

**Before the Wellington City Council Proposed District Plan Hearings
Panel**

Under the Resource Management Act 1991 (the Act)

In the matter of the Wellington City Council Proposed District Plan–
Hearing Stream 11:
Ecosystems and Indigenous Biodiversity

- **Ecosystems and Indigenous Biodiversity (ECO)**
- **Indigenous Infrastructure - Ecosystems and Indigenous Biodiversity (INF-ECO)**
- **Schedule 8 – Significant Natural Areas**
- **Appendix 2 – Biodiversity Compensation**
- **Appendix 3 – Biodiversity Offsetting**
- **Appendix 15 – Ecological Assessment**
- **Definitions**

Between **Wellington City Council**
Local authority

And **Horokiwi Quarries Limited**
Submitter 271 and Further Submitter FS28

**Statement of evidence of Pauline Mary Whitney for Horokiwi Quarries
Limited**

Dated 28 August 2024

1 Executive Summary

- 1.1. As outlined in my Hearing Stream 6 evidence, Horokiwi Quarries Limited (“**Horokiwi**”) owns and operates the Horokiwi Quarry located off State Highway 2 in Horokiwi, north of Wellington City. The quarry produces a wide range of products, such as specialty sands for the concrete and asphalt industries, basecourse and sealing chip for roading and builders mix and drainage metal for the construction industry. The quarry also contains an asphalt plant.
- 1.2. Horokiwi’s submission on the Wellington City Proposed District Plan (“**PDP**”) centred on recognising and providing for the role and continued use and operation of its existing quarry operation at Horokiwi. The broader submission and contextual information relating to the quarry is outlined in my Hearing Stream 6 evidence and I request the panel to refer to my earlier evidence, and that of Mr Ross Baker, in considering the submission points relevant to Hearing Stream 11. For the sake of efficiency, the background, and planning contextual information will not be repeated. However, I have provided a summary in this evidence.
- 1.3. My evidence is to be read with that of Dr Vaughan Keesing, who has provided expert ecological evidence in relation to the Horokiwi submission.
- 1.4. Specific to Hearing Stream 11, I broadly categorise Horokiwi’s nine original and two further submissions points under two topics:
 - **Extent of Significant Natural Area (“SNA”) WC109:** In its submission Horokiwi sought amendment to the spatial area of identified SNA WC109 on the basis Horokiwi does not consider the biodiversity values of a particular area of the SNA merit the specific area being identified as a SNA. Refer Figure 1 for SNA WC109, and Figure 2 for the area of SNA WC109 Horokiwi sought to be amended in its submission.
 - **Indigenous Biodiversity Policies and Rules:** Depending on the outcome of the sought amendment to the boundary of SNA WC109, Horokiwi largely supported the policy approach for SNA’s. However, clarity was sought as to the application and interpretation of the rules, specifically clarity as to the activity status for trimming, pruning or removal of vegetation within a significant natural area that is not within the Coastal Environment and does not comply with ECO- R1.1 or ECO- R1.2.

