

**IN THE ENVIRONMENT COURT
WELLINGTON REGISTRY**

ENV- 2025-WLG-

**I MUA I TE KOOTI TAIAO O AOTEAROA
WHANGANUI-A-TARA ROHE**

IN THE MATTER

of an appeal under Clause 14 of the First
Schedule of the Resource Management
Act 1991

AND IN THE MATTER

of the proposed Wellington District Plan

BETWEEN

**THE ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NEW ZEALAND
INCORPORATED**
Appellant

AND

WELLINGTON CITY COUNCIL
Respondent

**NOTICE OF APPEAL BY THE ROYAL FOREST AND BIRD PROTECTION SOCIETY OF
NEW ZEALAND INCORPORATED**

18 August 2025

To: The Registrar
Environment Court
Wellington

NOTICE OF APPEAL

1. The Royal Forest and Bird Protection Society of New Zealand Inc. (“Forest & Bird”) appeals against decisions of Wellington City Council on the Proposed Wellington District Plan (the proposed plan).
2. Forest & Bird made a submission and further submission on the proposed plan.
3. Forest & Bird is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (the Act).
4. Forest & Bird received notice of the decision on or about 7 July 2025.
5. The decision was made by the Wellington City Council.
6. Forest & Bird is willing to participate in alternative dispute resolution.
7. The parts of the decision that Forest and Bird is appealing, the reasons and the relief are set out in Table 1. In addition to the reasons set out in the table below, the general reasons for Forest & Bird’s appeal are that the provisions appealed against:
 - a. do not give effect to the National Policy Statement for Indigenous Biodiversity;
 - b. do not give effect to the New Zealand Coastal Policy Statement;

- c. do not give effect to relevant provisions of the Wellington Regional Policy Statement;
- d. are not consistent with Part 2 of the Act;
- e. do not implement the Council's functions under s 31 of the Act;
- f. do not represent best resource management practice;
- g. are inconsistent with the National Planning Standards;¹ or
- h. any combination of the above matters.

8. There are two main issues of concern:

- a. The plan has a serious structural problem in the way it deals with infrastructure. The intention is to make the infrastructure chapter stand alone and disapply the other chapters. Unfortunately, no objectives have been included in the Infrastructure chapter that do anything other than support infrastructure. There are no objectives that implement the protective elements of Part 2. While infrastructure is undoubtedly critical, the absence of recognition at the objective level is a serious flaw.
- b. The inadequacy of plan provisions to implement Council's s31 functions for maintenance of indigenous biodiversity as they apply outside of Significant Natural Areas.

9. Where specific wording changes are proposed by way of relief, Forest & Bird seeks in the alternative any wording that would adequately address the reasons for its appeal.

¹ Clause 7. District-wide matters Standard, National Planning Standards 2019

Attachments

10. Attached to this Notice of Appeal are the following documents:

- a. A copy of Forest and Bird's original submission and further submission;
- b. A copy of the Wellington City Council's decisions.
- c. A list of submitters to be served with this appeal.

Dated: 18 August 2025



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Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must, —

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the appellant's submission or the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

