

**IN THE MATTER**

of the Resource  
Management Act 1991

**AND**

**IN THE MATTER**

of Hearing of Submissions  
and Further Submissions  
on the Proposed Porirua  
District Plan

### **Minute 9 – Hearing Stream 2 Follow Up**

1. Following completion of the Hearing Stream 2 hearings on 5 November, there are a number of further steps that need to be addressed.

#### **Further Information from GWRC**

2. First, we record that during the presentation for Greater Wellington Regional Council, the Chair gave the Regional Council leave to file further advice as to whether management of buildings and structures adjacent to wetlands is a 'gap' in the regulation provided by the National Environmental Standards for Freshwater Management and the Proposed Natural Resources Plan that the PDP needs to fill. That advice is required to be filed by close of Wednesday 10 November.
3. We note for completeness that counsel for the Department of Conservation was also requested to supply feedback on some issues arising out of her legal submissions. Counsel has already lodged a memorandum supplying the requested information (and following up on a question Mr La Cock was asked about the availability of updated information on pest weed species).

#### **Council Reply**

4. The second point to be addressed is the timing of the Council's written reply. During the course of the Council's presentation, Mr McDonnell indicated a readiness on the Council's behalf to undertake further site visits where submitters had provided evidence that the SNAs recommended by Council may not accurately reflect the spatial extent and/or characteristics of the areas deserving protection as significant natural areas. However, he noted

the need to provide more time for the Council's Reply, within which site visits might occur (noting that Mr Goldwater is currently locked down in Auckland).

5. As intimated at the hearing, the Hearing Panel is supportive of the Council's offer. We do not direct which sites the Council should visit, but it appeared to us that there were grounds to look again at least at the following SNAs (with the relevant submitters noted in brackets).

- SNA29 (Tierney);
- SNA 38 (Mather);
- SNA 47 (Botha);
- SNA 58 (Fowler);
- SNA 76 (McNamara);
- SNAs 84 and 88(Harpham/Progeni/Sharp).
- SNA100 (Qu);
- SNA102 (Samantha Montgomery Ltd (Walker))
- SNA 165 (Kovacs);
- SNA179 and 181 (Phillips);
- SNA 215 (Simonlehner);

6. As we discussed during the hearing, the Hearing Panel is not proposing to deliberate on the Stream 2 matters until January. There is therefore scope to expand the time for the Council's Reply. While the issues discussed, as above, relate solely to the ECO Chapter, the extension in time we propose relates to all aspects of the Council Stream 2 Reply. That Reply is directed to be filed on or before 1pm on 22 December.

7. As foreshadowed during the hearing, the Hearing Panel has considered what matters in respect of which we would be particularly assisted by further commentary from the Council as part of its reply. The Council, of course, is free to reply on any issues it wishes, but we request that the following matters, in particular, are addressed:

- Is a link required between ECO -P10 and the Hongoeka objectives in the MPZ chapter – perhaps by way of an advice note?
- What submission provides scope for the recommended enlargement of SNA165 (Kovacs), SNA144, and SNA100 beyond the boundaries of the notified SNA in each case?

- What submission provides scope for the recommended deletion of SNA65 and the deletion/reduction of the Whitireia Park SNAs?
- Where Mr Goldwater has recommended SNA changes coinciding with cadastral boundaries (e.g. SNA76, SNA86, SNA100, SNA104), are consequential changes required to the adjacent lots?
- What proportion of the Raiha Street property discussed in Mr Leblanc's submission (Lot 12 DP 312536) is covered by SNA128, and is this a problem from a Section 85 perspective?
- Is Mr Leblanc correct in identifying an inconsistency between Mr Goldwater's Schedule referencing SNAs as supporting Bellbirds as a scarce bird species (and therefore in turn satisfying the RPS rarity criterion) compared to the statement he quotes from Wildlands Methodology Report (at page 19) saying that Bellbirds are not threatened and that their localised distribution is increasing in abundance? If so, what are the consequences for the SNAs identified as significant on this basis?
- Can and should the reasoning of the Environment Court in *Western Bay of Plenty District Council v Bay of Plenty Regional Council* [2017] NZEnvC 147 and *Upper Clutha Environmental Society Inc v QLDC* [2019] NZEnvC 2005 be applied by analogy to the PDP provisions governing SNAs, insofar as they emphasise the need to identify ONL and ONF values and to reference protective policies to the identified values?
- Please provide a copy of the FENZ Guidelines referred to in the Section 42A Report. Is there scope to include those guidelines as rules or standard, and if so, can the Council reply please identify possible options for the Hearing Panel's consideration?
- How do the catchall Rules in the overlay Chapters in issue in Stream 2 interact with rules in other overlays and with the underlying zones? Do they need to be amended to clarify that relationship?
- Should ECO-R1 provide specifically for creation and maintenance of private roads and tracks (e.g. to enable farm access)?
- More generally, is there a case to provide separately for SNAs in Rural areas, e.g. for pest control, fire hazards to non-dwelling structures, maintenance of septic tank dispersal fields, drains and overland flow paths, planting of poplars or willow poles on slip-prone sites within SNAs.