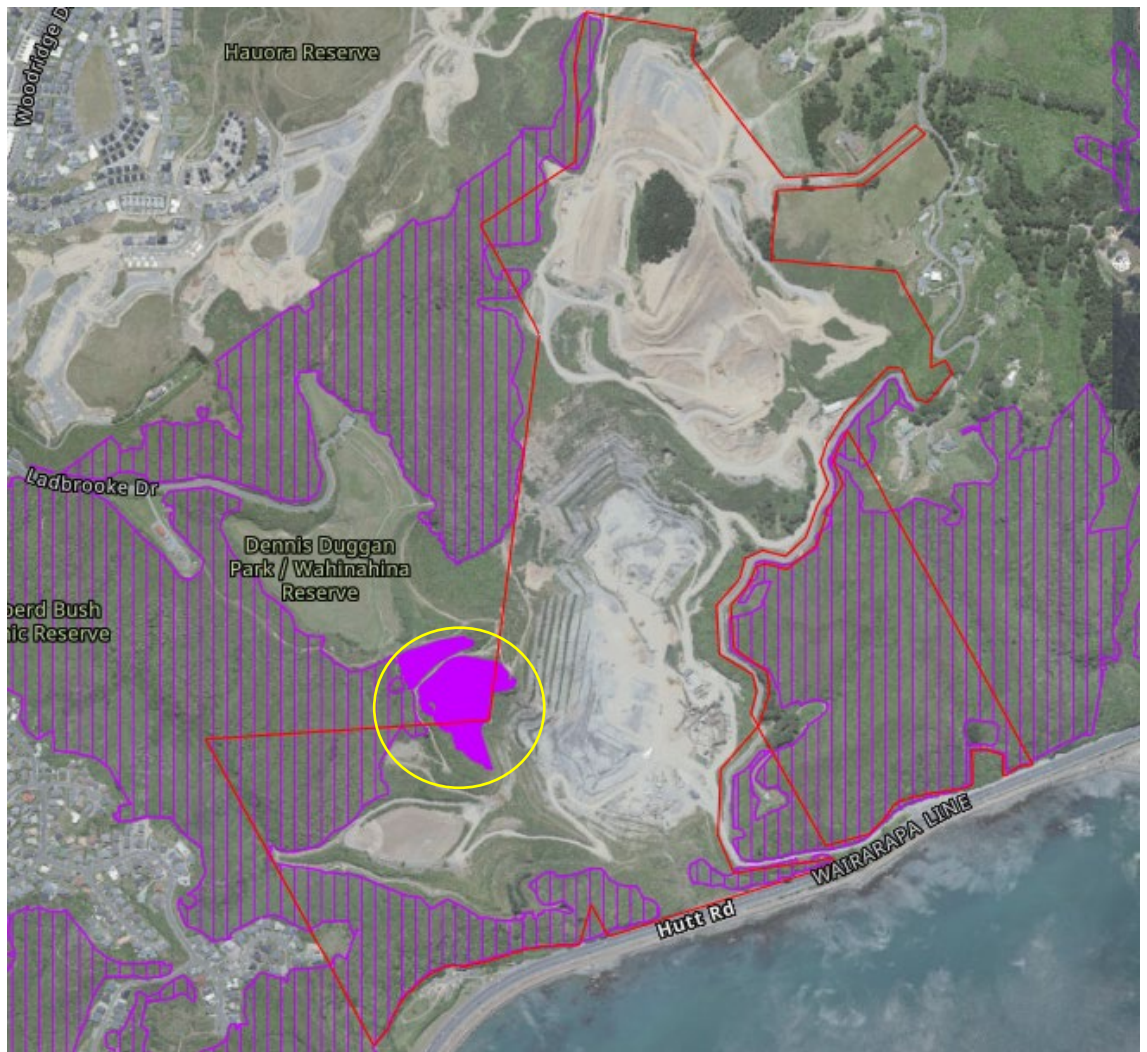


Figure 1. SNA WC109 shown in purple with the Horokiwi landholding outlined in red, and the area of SNA Horokiwi sought to be amended circled in yellow.



Figure 2. Area of SNA to be removed from SNA WC109, shown as solid purple area.

- 1.5. In response to the sought amendment to SNA WC109, the S42A Report has recommended the boundary be amended in part as sought in the Horokiwi submission. The ecological evidence of Dr Keesing addresses the extent of the SNA, and on the basis of Dr Keesing's evidence, and while I am supportive of the recommended amendment to a portion of the SNA, I remain supportive of the full adjustment as sought in the Horokiwi submission.
- 1.6. The reporting officer has recommended significant amendment to the Indigenous Biodiversity provisions (being the policy and rule framework). I largely accept the recommendations (noting they implement the National Policy Statement on Indigenous Biodiversity 2023 ("**NPS-IB**")) and in particular I support the policy and rule recognition for the Quarry zone. That said, I would support amendment to the permitted activity threshold within ECO-S2 on the basis the 2.5m standard is inappropriate within context of the Horokiwi Quarry site and activities within, and an amendment to ECO-P7 to apply the policy recognition to the listed activities to all vegetation whether it is within or outside a SNA.
- 1.7. In relation to the officer recommendation to include general indigenous biodiversity provisions across the entire city, from a natural justice perspective I have significant concerns with the recommendation and consider a plan change is the appropriate mechanism to introduce the provisions as opposed to a hearing report.

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2. Qualifications and Experience

- 2.1. My full name is Pauline Mary Whitney.
- 2.2. For my qualifications and experience and other introductory comments, please refer to paragraphs 2.1 – 2.6 of my statement of evidence for Hearing Stream 6 (“Hearing 6 Evidence”), dated 5 February 2024.
- 2.3. I have read the Code of Conduct for Expert Witnesses contained in Section 9 of the Environment Court Consolidated Practice Note (2023), and I agree to comply with it.

3. Scope of Evidence

- 3.1. My evidence will address the following:
 - 3.1.1. A brief outline of the Horokiwi Quarry and Horokiwi submission specific to Hearing 11 Indigenous Biodiversity; and
 - 3.1.2. Responses to the officer recommendations, focusing on those amendments sought in this evidence in relation to submission points that are outstanding.
- 3.2. My evidence is to be read with that of Dr Vaughan Keesing, who has provided expert ecological evidence in relation to the Horokiwi submission.