PROVISIONS IN PROPOSED DISTRICT PLAN SUBJECT TO APPEAL

	Specific provision	Reasons for Appeal	Relief Sought
INFRASTRUCTURE			
1.	INF	The approach of providing for sub-chapters dealing with other matters within the Infrastructure Chapter is flawed because there are no objectives in the Infrastructure Chapter to provide for other matters of national importance and national direction. There are some policies within the sub-chapters that implement the protective elements of sustainable management but the approach is flawed because those policies do not implement an objective.	<p>Delete the parts of the Introduction that exclude the operation of other chapters in relation to infrastructure. The effect of this is that the other chapters also apply to infrastructure, including the sub-chapters.</p> <p>The objectives of the relevant chapters, including Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Landscapes, and Coastal Environment apply to all Infrastructure provisions.</p>
2.	INF Objectives	<p>The objectives do not adequately address important matters, such as the protection of indigenous biodiversity, natural character and landscapes, and the coastal environment. It is not enough to say that effects on these matters of national importance have to be “managed”.</p> <p>The Infrastructure sub-chapters similarly do not have objectives that provide for these matters. The objectives in the sub-chapters provide for infrastructure, but do not provide any policies that implement Part 2 matters, including matters of national importance.</p> <p>This approach is contrary to Part 2 as it does not recognise and provide for matters of national importance, does not give effect to national direction and does not accord with the planning standards.</p>	<p>The objectives of the relevant chapters, including Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Landscapes, and Coastal Environment apply to all Infrastructure provisions.</p> <p>Alternatively, a comprehensive set of objectives is included into the Infrastructure chapter to provide for these matters, mirroring the objectives of the chapters that no longer apply as per the Introduction.</p>
3.	INF-P6	This policy conflicts with the policies in the Infrastructure sub-chapters and should be deleted.	<p>Delete the policy</p> <p>Alternatively, amend the policy to make it clear that there are some circumstances where adverse effects of</p>

			<p>infrastructure must be avoided; and</p> <p>1. Add the following considerations</p> <p>x. <u>the existing values of the location and the need to protect any significant or outstanding values; and</u></p> <p>y. <u>whether there is a need to operate in a particular environment, and whether there are any reasonably practical alternative locations.</u>”</p>
4.	INF-P13 (now P12)	This policy is contrary to Part 2 of the RMA, the NPSIB, NPSFM and the NZCPS.	Delete clause 2 of INF-P12
5.	INF Rules	Natural character within riparian margins and the coastal environment is not adequately protected to achieve s6(a) and Policy 13 NZCPS	<p>In INF-R1.2, R2.2, R3.2, R4.2, R5.2 and R6.2 include the following matter of discretion “the matters set out in INF-P12” (which provides that riparian natural character to be maintained).</p> <p>In INF-R4.2, R5.2 and R6.2 include the following matter of discretion “the matters set out in INF-CE-P11 and INF-CE-P12”</p>
Sub-chapter INF-CE			
6.	INF-CE	The provisions in the INF-CE chapter should mirror the Coastal Environment provisions, with the amendments made as sought by F&B in respect of that chapter.	<p>The CE Chapter applies to infrastructure in the coastal environment.</p> <p>Alternatively, amend the INF-CE chapter to make sure it is no less stringent than the CE chapter, including changes sought in this appeal.</p>
7.	Introduction	The disapplying of “Other relevant District Plan provisions” means that there are no objectives other than those that support infrastructure. The protective element of sustainable management is missing at the objective level, despite this being required by Part 2.	The amendment to delete the “Other relevant District Plan provisions” from the sub-chapters be reversed, and the notified version reinstated.
8.	INF-CE-P16 (now P3, 18 (now P5), P19 (P6), P21 (P8),	Does not implement policy 13 NZCPS. The requirement to protect natural character applies regardless of zoning.	<p>Add the following clause to each policy:</p> <p><u>Any significant adverse effects on natural character are avoided and any other adverse effects on the natural character are avoided, remedied or mitigated.</u></p>

