

IN THE MATTER of the Resource Management Act 1991

AND of an appeal under Clause 14(1) of First Schedule to the Resource Management Act 1991

BETWEEN LAND MATTERS LIMITED
Appellant

AND GREATER WELLINGTON REGIONAL COUNCIL
Respondent

AND PORIRUA CITY COUNCIL
Interested Party

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS
Section 274 of the First Schedule Resource Management Act 1991

To:

the Registrar
Environment Court
Wellington

1. Land Matters Ltd ("Land Matters") wish to be a party to the following proceedings:
 - *ENV-2018-WLG-000116;*
 - *Porirua City Council v Greater Wellington Regional Council and the Proposed Natural Resources Plan*
2. We are —
 - *a person who has an interest in the proceedings that is greater than the interest that the general public has in that the subject matter in that the appellants notice of appeal could have an influence on the provisions of the Proposed District Plan that relate to land owned by the Interested Party.*
3. We are not a trade competitor for the purposes of [section 308C](#) or [308CA](#) of the Resource

Management Act 1991.

4. We are interested in part of the proceedings.

5. The part of the proceedings I am interested in is:

- *See attached Appendix A*

6. We are interested in the following particular issues:

- *See attached Appendix A*

7. We **oppose/support** the relief sought because—

- *See attached Appendix A*

8. We agree to participate in mediation or other alternative dispute resolution of the proceedings.



Signature of person
on behalf of Land Matters Ltd

8 October 2019

Date

Address for service of person wishing to be a party:

Telephone: 021 877 143

Fax/email: bryce@landmatters.nz

Contact person: Bryce Holmes

| APPENDIX A | | | |
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| Appellant: Porirua City Council | | | |
| Appeal points (the part of the appeal we are interested in) | Interested in the particular issues | We oppose/support the relief sought because | agree to participate in mediation or other ADR |
| <p><i>Policy 7</i> <i>Policy P7: Uses of land and water The cultural, social and economic benefits of using land and water for:</i> <i>(a) aquaculture, and</i> <i>(b) treatment, dilution and disposal of wastewater and stormwater, and</i> <i>(c) industrial processes and commercial uses associated with the potable water supply network, and</i> <i>(d) community and domestic water supply, and</i> <i>(e) electricity generation, and</i> <i>(f) food production and harvesting, and</i> <i>(g) gravel extraction from rivers for flood protection and control purposes, and</i> <i>(h) irrigation and stock water, and</i> <i>(i) firefighting, and</i> <i>(j) contact recreation and Maori customary use, and</i> <i>(k) transport along, and access to, water bodies</i></p> <p><u>shall be recognised.</u></p> | <p>Reinsert Policy 7</p> | <p>Support in part because</p> <ul style="list-style-type: none"> The changes proposed by the Appellant give effect to Part II of the Act by recognising the social and economic benefits that arise from certain uses of land and water resources | <p>Yes</p> |
| <p>Policy 24 <u>Assessing outstanding natural character</u></p> <p><i>Areas of outstanding natural character in the coastal marine area, <u>lakes and rivers and their margins and natural wetlands</u>, will be preserved by:</i></p> <p><i><u>(a) identifying areas of outstanding natural and high natural character within the region, and</u></i> <i><u>(ab) avoiding adverse effects of activities on natural character in areas of the coastal marine area with outstanding natural character, and</u></i></p> | <p>Amend Policy 24(b) to provide for 'mitigation or offsetting' if avoidance is not practicable in the coastal marine area with outstanding natural character</p> <p>And it should be given effect to by through the inclusion of significant natural wetlands being identified in the Proposed Plans schedule/planning maps;</p> | <p>Support because:</p> <ul style="list-style-type: none"> The proposed objective as written is inconsistent with the Regional Policy Statement, which seeks to provide for "reasonable use", by providing for existing uses and activities that are not inappropriate; and seeks to protect areas with high natural character; Agree the policy may have unintended consequences | |