4. Background information

Horokiwi Quarry Operation

- 4.1. Horokiwi Quarries Limited is a long-established quarry activity located at 39 Horokiwi Road, Horokiwi.

Regional Policy Statement and Natural Resource Plan

- 4.2. Attached as Appendix A are specific relevant provisions from the Wellington Regional Policy Statement and Natural Resource Plan. While both instruments are subject to plan changes, no decisions have yet been released and I understand will not be released prior to, or during, Hearing Stream 11. I understand significant changes to the RPS have been recommended by the reporting officer, and the final form of the provisions would appear far from settled.

Operative District Plan

- 4.3. Specific to indigenous biodiversity, the Operative District Plan (“ODP”) does not identify any areas of significant indigenous.

Proposed District Plan

- 4.4. The Proposed District Plan (“PDP”) seeks to recognise the role and continued use and operation of the two Wellington City large scale quarries (being the council owned Kiwi Point Quarry, and the Horokiwi Quarry) through a specific zone (being the Special Purpose Quarry Zone).

- 4.5. The importance of quarries is recognised in the Hearing Stream 1 released decision to provide a Strategic Objective to the Strategic City Assets and Infrastructure chapter, as follows:

SCA-O7 The benefits of and contribution to the development of the city’s infrastructure and built environment from the utilisation of the city’s mineral resources from quarrying activities are recognised and provided for.

- 4.6. Relevant to the subject matter of Hearing Stream 11, SNA’s on the Horokiwi landholding are shown in Figure 3. Included in the map is the area of SNA (shown as solid purple) sought in the Horokiwi submission to be deleted from the area of WC109 (shown as striped purple area).

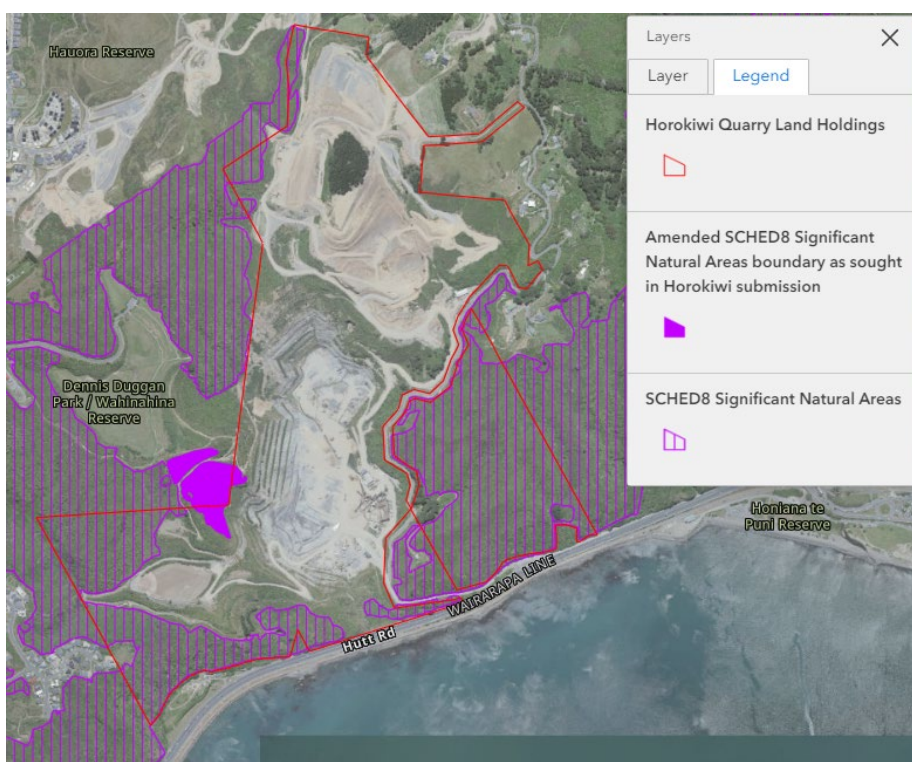


Figure 3. Horokiwi landholding and SNA Overlay (shown as striped area). The area of SNA Horokiwi sought to be removed from the SNA is shown in purple.

- 4.7. A large portion of the existing quarry operation area is zoned Special Purpose Zone – Quarry zone in the PDP. As notified, a portion of the property (Pt Section 16 Harbour District) also owned by Horokiwi and which has the sediment pond, is zoned Natural Open Space Zone. That part of the property to the east and south of Horokiwi Road (Pt Section 17 Harbour District and Pt Section 18 Harbour District) is zoned General Rural Zone. Refer Figure 4.

