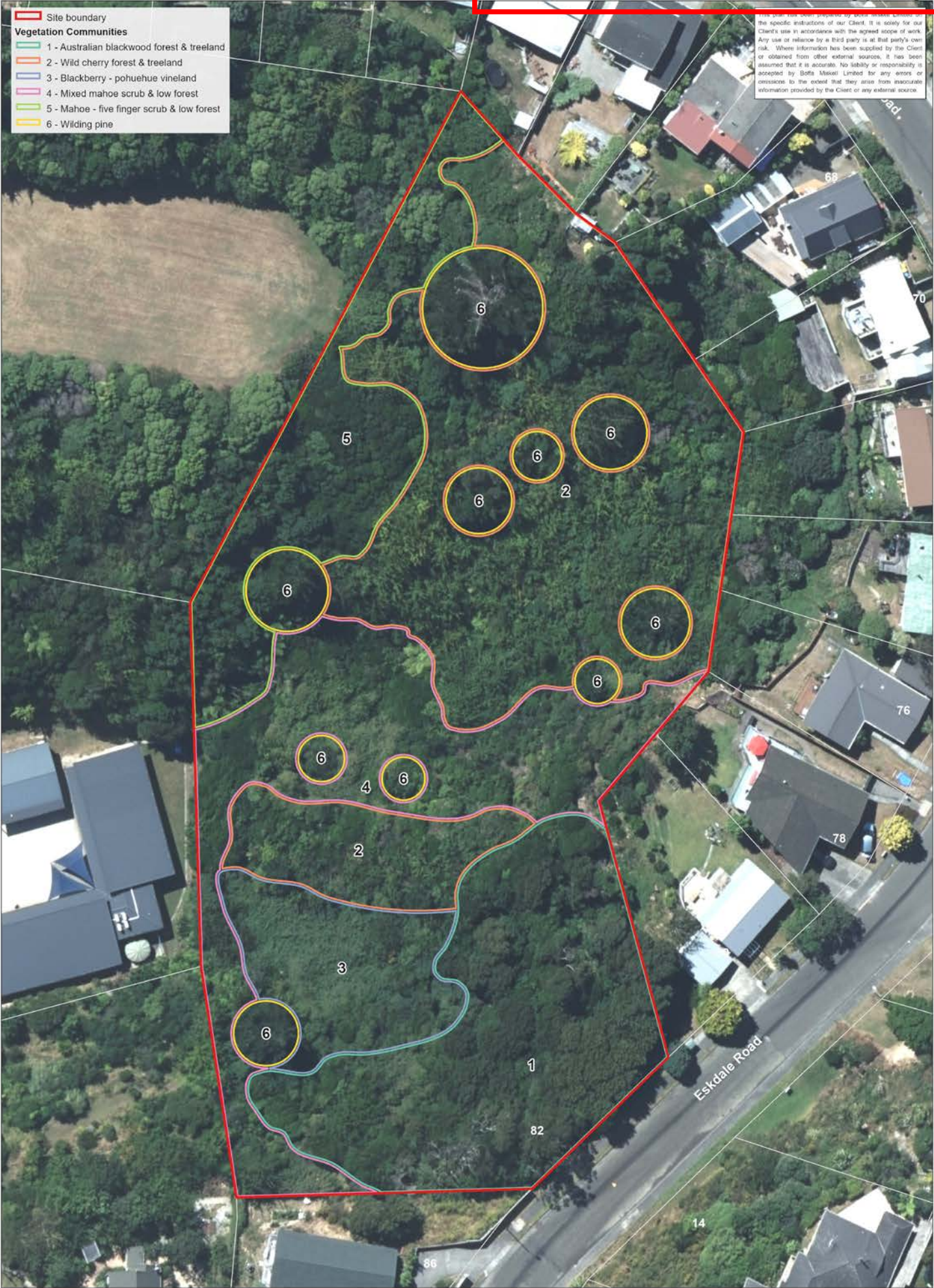
Figure 1: Distribution of Blackwood, Pine and wild cherry in 2002. The surrounding communities cannot be determined from this image.