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| <p><i>(c) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on all other areas of natural character.</i></p> <p><i>(b) requiring use and development to be of a type, scale and intensity that will maintain the natural character values of the area, and</i></p> <p><i>(c) requiring built elements to be subservient to the dominance of the characteristics and qualities that make up the natural character values of the area, and</i></p> <p><i>(d) maintaining the high levels of naturalness of these areas, and</i></p> <p><i>(e) avoiding the adverse effects of activities, including those located outside the area, that individually or cumulatively detract from the natural character values of the outstanding natural character area.</i></p> <p><i>Note Method M24(b) applies to clause (a).</i></p> | | | |
| <p>Policy P48: Protection of outstanding natural features and landscapes</p> <p><i>The natural features and landscapes (including seascapes) of the coastal marine area, rivers, lakes and their margins and natural wetlands shall be protected from inappropriate use and development by:</i></p> <p><i>(a) identifying outstanding natural features and landscapes within the region, and</i></p> <p><i>(b) (a) avoiding adverse effects of activities on outstanding natural features and landscapes, and</i></p> <p><i>(c) (e) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of</i></p> | <p>Amend Policy 48(b) to provide for “mitigation or offsetting if avoiding is not practicable “</p> <p>And</p> <p>Identify significant natural wetlands (as opposed to natural wetlands) in the proposed plan’s schedules/planning maps</p> | <p>Support in part:</p> <ul style="list-style-type: none"> The identification of outstanding natural features and landscapes including significant natural wetlands in the proposed plan’s schedules/planning maps as identified will be done by the Regional Council under Method 24A In some circumstances it may be appropriate to allow for activities within outstanding natural features and landscapes where there is appropriate mitigation; and/or where adverse effects are not significant or are only temporary and those | Yes |

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| <p><i>activities on all other natural features and landscapes.</i></p> <p><i>Note Method M24(a) applies to clause (a).</i></p> | | effects can be adequately remedied or mitigated. | |
| <p>Policy 102: Reclamation or drainage of the beds of lakes and rivers</p> <p><i>The reclamation or drainage of the beds of lakes and rivers and natural wetlands shall be avoided, in particular those identified in Schedules A (outstanding water bodies) and C (mana whenua), except where the reclamation or drainage is:</i></p> <p><i>(b) partial reclamation of a river bank for the purposes of flood prevention or erosion control, or (b) associated with a qualifying development within a special housing area, or</i></p> <p><i>(eb) associated with a growth and/or development framework or strategy approved by a local authority under the Local Government Act 2002, or (dc) necessary to enable the development, operation, maintenance and upgrade of regionally significant infrastructure, or</i></p> <p><i>(ed) associated with the creation of a new river bed and does not involve piping of the river, and</i></p> <p><i>(e) for the purpose of forming a reasonable crossing point, and</i></p> <p><i>(f) in respect of (a) to (e) there are no other practicable alternative methods of providing for the activity, or</i></p> <p><i>(g) the reclamation or drainage is of an ephemeral flow path.</i></p> <p><i>For the purpose of this policy the piping or covering of a stream for a distance greater than that required to form a reasonable crossing point is considered to be reclamation of</i></p> | <p>Amend Policy 102 to recognise that reclamation may be required in certain circumstances;</p> <p>And Amend Policy 102 to apply on to those beds of lakes, rivers and natural wetlands either identified in Schedules A and C, or any other waterbody identified in a schedule/planning map.</p> | <p>Support in part because:</p> <ul style="list-style-type: none"> Reclamation may be appropriate in some water bodies, in particular natural wetlands where the proposed adverse effects are less than minor; or where the adverse effects can be appropriately mitigated (included through off-setting); and Not all natural wetlands require this type of protection and this provision should only apply to scheduled sites. | Yes |