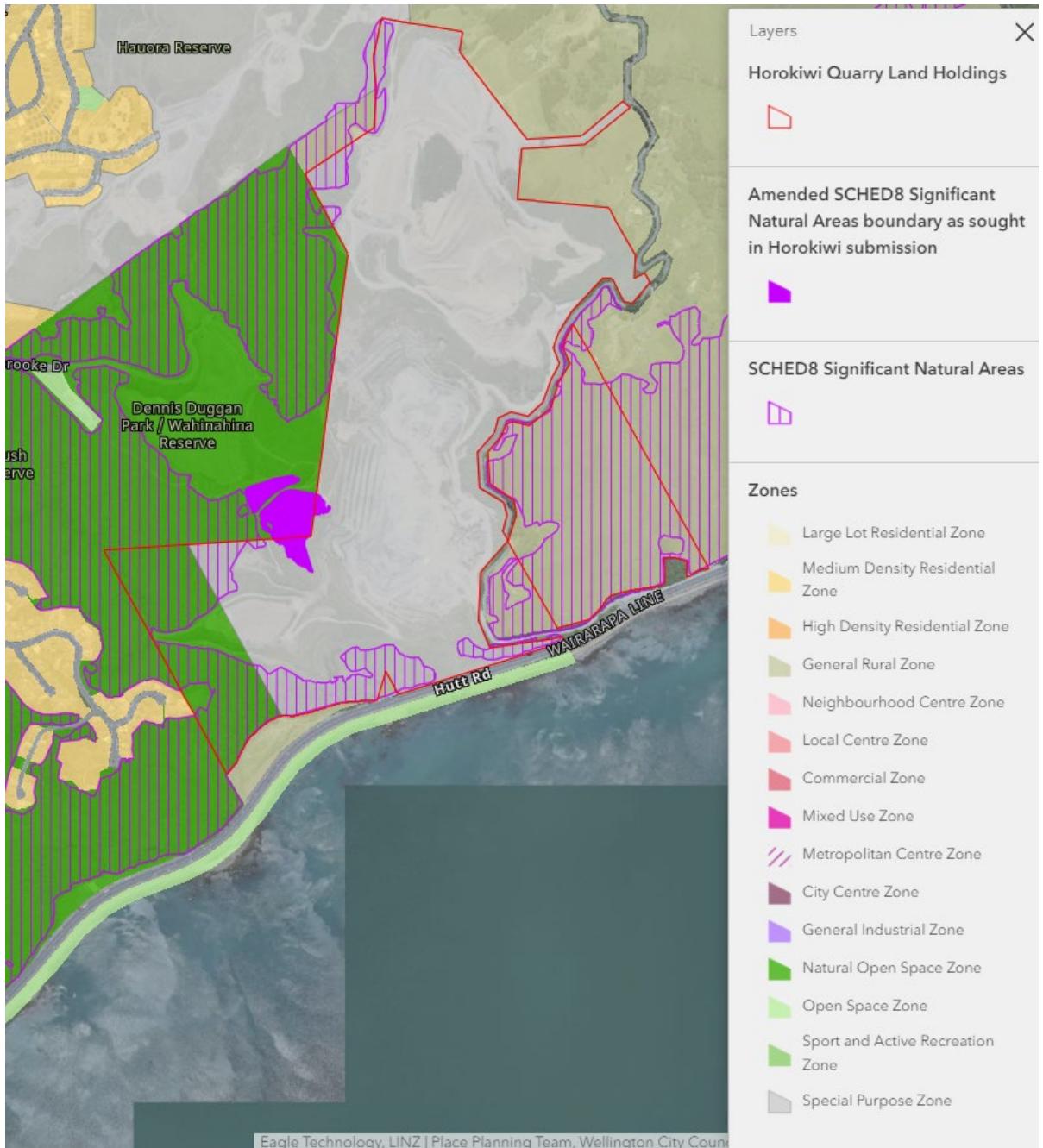


Figure 4. PDP notified zoning of Horokiwi landholding with SNA shown.