	P22 (P9) P24, (P11),and policies P13 - 17 relating to the Gas transmission network		
9.	INF-CE-Rules	Natural character within riparian margins and the coastal environment is not adequately protected to achieve s6(a) and Policy 13 NZCPS. Amendments are required to the INF rules as well as INF-CE rules to address this.	<p>In INF-CE-R7 and R12 include a standard requiring a set back from the coastal margin (along the same lines as INF-S7 but for the coastal margin) for Permitted activities.</p> <p>Where this standard is not met the activity becomes Restricted Discretionary with the matters of discretion including “the matters in INF-CE-P11”.</p>
	Sub-chapter INF-ECO		
10.	INF-ECO	<p>The effect of this is that the chapter does not give effect to Part 2, notably s 6(c), s 31, the NPSIB or the NZCPS.</p> <p>The introduction to this sub-chapter states that the objectives of the Infrastructure chapter apply. Further, this sub-chapter applies in addition to the Infrastructure chapter. That means that both the policies in the Infrastructure chapter as well as those in this sub-chapter will apply to use and development in SNAs. However, the ECO Chapter does not apply. This creates a gap as objectives providing for s6(c) are not considered under the INF provisions.</p> <p>Under Clause 3.11(1)(a)(i) only “specified infrastructure” as defined in under the NPSIB is exempt from Clause 3.10. Specified infrastructure includes Regionally Significant Infrastructure but not other infrastructure. The INF-ECO chapter applies this to all infrastructure, which is not appropriate.</p>	<ol style="list-style-type: none"> 1. Amend chapter to give effect to Part 2, notably s 6(c), s 31, the NPSIB or the NZCPS 2. The ECO Chapter applies to the Infrastructure Chapter and all infrastructure sub-chapters, including -INF-NG, and the REG Chapter. Alternatively, amend the INF-ECO chapter to make sure it is no less stringent than the ECO chapter, with the amendments sought in this appeal, including the addition of objectives. 3. Add the equivalent of ECO-P8 into the ECO-INF chapter 4. Clarify that effects on indigenous biodiversity in the coastal environment are part of this subchapter for consistency with the ECO/CE split.

		<p>The decision does direct effects on SNAs to be managed in accordance with the effects management hierarchy in ECO-P5.</p> <p>Effects on indigenous biodiversity in the coastal environment are not adequately addressed by that amendment. That would require ECO-P6 to be considered.</p>	
11.	Introduction	<p>The disapplying of “Other relevant District Plan provisions” means that there are no objectives other than to support infrastructure. The protective element of sustainable management is missing at the objective level, despite this being required by Part 2.</p>	<p>The amendment to delete the “Other relevant District Plan provisions” from the sub-chapters is reversed, and the notified version is reinstated with an amendment to include ECO, NATC, NFL and CE chapters.</p>
12.	INF-ECO-P34 (now INF-ECO-P2)	<p>Under Clause 3.11(1)(a)(i) only “specified infrastructure” as defined in under the NPSIB is exempt from Clause 3.10. Specified infrastructure includes Regionally Significant Infrastructure, but not other infrastructure. The INF-ECO chapter applies this to all infrastructure, which is not appropriate.</p>	<p>Amend Policy INF-ECO-P2 to reflect the NPSIB approach that only exempts specified infrastructure from the requirement to protect SNAs on Clause 3.10 of the NPSIB</p> <p>Make additional amendments to INF-ECO-P2</p> <p>“Upgrades to existing infrastructure and development of new infrastructure in significant natural areas <u>Consider allowing</u> Allow for upgrades to existing infrastructure and for new infrastructure within significant natural areas where it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. There is an operational need or functional need that means for <u>for the infrastructure's to be in that particular location and where there are no practicable alternative locations for the activity cannot practicably be avoided;</u> 2. Any adverse effects on indigenous biodiversity values within a significant natural area are managed in accordance with ECO-P5.1 — ECO-P5.6 <u>and within the coastal environment in accordance with ECO-P6.</u>

13.	New INF-ECO Policy	There is no direction to maintain indigenous biodiversity outside SNAs as required by Clause 3.16 of the NPSIB.	<u>“Manage adverse effects of existing and new infrastructure on indigenous biodiversity outside of Significant Natural Areas in accordance with ECO-P8 and within the coastal environment in accordance with ECO-P6</u>
14.	INF-ECO-R41 (Now INF-ECO-R1)	<p>INF-ECO-R41.1</p> <p>The rule provides for cutting new tracks up to 2.5m wide in SNAs. This is not appropriate as a permitted activity, and does not give effect to INF-ECO P33.</p> <p>INF-ECO-R41.2</p> <p>New tracks (vegetation trimming, removal and earthworks) for operation, maintenance repair and removal should be included in this rule</p>	<p>Amend INF-ECO-R1:</p> <p>“1. Activity status: Permitted</p> <p>Where:</p> <p>a. <u>activities do not include new access or tracks; and</u></p> <p>b. <u>Compliance is achieved with the following standards:</u></p> <p>i. INF-ECO-S1; and</p> <p>ii. INF-ECO-S2.</p> <p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of INF-ECO-R1.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. <u>any adverse effects on the indigenous biodiversity of the significant natural area</u> The matters in INF-ECO-P1;</p> <p>and</p> <p>2. The extent and effect of non-compliance with any relevant standard not met as specified in the associated assessment criteria for the infringed standard.”</p> <p>Amend INF-ECO-R2 by changing the matter of discretion: <u>“The matters in INF-ECO-P2. The operational or functional need for the location and consideration of practicable alternative. Any adverse effects on indigenous biodiversity of the significant natural area.”</u></p> <p>Apply new ECO rule (sought at row 43 under ECO chapter in this table) for vegetation clearance outside of SNAs</p>