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| <p>the river bed.</p> <p>5.5.2 Wetlands general conditions Wetland general conditions for activities in natural wetlands, significant natural wetlands and outstanding natural wetlands are that:</p> <p>(a)(a) the vegetation and the bed of the <u>significant natural wetland</u> or <u>outstanding natural wetland</u> shall not be disturbed to a depth or an extent greater than that required to undertake the activity., <u>and</u></p> <p>(a)(b) there shall be no discharge of contaminants (including but not limited to oil, petrol, diesel, paint, or solvent, <u>heavy metals and other toxicants</u>) to water or the bed, <u>except where this is the result of the disturbance of other than</u> sediment and other materials inherent to already existing in the water or bed, <u>but excluding any discharge of heavy metals or other toxicants,</u> and</p> <p>(b)(c) no cleaning or refuelling of machinery or equipment, <u>or storage of fuel</u> shall take place on any area in, or within 10m of, a <u>significant natural wetland</u> or <u>outstanding natural wetland</u>, and fuel storage shall not occur or at any location where fuel can enter a water body, and</p> <p>(c)(d) all machinery, equipment and materials used for the activity shall be removed from the <u>significant natural wetland</u> or <u>outstanding natural wetland</u> every night and on completion of the activity. This includes any excess material from the construction operation, any materials used during construction of any structure but not part of that structure, and any material removed or demolished from any structure, and</p> <p>(d)(e) structures are designed, installed and maintained, and</p> | <p>Amendments to 5.5.2 General Conditions to allow for local authority to undertake emergency works or maintenance and capital construction works in relation to its assets;</p> <p>And</p> <p>Provided the Proposed Plan excludes natural wetlands from the definition of significant natural wetlands.</p> | <p>Support in part because:</p> <ul style="list-style-type: none"> Agree that some flexibility is required particularly for natural wetlands | Yes |

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| <p><i>activities are carried out in a manner to ensure that fish passage is maintained at all times, <u>unless a temporary restriction of no more than 48 hours is required for construction or maintenance activities, and</u></i> (e)(f) <i>in any part of the <u>significant natural wetland or outstanding natural wetland with inanga spawning habitat identified in Schedule F1b (inanga spawning) F4 (coastal sites) and Schedule F5 (coastal habitats), no bed disturbance, diversions of water or sediment discharge shall occur between 1 March January and 31 May, and</u></i> (f)(g) <i>the diversion of water shall not be for longer than the time required to undertake the activity, and any diversion of water required to undertake the activity must be for fewer than 14 consecutive days, and must occur prior to the disturbance of the bed of the <u>significant natural wetland or outstanding natural wetland, and</u></i> <i>(h) the following setback conditions apply to plantation forestry activities as covered by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017:</i> <i>(i) earthworks must not occur within 10m of a significant natural wetland, and</i> <i>(ii) harvesting machinery must not be operated within 10m of a significant natural wetland, and</i> <i>(iii) mechanical land preparation must not occur within 10m of a significant natural wetland.</i></p> <p><u>Note Cleaning and inspection of all equipment, machinery, or operating plant may</u></p> | | | |
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| <p><i>be required under the Biosecurity Act 1993 to prevent the spread of “pests” or “unwanted organisms”. The meaning of earthworks, harvesting machinery and mechanical preparation are defined in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i></p> | | | |
| <p>Rule R106: Restoration of natural wetlands, significant natural wetlands and outstanding natural wetlands – controlled activity</p> <p><i>Activities for the purpose of the restoration of restoring the indigenous biodiversity of a natural wetland, significant natural wetland or outstanding natural wetland identified in Schedule A3 (outstanding wetlands), that are not permitted by rules R104 and R105, are controlled activities provided the following condition is met:</i></p> <p><i>(a) the activities are stipulated in and carried out in accordance with an approved <u>wetland</u> restoration management plan.</i></p> <p><i>Matters of control</i></p> <ol style="list-style-type: none"> <i>1. Removal, damage or modification of indigenous vegetation</i> <i>2. Changes to the hydrology of the <u>significant natural wetland or outstanding natural wetland</u></i> <i>3. Species for planting</i> <i>4. Amount of disturbance and deposition that may occur</i> <i>5. Timing of the activities</i> <i>6. Management of sites with significant mana whenua values in any wetland <u>significant natural wetland or outstanding natural wetland</u> identified in Schedule C (mana whenua)</i> | <p>Delete Rule 106 and replace it with the following permitted activity status:</p> <p><u><i>An activity undertaken in accordance with an approved wetland restoration management plan which are intended to restore the indigenous biodiversity of a, significant natural wetland or outstanding natural wetland identified in Schedule A3 (outstanding wetlands) is a permitted activity.</i></u></p> | <p>Support because:</p> <ul style="list-style-type: none"> • We agree with the point that if a wetland restoration management plan has already been approved, a permitted activity status is considered more appropriate. | |