- 4.8. For context, I note at Hearing Stream 6 Horokiwi sought rezoning of all of the whole Horokiwi landholding (outlined in red in the figure above) to Special Purpose Quarry zone. In Minute 47, the Panel outlined its tentative ‘conclusion’ that the areas sought for rezoning (Part Sections 16, 17 and 18) could be provided by way of Precinct within the Quarry Zone similar to that applying at Kiwi Point. The Panel directed expert conferencing on potential provisions to accompany the precinct. While no decision has been issued, I do note the panel directed mapping to show two rezoning options – one including the land to the property boundary bordering SH1 and one having the rezoning boundary ‘sitting’ on the ridgeline.
- 4.9. At Hearing Stream 8, Howokiwi pursued amendment to the location of the Coastal Environment (“CE”) line as it related to the Horokiwi landholding. Expert landscape evidence was provided by Horokiwi Quarries Ltd. While no decision has been issued, Council’s landscape expert recommended through his right of reply, a revised boundary which essentially excludes the working area of the quarry from the coastal environment. By way of context, the amended CE sought by Horokiwi excluded the area sought to be removed from SNA WC109, whereas the recommended Council expert CE line dissects the area sought to be removed from SNA WC109. Refer Figure 5.

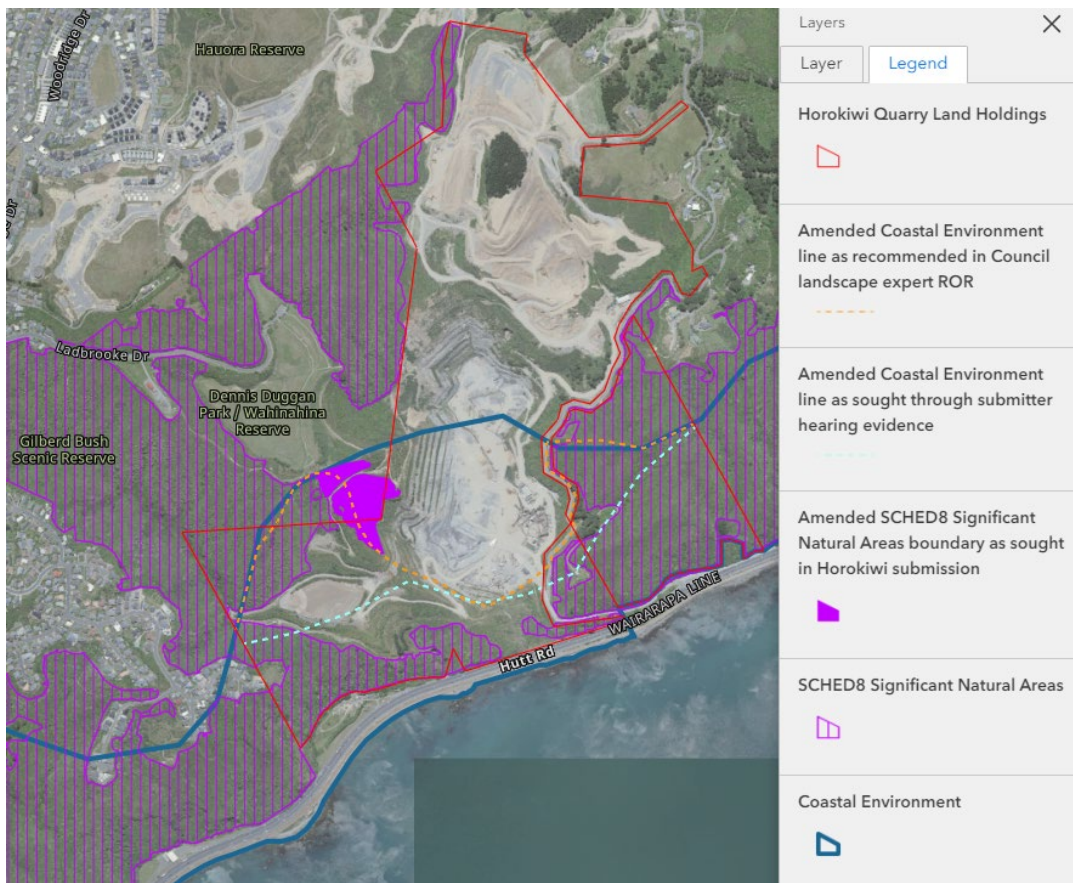


Figure 5. Horokiwi landholding, notified SNA's and amended Coastal Environment line as notified and recommended by experts

- 4.10. To assist the panel in understanding the zoning and overlays that apply (as well as amended overlay lines recommended through hearings) in addition to Figure 1, the following provides a link to a multi layer viewer map. The various layers can be displayed together. [BM19483 Horokiwi Quarry Overlays Updated 4 April 2024 \(arcgis.com\)](https://arcgis.com)
- 4.11. Included in the map layers are:
- a. The existing quarry landholding and landholdings
 - b. The notified PDP zones (Special Purpose Quarry zone, Natural Open Space zone and General Rural zone) and overlays (Coastal Environment line, Special Amenity Landscape, and Significant Natural Area, and Hilltops and Ridgelines)
 - c. The amendments sought in the Horokiwi submission to the location/extent Coastal Environment line overlay, and amendments as sought through submitter evidence and the Council landscape expert.
 - d. The SNA's as notified and amendments sought the Horokiwi submission and supported through the evidence of Dr Keesing; and