Figure 2, on the following page, shows the current vegetation communities found within the 82 Eskdale Road property. We understand that the proposed residential development would occur along Eskdale Road, entirely within *Plant Community 1: Australian blackwood treeland and forest*.

- Site boundary
- Vegetation Communities**
- 1 - Australian blackwood forest & treeland
- 2 - Wild cherry forest & treeland
- 3 - Blackberry - pohuehue vine-land
- 4 - Mixed mahoe scrub & low forest
- 5 - Mahoe - five finger scrub & low forest
- 6 - Widing pine

This plan has been prepared by Boffa Miskell Limited on the specific instructions of our Client. It is solely for our Client's use in accordance with the agreed scope of work. Any use or reliance by a third party is at that party's own risk. Where information has been supplied by the Client or obtained from other external sources, it has been assumed that it is accurate. No liability or responsibility is accepted by Boffa Miskell Limited for any errors or omissions to the extent that they arise from inaccurate information provided by the Client or any external source.





Survey Method

For this study the focus was on the Australian blackwood forest (Community 1) that runs along the top of the slope adjacent to Eskdale Road. This is where any house site would be constructed.

A zig-zag track runs through this forest, possibly installed for pine management. The full length of this track was walked down slope to the point the vegetation turned into a continuous blackberry thicket (Community 3). The community was delineated using GPS tracking as the site was traversed, and using recent aerial imagery (PCC website, and historical GoogleEarth images). Community 1 is described in detail below.

For the remainder of the property we delineated the plant communities both using aerial photography, and by viewing the vegetation from both Papakowhai Primary School playgrounds and from viewpoints along the edge of Moray Place Playground. These plant communities were not visited (Community 4 was entered at the top and bottom for a short distance) and so their descriptions are limited to the visible canopy.

Vegetation Descriptions

Plant Community 1 - Australian Blackwood Forest and Treeland

General Description

This community sits on steep slopes with a gradient of approximately 20-25 degrees. The substrate is a mix of stony soil and unconsolidated fill, presumably deposited when Eskdale Road was excavated. The floor has a reasonably heavy leaf litter cover, but also large areas of exposed soil. An approximately 3m wide track zigzags down this slope from side to side. The upper "zig" lies entirely within blackwood. The lower 'zag' extends into the area of historic pine extraction and rotting logs and stumps of the earlier pine are scattered throughout this area. As a result, the canopy is more broken and the undergrowth much weedier. The track may continue further but enters a large area of blackberry and pohuehue and is impassable.

Community Description

This community includes emergent blackwood (12-15m tall, 62 cm diameter at breast height (DBH)) over a broken canopy (due to felled pine trees) of blackwood, mahoe and wild cherry. The mahoe is approximately 6m tall, is typically multi-stemmed and has a 2-6cm DBH (two larger trees have an approximately 16cm DBH). In the canopy breaks, scrubby vegetation is present, dominated by blackberry, climbing asparagus and pohuehue with occasional karo, five finger, hangehange and meadow rice grass (*Microlaena stipoides*). The understory includes patches of weeds (e.g. climbing asparagus, common ivy, Japanese honeysuckle) and occasional ferns (shining spleenwort is dominant), kawakawa and hangehange. Karamu and kohuhu are rare as are lemonwood saplings (three were observed). Occasionally large areas of woody debris are present where trees have fallen or been felled (pines). The margin of this community that borders Eskdale Road is weedy, mown and recently sprayed. The tracks are open in patches, otherwise dominated by scrubby vegetation.

Plant Community 2 - Wild Cherry Forest and Treeland

Wild cherry is widespread across the property and present in almost all communities, but in two areas this tree forms a canopy of reasonably uniform height with occasional emergent pine trees. The first area lies across the northern slopes extending from residential gardens at the top of the slope, down to the gully floor extending down almost to Papakowhai Primary School.