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| <p>7. <u>Type, frequency, density and timing of livestock access to, and (where there is no practicable alternative) the limited location of fencing within, the wetland significant natural wetland or outstanding natural wetland</u></p> <p>8. <u>Ongoing significant natural wetland or outstanding natural wetland management</u></p> <p>9. <u>Methods of pest control, including the use of aerial spraying</u></p> <p><i>Notification In respect of Rule R106, applications are precluded from public notification (unless special circumstances apply).</i></p> | | | |
| <p><i>Rule R107: Activities in natural wetlands and significant natural wetlands – discretionary activity</i></p> <p><i>The following activities in a natural wetland or significant natural wetland except for those stipulated in and carried out in accordance with a <u>wetland</u> restoration management plan under Rule R106:</i></p> <p><i>(a) the placement of new structures with a footprint of 10m2 or greater for the purpose of hunting and recreation (including maimai and jetties) and all other structures,</i></p> <p><i>(b) the discharge of water or contaminants not permitted by Rule R42,</i></p> <p><i>(c) the clearance of indigenous wetland vegetation, (excluding the removal of pest plants under Rule R105 and the removal of plants for Māori customary use or for the use of an individual under R105A),</i></p> <p><i>(d) activities not meeting the conditions of Rules R104, or R105 or R105A, including any associated: (e) disturbance of a river or lake bed, or foreshore or seabed that forms part of a</i></p> | <p>Amending Rule 107 to provide for works in wetlands for amenity purposes as a discretionary actiivty</p> <p>And</p> <p>Seek that this rule not apply to natural wetlands and only apply to significant natural wetlands, specifically identified in a schedule and/or on planning maps in the proposed plan.</p> | <p>Support in part because:</p> <ul style="list-style-type: none"> • The changes proposed by the appellant recognises that there will be unintended consequences if amenity planting adjacent to natural wetlands is not provided for as a discretionary activity and become a non-complying activity; • Similarly, there are other activities where they are appropriate for the location particularly where the natural wetland doesn't contain high natural values beyond the rarity value; • It is inconsistent with the intention of the RMA, Part II and the RPS; and • There is insufficient evidence that supports that all natural wetlands meet the rarity criteria as set out in Policy 23 of the RPS. | yes |

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| <p><i>significant natural wetland, and</i> <i>(f) deposition in, on, or under a river or lake bed, or foreshore or seabed that forms part of a significant natural wetland, and</i> <i>(g) damage to a part of the foreshore or seabed that forms part of a significant natural wetland, and</i> <i>(h) diversion of water, and</i> <i>(i) discharge of sediment to water</i> <i>are discretionary activities.</i></p> | | | |
| <p>Rule 109 Activities in outstanding natural wetlands – discretionary activity</p> <p><i>The following activities in outstanding natural wetland identified in Schedule A3 (outstanding wetlands), except those stipulated in and carried out in accordance with a wetland restoration management plan under R106:</i></p> <p>a) <i>The maintenance, repair or replacement (like for like) of existing structures</i> b) <i>The placement of new structures of an area less than 10m2 for th purpose of hunting and recreation (including maimai and jetties)</i> c) <i>The removal of existing structures</i> d) <i>Removal of pest plants that are not permitted by Rule 105</i></p> <p><i>Are discretionary activities</i></p> | <p>Amend Rule 108 to provide for the upgrade of existing structures;</p> <p>And to also exclude the words, “like for like”</p> <p>Also exclude natural wetlands by ensuring that the Proposed Plan identifies Significant Natural Wetlands and amending the definition of Significant Natural Wetlands.</p> | <p>Support in Part because:</p> <ul style="list-style-type: none"> • The rule needs to have some flexibility to enable repairs and upgrades that may need some variation to the existing structure but which achieves the same outcomes the previous structure achieved, without triggering a non-complying consent; • It represents an efficient use of existing resources. | Yes |
| <p>Rule R110:</p> <p>Activities in outstanding natural wetlands – non-complying <i>The following activities, in an outstanding natural wetland</i></p> | <p>Amend Rule 110 to provide for reclamation or drainage of outstanding natural wetlands as a non-complying activity</p> | <p>Support in part because:</p> <ul style="list-style-type: none"> • It is unreasonable to prohibit these activities • A number of the activities carried out in | Yes |