Hearing Stream 11 Relevant Points

- 4.12. Submission points relevant to Hearing Stream 11 relate to:
- **Extent of Significant Natural Area WC109 (“SNA”)**: In its submission¹ Horokiwi sought amendment to part of the spatial area of identified SNA WC109 on the basis Horokiwi does not consider the biodiversity values merit the specific areas being identified as a SNA.
 - **Indigenous Biodiversity Policies and Rules**: Depending on the outcome of the sought amendment to the boundary of SNA WC109, Horokiwi largely supported² the policy approach for SNA's. However, clarity was sought as to the application and interpretation of the rules³, specifically clarity as to the activity status for trimming, pruning or removal of vegetation within a significant natural area that is

¹ Horokiwi Submission points 271.9, 271.21, 271.94, and 271.93

² Howokiwi Submission point 271.22 on ECO-P1, 271.22 on ECO-P3, 271.24 on ECO-P5,

³ Howokiwi Submission point 271.25 and 271.26 on ECO-R1 and ECO-R.2,

not within the Coastal Environment and does not comply with ECO- R1.1 or ECO-R1.2.

5. Response to the Section 42A Report Recommendations – Hearing Stream 11

5.1. The following section responds to the Hearing Stream 11: S42A Report recommendations on Horokiwi’s submission points. Attached as **Appendix B** is a summary table of all the Horokiwi submission points relating to Hearing Stream 11 and whether the s42A Report recommendations are accepted, supported or opposed.

5.2. Having reviewed the S42A Report and recommendations, the main points that remain outstanding are:

5.2.1. General comments on the scope of the officer recommendations, and specific recommended provisions;

5.2.2. The geographical extent of SNA WC109 as it relates to its amended extent as sought in the Horokiwi submission, and

5.2.3. In relation to the ECO chapter policies and rules:

- The lack of policy recognition within ECO-P7 for quarries outside SNA’s; and
- The rule thresholds within ECO-S2 for quarry activities.

5.3. In considering the outstanding issues and implications for Horokiwi, I am cognisant of the mixed zoning of the Horokiwi landholding as notified, and the rezoning sought through the Horokiwi submission and traversed as prior hearings. As such while I am supportive in principle of the policy and rule for the Quarry zone, I am mindful that based on the PDP zoning as notified, there is a ‘gap’ for that part of the Horokiwi landholding zoned Open Space and General Rural. I have not addressed the ‘gap’ in this evidence on the basis the wider site will be rezoned. However, if the areas are not rezoned as sought some provision will need to be made in the rule framework to recognise the existing wider quarry site.

5.4. The outstanding issues raised in paragraph 5.2 are addressed in turn.

General outstanding points

5.5. In reviewing the S42A Report, I note extensive amendments have been made to the notified provisions, the primary purpose of which as I understand is to achieve greater

alignment with higher order planning documents, namely the NPS-IB, as well as to address the arguably confusing rule framework as notified.

5.6. I acknowledge the issue regarding the scope and natural justice element of the recommended provisions relating to indigenous vegetation outside SNAs is for the panel to consider. However, in light of the commentary in the S42A Report⁴ regarding the 'substantial natural justice issues' with identifying SNAs on residential zoned land at this stage in the process, I would have thought the same natural justice issue arise for the provisions relating to indigenous biodiversity outside SNA's, and in particular the permitted activity rules and thresholds. While the officer has made comments as to a de facto 50m2 threshold currently being applied by consenting officers, I cannot find such a threshold (outside the Coastal Environment overlay) in the PDP and therefore do not consider that a 100m2 area more 'generous'⁵ (noting that the 100m2 would apply as its own rule as opposed to the current consenting approach where the de facto 50m2 threshold is triggered through another rule). In my opinion a plan change would be the appropriate process by which to introduce the recommended provisions and provide time for all affected persons across the city to provide input and evaluate the information supporting the provisions. I note even the reporting officer has not had time⁶ to consider the economic cost and benefit implications of the recommended changes prior to the hearing, let alone submitters or the general public who were not aware of the potential for a rule through the PDP as notified.

5.7. Given the substantive nature of amendments to the ECO Chapter, I also have the following general comments on the officer recommended provisions:

5.7.1. ECO-P8: In relation to the 'minimise' directive within clause 2., while I have read the officer reasoning (paragraph 361 to 364) in the S42A report, I have concerns the directive to 'minimise' sets a very high threshold (noting the term is not currently defined in the PDP outside hazard areas) on the basis I understand the term means to 'reduce to the smallest extent practicable'. I would prefer the term 'avoid, remedy or mitigate'.

