

**BEFORE THE HEARING PANEL**

**UNDER THE**

Resource Management Act 1991

**IN THE MATTER OF**

Proposed Porirua District Plan – Hearing  
Stream 2.

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**MEMORANDUM  
FOR THE DIRECTOR-GENERAL OF CONSERVATION**

**5 November 2021**

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**Hearing Stream 2**

Natural Environment Strategic objectives

Ecosystems and Indigenous biodiversity

Natural Features and Landscapes

**Director-General of Conservation**

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## Memorandum responding to commissioners' questions

### Hearing stream 2

Question 1 (addressed to counsel): In relation to *West Coast RC v Friends of Shearer Swamp Inc* ([2011](#)) [16 ELRNZ 530 \(HC\)](#), did French J make any findings not related to the scope of “significance” in relation to wetlands?

1. No. The *Friends of Shearer Swamp Inc* case was focussed on defining the significance criteria for wetlands.

Question 2 (addressed to counsel): Please provide a paragraph reference from *Royal Forest and Bird Protection Society of New Zealand Incorporated v New Plymouth District Council* ([2015](#)) [NZEnvC 219](#) that demonstrates Court support for the following text from the New Plymouth District Plan:

*“It is recognised that ecological values are not static and will continue to change over time as areas of indigenous vegetation respond to different environmental pressures/threats. Regular monitoring of indigenous vegetation in the New Plymouth District and application of 'significance' criteria will ensure that Appendix 21 is complete. Indigenous vegetation will continue to be monitored throughout the District to determine if areas meet 'significance' criteria.”*

2. The above text is issue 16 of the New Plymouth District Plan at the time of the judgment, quoted at paragraph 18 of the judgment. Also in paragraph 18, the Court acknowledged issue 16 reflects the commitment add further SNAs if other areas of indigenous vegetation are shown to meet the significance criteria. The Court again cited Issue 16 in affirming its findings that SNAs are areas identified through the application of the criteria in appendix 21.1 of the District Plan as follows:

[33] It will be apparent from consideration of the matters set out above that the District Plan contains specific criteria defining what constitutes SNAs. As we observed in para [18] (above), Issue 16 of the District Plan contemplates that areas of indigenous vegetation in the District will be regularly monitored and the significance criteria will be applied to them so that Appendix 21 can be updated by inclusion of areas which are found to meet the criteria.

[34] Accordingly, for the purposes of this decision we determine that:

- SNAs are areas identified as such through application of the criteria in Appendix 21.1 of the District Plan;
- The identified SNAs are significant areas of indigenous vegetation and/or significant habitats for the purposes of s6(c).



Question 3 (addressed to Mr La Cock): Can you provide an expected publication date for the revision to Howell (2008) *Consolidated List of Environmental Weeds in New Zealand*?

3. The provisional publication date is in 2022. The author is able to provide a revised working list to Council in the meantime if that would assist.

5 November 2021

Katherine Anton and Rosemary Broad  
Counsel for Director-General of Conservation