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| <p><i>identified in Schedule A3 (outstanding wetlands), except for those stipulated in and carried out in accordance with a <u>wetland</u> restoration management plan under Rule R106:</i></p> <p><i>(a) the discharge of water or contaminants,</i></p> <p><i>(b) take, use, damming or diverting water into, within, or from the wetland outstanding natural wetland, or the take and use of water within 50m of the outstanding natural wetland,</i></p> <p><i>(c) the placement of new structures with an area 10m² or greater for the purpose of hunting and recreation (including maimai and jetties), and all other structures,</i></p> <p><i>(d) land disturbance including excavation and deposition,</i></p> <p><i>(e) vegetation clearance, excluding the removal of pest plants under Rule R105,</i></p> <p><i>(f) other activities that are not discretionary under Rule R109 or prohibited by Rule R111</i></p> <p><i>are non-complying activities.</i></p> | <p>And</p> <p>By amending the definition of outstanding natural wetlands to exclude natural wetlands and include only those that are shown in a schedule/planning maps</p> | <p>an outstanding natural wetland (Schedule A3 sites) provided for non-complying activity may result in reclamation and/or drainage which should also be considered at the same time under the same activity status.</p> | |
| <p>Rule R111:</p> <p><i>Reclamation <u>or</u> <u>drainage</u> of outstanding natural wetlands – prohibited activity</i></p> <p><i>Reclamation <u>or</u> <u>drainage</u> (including <u>drainage</u> or <u>diverting of water to an extent that the area affected ceases to have the characteristics of a wetland</u>) of all or part of an outstanding natural wetland identified in Schedule A3 (outstanding wetlands), except stipulated in and carried out in accordance with a <u>wetland</u> restoration management plan under Rule R106, is a prohibited activity.</i></p> | <p>Delete Rule 111 which <u>prohibits</u> the reclamation or drainage of an outstanding natural wetland.</p> <p>And</p> <p>We would seek that this rule would not apply to any natural wetlands that only meet the criteria of ‘rarity’ but fit no other criteria; and</p> <p>This rule should only apply to outstanding natural wetlands where they have been identified in a</p> | <p>Support in full because:</p> <ul style="list-style-type: none"> • The threshold for prohibited activities should be limited to known significant adverse effects on sites with well documented outstanding natural values; • There will be many natural wetlands where it will not be appropriate to prohibit drainage or reclamation activities. Highly degraded wetlands meeting the definition of a wetland may have moderate to low natural values; and when considered in conjunction with suitable mechanisms to avoid, remedy or mitigate (including off- | Yes |