5.7.2. ECO-R4.2.a: I have read the S42A Repot reasoning for the timeframe as the implementation date for the rule (paragraph 386-392) clause. While I

⁴ Section 42A Report: Ecosystems and Indigenous Biodiversity, Paragraph 202-206 <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/files/hearing-streams/11/council-reports-and-evidence/council-report-and-evidence/42a-report/sectin-42a-report---eco-and-inf-eco.pdf>

⁵ Section 42A Report paragraph 392 d)

⁶ S42A Report Page 129

understand the intent, I do query how practical such a control would be to implement over the life of the plan. Would landowners have to commission a report to demonstrate compliance with the rule? The implications of the rule are such that in my opinion an actual plan change process is required to enable the recommended provisions to be properly tested before it is included in the district plan.

- 5.7.3. ECO-R4.2.b: While I understand the control relating to trees (within the urban context), it is unclear how would a plan user know what is meant to be managed by the rule, ie what is a tree. As noted by the reporting officer, a tree is not defined in the PDP or in other national direction. Furthermore, it is presumed the condition only applies to indigenous trees but this could be clarified within the rule.

Outstanding Issue 1: Amendment to the geographical extent of SNA WC109

- 5.8. In its submission Horokiwi sought amendment to the geographical extent of SNA WC109 as it relates to the Howokiwi landholding and immediately adjoining land to the east. Refer Figure 6 and Figure 7.

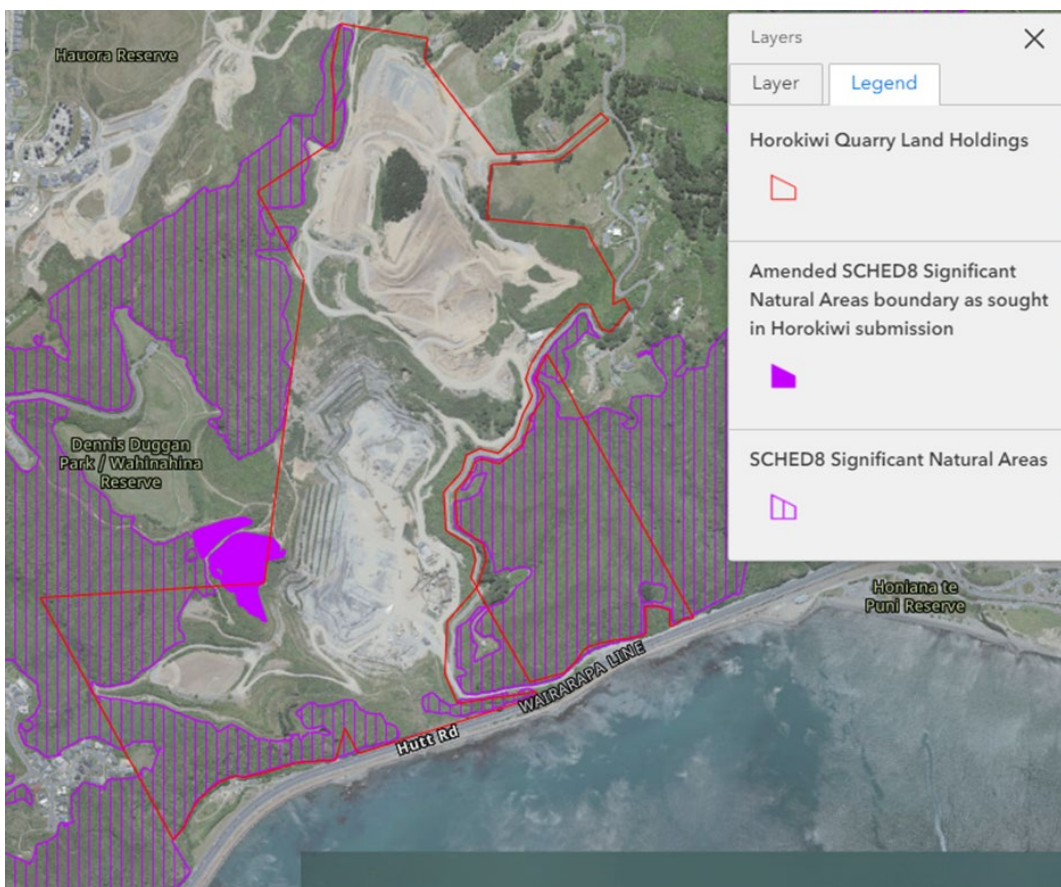


Figure 6. SNA WC109 shown in purple stripe with the Horokiwi landholding outlined in red, and the area of SNA sought to be amended shown as purple.