A second smaller area of wild cherry follows a spur down from the blackwood forest at the top of the slope, with blackberry to the south and mahoe shrubland to the north. This area lies in the location of pine removal (between 2002 and 2005) having developed within the light gap created by pine harvest.

Plant Community 3 - Blackberry-Pohuehue Vineland

This community lies in the location of pine removal (between 2009 and 2011) having developed within the light gap created by pine harvest. It extends upslope into the Australian blackwood forest and treeland community. The canopy is almost entirely dominated by blackberry and pohuehue with a few shrubs of mahoe along the margins, and some wilding pine.

Plant Community 4 - Mixed mahoe & Muehlenbeckia & weeds

This community lies in the location of pine removal (between 2002 and 2005) having developed within the light gap created by pine harvest. It abuts and intermingles with an area of Community 2 which also formed after removal of these pines. The canopy of this community is dominated by regenerating mahoe shrubs and small trees, but also with scattered wild cherry, pine saplings, gorse, blackberry, Japanese honeysuckle, and common ivy. It extends down to border Papakowhai School, where the mahoe is taller and provides a small area of riparian vegetation at the point the stream is piped into the stormwater.

Plant Community 5 - Mahoe and Five Finger scrub and low forest

This community occurs on the slopes below Moray Place Playground and extend almost to the gully at Papakowhai Primary School. This is the only area of predominantly indigenous vegetation within the property. It contains scattered cherry and occasional pine saplings.

Significance

Overall, the vegetation within this property has a canopy dominated by exotic species, invasive weeds are present throughout, and the seral species listed in Schedule 7, which led to the determination of ecological significance for SNA103 (matai, kohekohe, titoki, wharangi, karaka) appear to be absent. Also absent are other forest trees that would have once been present in this area such as tawa, hinau, pukatea and rimu. One mamaku is present on the south slope of the main gully rather than the grove one would normally expect in this environment.

Aside from entanglements of pohuehue, no other lianes were seen (e.g. supplejack, *Parsonsia*, clematis) or epiphytes (e.g. ferns, perching lilies, orchids) that would be found in coastal native forest.

The understorey typically consists of scattered young mahoe saplings, hangehange and kawakawa all of which are widespread and abundant species. Only a few native ferns are found on the floor of these communities (shining spleenwort), while weeds such as climbing asparagus, blackberry, seedlings and saplings of karo (native species outside of its natural geographic range) and common ivy are present throughout. Rubbish was also common on the slopes below Eskdale Road (e.g. plastic bottles, plastic bags).

The vegetation provides habitat for common (Not Threatened) native bird species (waxeye and North Island fantail were observed during the site visit) and exotic species (blackbirds were observed). The blackwood and wild cherry will provide some seasonal nectar and fruit for birds such as tui and waxeye. However, the site is unlikely to provide core or seasonal habitat for At-Risk or Threatened bird species.

The habitat is poor for lizards as it contains no boulderfields, consists of immature native vegetation, contains no epiphytes, and most of the trees are too immature to provide tree cavities. Some woody debris is present on the forest floor but this is equally good habitat for rodents.

The site includes a steep gully within which an ephemeral watercourse is present, increasing to intermittent flows before the culvert at Papakowhai School. There are no wetlands on the site.

We conclude that this property is disjunct from the indigenous vegetation of the southern part of SNA103 and shares none of the values. The vegetation within this property does not meet the criteria for significance under Policy 23. It is not representative of past forests or current indigenous successions, it does not contain rare plant communities and is unlikely to contain rare or threatened fauna, it does not have natural indigenous diversity, and does not buffer or connect other significant areas.

With regards to the potential house site, the area adjacent to Eskdale Road where a home (likely a pole house) would be constructed lies entirely within the blackwood forest. The only native plant affected will be young mahoe saplings present in the understorey.