	Sub-chapter INF - Natural Features And Landscapes		
15.	INF-NFL	The provisions in the INF-NFL chapter should mirror the NFL provisions, with the amendments made as sought by F&B in respect of that chapter.	<p>The NFL Chapter apply to infrastructure.</p> <p>Alternatively, amend the INF-NFL chapter to make sure it is no less stringent than the NFL chapter, with the amendments sought in this appeal included</p>
16.	Introduction	There are no objectives other than to support infrastructure. The protective element of sustainable management is missing at the objective level, despite this being requires by Part 2.	The amendment to delete the reference to other relevant “Part 2: District-Wide chapters” from the sub-chapters be reversed, and the notified version reinstated with an amendment to include ECO, NATC, NFL and CE chapters.
17.	INF-All NFL Policies	<p>There is some poor drafting throughout the policies in this chapter.</p> <p>The reference to respecting landscape values is problematic, as it is not clear how you respect identified values. This is not language used anywhere in the RMA. The word used in the RMA is protect.</p> <p>The reference to managing adverse effects is meaningless without any reference point to determine what it is being managed to achieve.</p>	<p>Amend the policies to add the words “to protect landscape values” to the end of Clause 2.</p> <p>Replace “respects” with “protects” wherever it appears.</p> <p>Replace all reference to “managed” with “avoided remedied or mitigated”.</p>
	Sub-chapter INF – National Grid		
18.	Introduction	The disapplying of “Other relevant District Plan provisions” means that there are no objectives other than to support infrastructure. The protective element of sustainable management is missing at the objective level, despite this being requires by Part 2.	The amendment to the overarching INF chapter introduction, to delete the “Other relevant District Plan provisions” from the sub-chapters is reversed, and the notified version is reinstated. Reference to other relevant chapters including ECO, NATC, NFL and CE chapters is set out in the INF-NG introduction.
19.	INF-NG Policies	The policies do not achieve s6 or Policies 11, 13, and 15 of the NZCPS.	Remove direction within these policies to the management of adverse effects of the National Grid on indigenous biodiversity, natural character, natural landscapes and features and the coastal environment and refer to provisions in the ECO, NATC, NFL and CE chapters.

			Alternatively amend policies consistent Forest & Birds appeal on the ECO objectives and policies.
20.	INF-NG-Rules	The rules only implement the NPSET and do not properly consider matters of national importance and national direction, such as the NZCPS.	<p>The rules need to be amended to properly reconcile the NPSET and the NZCPS. They are too permissive and do not provide for the avoidance of effects in any circumstance, which is contrary to the way in which other plans have dealt with the National Grid in sensitive locations.</p> <p>There is also no provision for offsetting or compensation.</p> <p>Make amendments to the INF-NG rules:</p> <ul style="list-style-type: none"> - to include limits on any removal of indigenous vegetation clearance consistent with this appeal on the ECO rules - to include consideration of relevant ECO, NATC, NFL and CE provisions for consented activities.
Renewable Electricity Generation			
21.	REG Introduction	The Introduction is silent on the potential adverse effects of renewable electricity generation on indigenous biodiversity, landscape, and natural character values. This needed to be amended to provide for these matters.	<p>As sought above, the provisions of the Infrastructure chapter and subchapters that disapply other chapters should be deleted, so as to ensure a proper evaluation of renewable energy projects.</p> <p>Other relevant chapters, including Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Landscapes, and Coastal Environment apply to all Renewable Electricity Generation provisions.</p> <p>The “Other Relevant District Plans Provisions” section that was deleted in the decision should be reinstated.</p>
22.	Introduction	The disapplying of “Other relevant District Plan provisions” means that	The amendment to delete the “Other relevant District Plan