In addition, is there merit (in s32AA terms) in Mr Collyns' suggestion to require SNAs to be fenced.

- Do the notified (and recommended) provisions require amendment to reflect the overlap of QEII covenants with SNAs and to respond to the issue raised by submitters that covenanted areas have a set of requirements/obligations that conflict with rules and standards in SNA? Does the identification of KNE sites by GWRC likewise provide a parallel set of controls that ought to be taken into account?
- At least 2 SNA sites have a description noting a PCC covenant on the SNA. What does this mean?
- Is Mr Harpham correct when he suggests that indigenous biodiversity in the Greater Wellington urban area generally and Porirua District in particular is increasing?
- What is the reasoning for Mr Goldwater rejecting Mr Harpham's suggestion that there is sufficient kanuka both in protected areas and outside those areas that the presence of kanuka does not meet the RPS Policy 23 representativeness criterion?
- Can Council's reply please include a plan showing the legal boundaries, Lot and DP numbers, street addresses and SNA coverage of the land the subject of the Harpham/Progeni/Sharp submissions at notification.
- Where the Section 42A Report recommends an arborist to be retained to supervise work on SNAs, what approximate charges would be involved in such a retainer?
- If the Council were to adopt a rates relief proposal along the lines of that of other Councils referred to by submitters, how many properties might that apply to and what would the approximate cumulative cost be? Are there alternative aspects of financial assistance (e.g. pest control and fencing) that Council could consider, and what would the approximate cost of same be?
- The Council's answer to the question posed by Ms de Boer and Mr Engels: does the Council reject in principle the notion of compensating affected property owners for the negative consequences both now and in the future of the proposed SNA(s)?

- If SNA 138 is expanded to provide a corridor along the Onepoto Stream, what width is the minimum required to provide the desired ecological connection between elements of the SNA.
- Having heard the statement of Ms Blake, does Mr Goldwater have any further comment about the potential effects of noise and vibration from the Willowbank quarry on the flora and fauna of nearby SNAs? Can a map please be provided identifying the location and distance between that quarry and the nearest SNAs?
- What is the size of SNA165 as recommended by Mr Goldwater, and what would the effect of that size if the area not notified as an SNA were excluded? If the end result is less than 0.5ha, should that SNA be deleted in order to be consistent with the Wildlands' methodology?
- What are Mr Goldwater's comments on the merits of planting exotic species to provide food for indigenous birds? If there is merit, what species would be appropriate to specify in that regard?
- Having heard the position of GWRC, does that cause any modification to Council's recommendations around set-backs from wetlands?
- Assuming there is scope to do so, Is policy support required in the Strategic Objectives for SALs?
- Do NFL-02 and NFL-P5 need to be clearer as to whether they intend to create an environmental bottom line?
- As regards the recommended amendment to provide that exceedances of the NFL-R1 RDA standards be considered as a full discretionary activity, is there merit in an upper limit beyond which activities would be considered as non-complying and if so where should that line be drawn?
- Please provide a landscape assessment of the area of Radio NZ land the Whitireia Park Restoration Group and Ms Smith have sought to have added to the Whitireia Park ONFL – specifically, would that area qualify as either an SAL or ONFL in its own right?
- Can Council's reply please itemise objectives and policies providing for anticipated growth in SALs.
- Can Council's reply please identify where in the section 32 Report the rationale for the 50m2 and 100m2 limits on removal of indigenous

vegetation in ONFLs and SALs respectively is discussed. If it is not discussed, please advise same.

- Please provide a map identifying the location of the ridgeline superimposed on the Belmont Hills SAL.
- Please identify locations where the skyline of Rangituhi Maonga are visible above the bush line (a map showing approximate areas is sufficient).
- Is there scope for the recommended amendment to NATC-01?

### **Site Visits**

8. During the course of the hearing, a number of submitters suggested that the Hearing Panel might undertake site visits of their properties. The Hearing Panel has decided that it should take up at least some of the submitters' suggestions in this regard. We propose, subject to administrative arrangements being able to be put in place, to visit:

- (i) Whitireia Park;
- (ii) Pikarere Farm;
- (iii) The Simonlehner property at 1079 Paekakariki Hill Road;
- (iv) The Milmac Homes property at 405 Paekakariki Hill Road;
- (v) The McNamara property at 6 Lodestar Lane, Whitby<sup>1</sup>;
- (vi) The Stanley property at 325 Grays Road.

9. We have tentatively set aside Monday 29 November for this purpose. The Hearing Administrator will be in touch with the submitters/owners as above to make arrangements accordingly. The Council is requested to make available one of its staff members (not one of the 42A authors) to accompany us in order that we might visit each site accompanied by someone who can identify on a mobile GPS, exactly where relevant PDP boundaries are located on the ground.

<sup>1</sup> The Hearing Panel selected this property as 'representative' of urban properties with an SNA overlay

**Dated 9 November 2021**

A handwritten signature in blue ink, consisting of several overlapping loops and a horizontal line extending to the right.

**Trevor Robinson  
Chair  
For the Proposed Porirua District Plan Hearings Panel**