We find that there are no constraints in terms of significant indigenous vegetation within this property.



District Plan Provisions

Relevant district plan provisions are listed below. We note that submissions on the notified district plan are closed and so opportunity to challenge significance status are now limited. These provisions will therefore still remain relevant to any activity on this project.

ECO-P6	Development of existing vacant lots
<p>Provide for the development of existing vacant, serviced residential lots established prior to 28 August 2020 where there is no suitable building platform available outside of a Significant Natural Area identified in SCHED7 - Significant Natural Areas, having regard to:</p> <ol style="list-style-type: none"> 1. The location of the building platform and the extent of associated vegetation removal; 2. The avoidance of adverse effects on the highest identified biodiversity values in SCHED7 - Significant Natural Areas; 3. The location of the access or driveway to the building platform to reduce further loss of vegetation or fragmentation of the Significant Natural Area; and 4. The location of lateral service connections to public wastewater, sewer and water supply network, electricity and telephone cables. 	

ECO-R5	Construction of a residential unit on a vacant allotment within a Significant Natural Area
<p>General Residential Zone</p> <p>Medium Density Residential Zone</p>	<p>1. Activity status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> a. The lot: <ol style="list-style-type: none"> i. Is held in a freehold title that existed at 28 August 2020; ii. Is vacant and does not contain any residential unit or other building; and iii. Has existing service connections to the public wastewater, sewer and water supply network. b. The proposed residential unit and any associated vegetation clearance: <ol style="list-style-type: none"> i. Complies with the permitted building site coverage standard and earthworks standards for the underlying zone and is unable to locate outside the Significant Natural area within the site; and ii. Is not located within a wetland. <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. The matters in ECO-P6. <p>Notification: An application under this rule is precluded from being publicly or limited notified in accordance with sections 95A and 95B of the RMA.</p>
	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p>
<p>Page 4 of 6 eplan.porirua.govt.nz</p>	

<i>Natural Environment Values \ ECO - Ecosystems and Indigenous Biodiversity</i>	<i>Notified: 28/08/2020</i>
<p>a. Compliance is not achieved with standards ECO-R4-1.a or ECO-R4-1.b.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The matters in ECO-P2; and 2. The matters in ECO-P4. <p>Section 88 information requirements for applications:</p> <ol style="list-style-type: none"> 1. Applications for activities within an identified Significant Natural Area must provide, in addition to the standard information requirements, an Ecological Assessment provided by a suitably qualified and experienced ecologist: <ol style="list-style-type: none"> a. Identifying the biodiversity values and and potential impacts from the proposal; and b. Demonstrating that the ECO-P2 hierarchy has been applied. 	



Site Photos



Photo 1. The orange polygon indicates the approximate extent of the Australian blackwood forest and treeland community.



Photo 2. View of the top of Australian blackwood forest and treeland community from the road.



Photo 3. The interior of the Australian blackwood forest and treeland. Rotting pine in foreground. Larger stems of blackwood canopy. Smaller stems are mahoe understory.



Photo 4. Juvvenile wild cherry, blackberry and pohuehue on the track within the Australian blackwood forest and treeland community.



Photo 5. A felled pine tree within the Australian blackwood forest and treeland community. Typical mahoe shrub in the understorey on the right. Deep leaf litter of Australian blackwood.



Photo 6. A large area of wild cherry forest and treeland community on the northern slopes, with occasional emergent pines.



Photo 7. The approximate extent of the wild cherry forest and treeland community in the upper gully as viewed from Papakowhai Primary School.



Photo 8. The approximate extent of the black-pohuehue vineland community.



Photo 9. The edge of the blackberry and pohuehue community. Deep leaf litter of Australian blackwood treeland over mahoe.



Photo 10. The approximate extent of the mahoe -fivefinger scrub and low forest which sits on slopes below Moray Place Playground. Most of the trees at the top of the image are a planted area around the playground.