		there are no objectives other than to support infrastructure. The protective element of sustainable management is missing at the objective level, despite this being required by Part 2.	provisions” from the sub-chapters be reversed, and the notified version reinstated.
23.	REG-O1-O4	<p>The objectives do not provide any protection for indigenous biodiversity, natural character, landscapes or the coastal environment. This is particularly problematic as the relevant chapters have been disapplied and the only relevant provisions are those contained in the Infrastructure chapter and subchapters.</p> <p>The only reference to adverse effects is that they should be effectively managed. This is not adequate.</p>	<p>As sought above, the provisions of the Infrastructure chapter and subchapters that disapply other chapters should be deleted, so as to ensure a proper evaluation of renewable energy projects.</p> <p>Alternatively, the objectives need to be amended to include the protective elements of the RMA, as set out in the Part 2 and national direction.</p>
24.	REG-P1 and P2	This policy appears to be an overarching policy that would apply to all decisions made under this chapter’s provisions. However, it is completely silent on the need to protect natural values. Given that the objectives and policies of the Natural Environment Values and Coastal Environment chapters are not intended to apply to this chapter, this policy needs to be amended to include clauses requiring that natural and coastal values are protected.	<p>As sought above, the provisions of the Infrastructure chapter and subchapters that disapply other chapters should be deleted, so as to ensure a proper evaluation of renewable energy projects.</p> <p>Alternatively, the policies are amended to include the protective elements of the RMA, as set out in Part 2 and the NZCPS.</p>
25.	REG-P9	<p>The policy does not appropriately recognise that renewable electricity generation can have significant adverse effects outside overlays.</p> <p>The direction in Clause 5 to provide for large scale generation activities where effects are minimised is contrary to the requirement in s5(2)(c) that effects are avoided, remedied or mitigated. Effects might be ‘minimised’ but still be very significant. Amend to include more appropriate direction to create the least amount of effects, while also avoiding, remedying or mitigating.</p>	<p>Amend ‘provide for’ to ‘consider providing for’.</p> <p>Amend Clause to delete the reference to “minimise” adverse effects and replace with to “avoid remedy or mitigate” adverse effects</p> <p>Amend Clause 4(c) to give effect to Policies 11,13, and 15 of the NZCPS</p> <p>Amend Clause 4(d) to “Ecology and biodiversity values, including effects on terrestrial ecology and avifauna <u>in accordance with Policy ECO-P6 and P8 and Policy 11 of</u></p>

			NZCPS;”
26.	REG-P10 and PX	It is appropriate to direct renewable energy generation away from significant overlays.	Reinstate notified version and delete PX. If PX is to be retained then Clause 9(g) is amended to provide “Ecological and biodiversity effects, including adverse effects on terrestrial ecology and avifauna in accordance with ECO-P2- P5 and, ECO-P8 where there are effects outside overlays in accordance with Policy ECO-P6 and P8 and Policy 11 of NZCPS;”
27.	REG-R2	Matter of discretion 4 should not have been deleted.	Reinstate Matter of discretion 4 in Rule REG-R2.3 and include ECO-P8: “4. The matters in ECO-P2, ECO-P3, ECO-P4, ECO-P7, ECO-P8 NFL-P2, NFL-P4 and NFL-P5;”
ECOSYSTEMS AND INDIGENOUS BIODIVERSITY			
28.	Introduction	The Introduction is silent on the Council's function of maintaining biodiversity, which is wider than only protecting SNAs. There are now policies to implement the obligation to maintain indigenous biodiversity. The exception in the last sentence is not consistent with section 4 of the RMA.	Amend as follows: “The purpose of this chapter is to identify significant natural areas within Wellington City to protect and maintain the remaining areas of indigenous biodiversity. <u>In addition to the requirement to identify and protect significant natural areas, the Council also has the job of maintaining biodiversity outside of significant natural areas. This chapter contains provisions that support that function.</u> ” Amend the last sentence referring to the Crown so that it reflects s4 of the RMA.
29.	ECO-O2 (new)	The objective is unclear and poorly drafted. Its meaning is uncertain. There appears to be no scope for this policy as it was recommended by the reporting officer but did not refer to any submissions providing scope. The plan should include a policy aimed at the identification of SNAs. This is important for where new SNAs are identified, for example as part of	Delete ECO-02