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| | schedule/planning map as meeting more than just the rarity criteria set out in Policy 23 of the RPS. | setting) potential adverse effects the activity may be appropriate; <ul style="list-style-type: none"> There is insufficient evidence that supports that all natural wetlands meet the rarity criteria as set out in Policy 23 of the RPS | |
| <p>Rule 127</p> <p>Rule R127: Reclamation of the beds of rivers or lakes – non-complying activity</p> <p><i>The reclamation of the bed, or any part of the bed, of a river or lake:</i></p> <p>(a) associated with the piping of a stream, or</p> <p>(b) in a site identified in Schedule A1 (outstanding rivers), or</p> <p>(a) <u>in a site identified in Schedule A1 (outstanding rivers) or Schedule A2 (outstanding lakes) where the reclamation is necessary to enable the operation, maintenance or upgrade of regionally significant infrastructure, or</u></p> <p>(c)(b) <u>in a site identified in Schedule C (mana whenua) where the reclamation is necessary to enable the operation, maintenance or upgrade of regionally significant infrastructure or the reclamation is only a partial reclamation</u></p> <p><u>Is a non-complying activity</u></p> | <p>Insert new rules R127A and R127B to provide for reclamation of beds of rivers or lakes in a future urban growth area subject to a comprehensive development plan as a controlled activity:</p> <p><i>Rule R127A: Reclamation of the beds of rivers or lakes in a future urban growth area subject to a comprehensive development plan – controlled activity</i></p> <p><i>The reclamation of the bed, or any part of the bed, of a river or lake associated with piping of a stream within an future urban growth area, in respect of which a comprehensive development plan has been approved, is a controlled activity.</i></p> <p><i>Matters of control</i></p> <p>(a) disturbance of the lake or river bed, and</p> <p>(b) deposition on the lake or river bed, and</p> <p>(c) diversion of water, and</p> | <p>Support in part because:</p> <ul style="list-style-type: none"> Provision needs to be made for growth where potential adverse effects on significant natural values are avoided; and where the potential adverse effects are minor or less than minor and where they cannot be avoided, but where those effects can be remedied or mitigated Comprehensive Development Plans would require consenting as a controlled or restricted discretionary activity which would enable all potential adverse effects to be thoroughly modelled and assessed. | Yes |

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| | <p><i>(d) discharge of sediment to water</i></p> <p><i>Rule R127B: Reclamation of the beds of rivers or lakes in a future urban growth area not subject to a comprehensive development plan – restricted discretionary activity.</i></p> <p><i>The reclamation of the bed, or any part of the bed, of a river or lake associated with piping of a stream within an future urban growth area, in respect of which a comprehensive development plan has not been approved, is a restricted discretionary activity.</i></p> <p><i>Matters of discretion</i> <i>(a) disturbance of the lake or river bed, and</i> <i>(b) deposition on the lake or river bed, and</i> <i>(c) diversion of water, and</i> <i>(d) discharge of sediment to water</i></p> | | |
| <p>Rule R130: Diversion of groundwater – permitted activity</p> <p><i>Diversion of groundwater is a permitted activity, provided the following conditions are met:</i> <i>a) there shall be no flooding or erosion of any neighbouring</i></p> | <p>Add the new rules to the Proposed Plan to sit before Rule R130 as set out below.</p> <p>And also provide in these rules for lakes, and natural wetlands.</p> | <p>Support in part because:</p> <ul style="list-style-type: none"> • Provision needs to be made for growth where potential adverse effects on significant natural values are avoided; and where the potential adverse effects are | Yes |

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| <p>property, and</p> <p>b) <i>there shall be no lowering of water levels in any river, lake, or natural wetland, and</i></p> <p>c) <i>there shall be no lowering of groundwater levels on any neighbouring property.</i></p> | <p><i>Rule R[x]: Damming or diverting water within or from a river within a future urban growth area subject to a comprehensive development plan – controlled activity</i></p> <p><i>Damming or diverting water within or from a river within a future urban growth area, in respect of which a comprehensive development plan has been approved, is a controlled activity.</i></p> <p><i>Matters of control</i></p> <p><i>(a) disturbance of the lake or river bed, and</i></p> <p><i>(b) deposition on the lake or river bed, and</i></p> <p><i>(c) diversion of water, and</i></p> <p><i>(d) discharge of sediment to water</i></p> <p><i>Rule R[x]: Damming or diverting water within or from a river within a future urban growth area not subject to a comprehensive development plan – restricted discretionary activity</i></p> | <p>minor or less than minor and where they cannot be avoided, but where those effects can be remedied or mitigated</p> <ul style="list-style-type: none"> • Comprehensive Development Plans would require consenting as a controlled or restricted discretionary activity which would enable all potential adverse effects to be thoroughly modelled and assessed. | |
| Schedule F3 - | Accurately map all significant natural wetlands using GIS so that these wetlands are able to be easily identified by plan users | <p>We support because:</p> <ul style="list-style-type: none"> • It is the Regional Council’s responsibility to map these sites. • Accuracy is important especially where sites | |

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| | | result in non-complying or prohibited activity status. <ul style="list-style-type: none"> • The mapping should identify wetlands which meet the RPS Policy 23 criteria of significance. | |