		consenting processes.	
30.	ECO-O1 (now ECO-O3)	Section 6(c) does not include reference to 'inappropriate subdivision, use and development'.	ECO-03 is amended as follows: "Significant Natural Areas, including those within the coastal environment, are protected, from inappropriate subdivision, use and development and where appropriate, restored."
31.	ECO-P1 (new)	The issue of scheduled SNA's not capturing Policy 11 areas because they some SNA were removed before notification. The plan should include a policy aimed at identification of SNAs. This is important for where new SNAs are identified, for example as part of consenting processes.	Amend ECO-P1 "Identification of significant natural areas <u>and areas meeting significance criteria</u> <u>1. Identify areas of significant indigenous vegetation or significant habitats of indigenous fauna in the Wellington district and schedule these areas as significant natural areas.</u> <u>2. in areas not subject to identification in 1 above, identify areas of significant indigenous vegetation or significant habitats of indigenous fauna meeting the Regional Policy Statement, Policy 23 criteria."</u>
32.	ECO-P1 (now P6)	The policy does not give effect to Policy 11 of the NZCPS.	Amend ECO-P6 "Significant natural areas Indigenous biodiversity within the coastal environment Only allow activities within significant natural areas <u>or indigenous vegetation clearance outside significant natural areas</u> , in the coastal environment where it can be demonstrated that they:..."
33.	ECO-P2 (now ECO-P7)	We support this policy, except that the reference to quarry operations should be for existing operations, but not provide for expansion.	Delete clause 7 or amend to exclude any expansion of quarry operations
34.	ECO P8 (new)	This policy is generally supported but would be improved by providing for	Amend ECO-P8 as follows

		an ecological assessment to identify significant biodiversity values.	<p><u>"1. Manage any adverse effects of new subdivision, use and development on indigenous biodiversity outside of significant natural areas by:</u>1. applying the effects management hierarchy at ECO-P5.1 through ECO-P5.6 where there are significant adverse effects; and</p> <p>2. Minimising other adverse effects; <u>and</u></p> <p><u>3. Where appropriate, providing for an assessment to identify additional areas of significant indigenous vegetation or significant habitats of indigenous fauna, and managing any effects on those areas in accordance with ECO-P3 and ECO-P4 above."</u></p>
35.	New rule	<p>The plan's provisions do not fulfil the Council's requirement to maintain indigenous biodiversity. Regulating activities only in SNAs falls short of this function.</p> <p>In its submission, Forest & Bird sought a rule to manage indigenous vegetation clearance outside of SNAs. This rule is fundamental given the deletion of the residential SNAs. The planning officer, Mr McCutcheon considered the Forest & Bird submissions and recommended that a rule be included in the plan. The Panel disagreed with this recommendation and did not include a rule in the plan. In doing so, the Council failed to fulfil its obligations under s 6(c) and 30 of the RMA.</p>	<p>The rule recommended by Mr McCutcheon (Appendix 1 to this Notice of Appeal), should be included in the plan with appropriate amendments. In particular</p> <ul style="list-style-type: none"> • The amount of permitted clearance should be reduced from 3000 m², particularly in the coastal environment; • The word or at the end of (a) and (b) should be replaced with "and" • The reference to rule ECO-R5.2(b) should be replaced to exclude removal Tree's larger than those in Schedule 9; • The word "continued" should be removed from the clause for enabling operation and maintenance of quarries for aggregate extraction; • The matters of discretion should include ECO-P1 and ECO-P6 • The provisions excluding public notification should be deleted
DISTRICT WIDE MATTERS			
Subdivision			
36.	SUB-P15 and	There is a gap in the chapter in that it does not maintain indigenous	Protection of significant natural areas <u>and maintenance of</u>

	SUB-P16	biodiversity outside SNAs.	<u>indigenous biodiversity.</u> Subdivision is taken in accordance with ECO-P1, ECO-P3, ECO-P5, ECO-P6 and ECO-P8 and Policy 11 of NZCPS.
37.	SUB-P21,P23,P24, P25	These policies broadly replicate policies in the NFL and CE chapters. Consequential amendments will be required if there are amendments to the NFL and CE policies.	Consequential amendments required if changes made to the NFL, CE and ECO chapters.
Coastal Environment			
38.	CE-O5 -O8	These policies should not only refer to increased risk to people, property and infrastructure. They should be amended to acknowledge the importance of protecting ecosystems.	The references to “people, property, and infrastructure” in these objectives be amended to refer to “people, property, ecosystems, and infrastructure.”
39.	CE-P2	The policy does not give effect to Policy 13(b) of the NZCPS, which provides for the avoidance of significant adverse effects on natural character. Effects could still be significant after the avoidance remediation, mitigation hierarchy has been applied.	Amend to “Avoids <u>significant</u> adverse effects and avoids, remedies or mitigates <u>other</u> adverse effects on the natural character of the coastal environment; and...”
40.	CE-P8	The policy is inappropriate insofar as it generally provides generally for vegetation removal outside of high natural character areas. The policy is inappropriate insofar as it provides for exotic vegetation removal in high natural character areas. Exotic vegetation can contribute to natural character and can also have ecosystem and habitat values.	Delete Clauses 1 and 2
41.	CE-P11 – 26	These policies address the risks posed to people, property and infrastructure in respect of use and development and coastal hazards. This is incomplete as natural character, natural landscape and biodiversity values that must be protected.	The references to “people, property, and infrastructure” in these policies be amended to refer to “people, property, ecosystems, and infrastructure.”
42.	CE-R2, R4, R5 and R7	These rules do not give effect to the NZCPS, in particular, Policies 11, 13, and 15.	Delete the rules. If the rules are to be retained, it should be subject to compliance with CE-S1.
43.	CE-R3	It is not clear what activities are being provided for. The plan contains a	Amend CE-R3 to apply to Conservation Activities

		definition of Conservation Activities including for these purposes and this provides greater certainty for a rule.	“Restoration and enhancement Conservation activities within the coastal environment”
44.	CE-R6.2	This rule is generally appropriate, but the matters of discretion should include ECO – P6 and P8 aimed at protecting SNAs and the maintenance of biodiversity outside of SNAs, respectively.	Add ECO – P6 and P8 to Matter of Discretion 2
45.	CE-R14	There are insufficient safeguards in this permitted activity	Add Compliance with CE-S1 as an entry requirement for the rule.
46.	CE-S1	The standard is inconsistent with the ECO chapter.	<p>Amend CE-S1</p> <p>“Indigenous vegetation trimming or removal within in the coastal environment:</p> <p>1. Within high coastal natural character areas; or</p> <p>2. Within coastal or riparian margins</p> <p>1. Indigenous vegetation removal must not exceed 50m in total area per 12 month continuous <u>5 year</u> period per site. The following are exempt from the maximum permitted area of removal:</p> <p><u>2 vegetation removal must be for the following:</u></p> <p>a. Vegetation removal addressing an imminent threat...”</p> <p>Amend and add to the CE-S1 assessment criteria:</p> <p>“1. The effects on identified coastal natural character values and measures proposed to avoid, remedy or mitigate the adverse effects.</p> <p><u>2. any adverse effects on indigenous biodiversity values.”</u></p>
47.	SCHED6 – Notable Trees	Oppose inclusion of monkey apple <i>Syzygium smithii</i> . This species is listed on MPI’s Pest Plant Accord and is a listed Harmful Organism (called <i>Acmena smithii</i>) on Greater Wellington’s Regional Pest Management Plan, a statutory document under the Biosecurity Act 1993. This is a serious weed and vector of myrtle rust and is within the definition of <i>pest</i> in the proposed District Plan.	Delete lilly pilly/monkey apple reference 112 and 306 from SCHED6.

APPENDIX 1: ECO RULE AS RECOMMENDED IN THE HEARING STREAM 11 ECOSYSTEMS AND INDIGENOUS BIODIVERSITY S42 REPORT DATED 12 AUGUST 2024

ECO-R4	Trimming, pruning or removal of indigenous vegetation outside of a significant natural area (except that falling under CE-R6)
General Rural Zone Open Space and Recreation zones Wellington Town Belt Zone	<p>1. Activity Status: Permitted Where: a. The indigenous vegetation existed as at <i>[date of council decision]</i>; and</p> <p>b. Trimming, pruning or removal of a contiguous area of indigenous vegetation on a site does not exceed 3000m²; or</p> <p>c. The removal does not involve any tree with a trunk diameter exceeding that in Schedule 9 as measured 1.4m above ground; or</p> <p>d. The trimming, pruning or removal is to:</p> <ul style="list-style-type: none"> i. Undertake restoration; or ii. Ensure the operation of any lawfully established formed public road or rail corridor, private access leg, driveway or right of way where removal of vegetation is limited to within the formed width of the road, rail corridor or access; or iii. Enable flood protection or natural hazard control where undertaken by a Greater Wellington Regional Council or Wellington City Council or agents on their behalf as part of natural hazard mitigation works; or iv. Comply with section 43 or 64 of the Fire and Emergency Act 2017; or v. Enable tangata whenua to exercise Customary Harvesting (hauhake); or vi. Address an imminent threat to people or property represented by deadwood, diseased or dying vegetation; or vii. To enable the maintenance of public walking or cycling tracks and parks maintenance and repair undertaken by Greater Wellington Regional Council or Wellington City Council, or their approved contractors; or viii. Maintenance of existing buildings or fences; or ix. Maintain an existing farm drain, septic tank disposal field, or constructed stormwater management or treatment device; or x. To create a firebreak within 10m of an external wall or roof of a residential unit that existed at 18 July 2022; or xi. Maintain an access track for agricultural, pastoral or horticultural activities.
All other Zones	<p>2. Activity Status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. The indigenous vegetation existed as at <i>[date of council decision]</i>; and b. A tree is being trimmed, pruned or removed; or

- c. The trimming, pruning or removal of a contiguous area of indigenous vegetation on a site (including trees otherwise permitted to be removed under ECO-R5.2.b) does not exceed 100m²; or
- d. The trimming, pruning or removal of indigenous vegetation is to:
 - i. Ensure the operation of any lawfully established formed public road or rail corridor, private access leg, driveway or right of way where removal of vegetation is limited to within the formed width of the road, rail corridor or access; or
 - ii. Comply with section 43 or 64 of the Fire and Emergency Act 2017; or
 - iii. Enable tangata whenua to exercise Customary Harvesting (hauhake); or
 - iv. Address an imminent threat to people or property represented by deadwood, diseased or dying vegetation; or
 - v. To enable the maintenance of public walking or cycling tracks and parks maintenance and repair undertaken by Greater Wellington Regional Council or Wellington City Council, or their approved contractors; or
 - vi. Enable the maintenance of existing buildings or fences; or
 - vii. Enable the continued operation and maintenance of quarries for aggregate extraction.

All zones

3. Activity Status: **Restricted Discretionary**

Where:

- a. Compliance with the requirements of ECO-R4.1 or ECO-R4.2. is not achieved.

Matters of discretion are:

- 1. ECO-P2, ECO-P5 and ECO-P8

Section 88 information requirements for applications:

Applications for a resource consent under this rule must contain an ecological assessment in accordance with APP15 – Ecological Assessment.

Notification status:

An application for resource consent made in respect of this rule is precluded from being either publicly or limited notified.