Figure 7. Area of SNA sought to be removed from SNA WC109, shown as solid purple.

5.9. The S42A Report recommend amendment to the SNA within the area shown as striped below recommended to be removed from SNA WC109.



Figure 8. Officer recommended amendment to SNA, with the striped area (northern linear features) recommended to be removed.

- 5.10. Based on the evidence of Dr Keesing, I remain supportive of the amendment to the identified extent of the SNA as sought in the Horokiwi submission (which I hereafter refer to as the 'amendment area'). I do not accept the S42A Report recommendation and remain supportive of amendment for the following reasons:
- 5.10.1. Dr Keesing has fully and extensively visited and assessed the amendment site area and provided a comprehensive assessment and report of the values.
 - 5.10.2. The values have been applied to, and tested against the Policy 23 RPS significance criteria, , and in Dr Keesings expert opinion, does not satisfy the criteria, or that of the NPS-IB. Dr Keesings has comprehensively responded to all the findings of Mr Goldwater.
 - 5.10.3. In Dr Keesings opinion, the area amendment would not deprive WC109 SNA of any feature, area, size, buffer or value that would reduce the condition, nor remove any value that would result in the wider SNA area failing to meet the RPS criteria.
- 5.11. As the panel will be aware, the identification of a site as a SNA has implications in terms of the rule and policy framework within the district plan. While I appreciate the implications and application of the SNA overlay is not a determining factor in the identification or location of a SNA, it demonstrates the importance to ensure the significance of area is correctly and comprehensively assessed and determined, as it has significant planning implications.
- 5.12. Within the RMA statutory context, since 2023, where a site is subject to a SNA overlay, the NPS-IB applies (with the reporting officer recommending a revised policy and rule framework to implement the NPS-IB). Of specific relevance to this hearing and the Horokiwi site and WC109, NPS-IB clauses 3.10, 3.11 and 3.15 are of particular relevance. By way of summary (and I acknowledge I may not do the complexities of the NPS-IB justice), these policies provide an 'avoid' directive, but provide a policy pathway for aggregate extraction (and other prescribed activities) subject to an effects management hierarchy. Existing activities are recognised but there very tight parameters around the effects on an SNA.
- 5.13. The policy framework and planning implications of the NPS-IB is such that the identification an area as a SNA is significant. Any identification of an area as an SNA therefore requires a robust assessment process. The concerns Dr Keesing raises with

the large area of SNA WC109 and using values aggregated from across 17 fragments, warrant careful consideration in context of the planning framework recommended by the reporting officer to implement the NPS-IB.

- 5.14. The issue key for this hearing (in relation to the Horokiwi relief) is whether the delineation of SNA WC109 is correct in context of Policy 23 of the RPS. It is the expert opinion of Dr Keesing⁷ that it does not meet the significance criteria, and furthermore that *“the removal of the southern basin feature (noting acceptance of removal of the northern linear feature by WCC) from the WC109 SNA does not require countermanding a value or feature which does meet any of the criteria, nor does it deprive the WC109 SNA of any feature, area, size, buffer or value that would reduce the condition, nor remove any value that would result in the wider SNA area failing to meet the RPS criteria.”*

Outstanding Issue 2: ECO Chapter Policies and Rules

- 5.15. Without wanting to repeat myself, as outlined earlier in my evidence the importance of quarries is recognised in the Hearing Stream 1 decision to provide a Strategic Objective to the Strategic City Assets and Infrastructure chapter, as follows:

SCA-O7 The benefits of and contribution to the development of the city's infrastructure and built environment from the utilisation of the city's mineral resources from quarrying activities are recognised and provided for.

- 5.16. As noted in paragraph 5.3 of my evidence, while I am supportive of the inclusion of a policy and rule for the Quarry zone, I am mindful that based on the PDP zoning as notified, there is a 'gap' for that part of the Horokiwi landholding zoned Open Space and General Rural. The following part of my evidence is based on the premise the wider Horokiwi landholding is rezoned (or at least rezoned inland of the ridgeline as identified in the Joint Witness Statement⁸) as shown below in Figure 9. However, if the landholding is not rezoned as sought, some provision will need to be made in the rule framework to recognise the wider Horokiwi landholding.

⁷ Expert Evidence of Dr Keesing, para 7.1

⁸ [Joint Witness Statement of Hannah van Haren-Giles and Pauline Whitney on the Quarry Zone \(wellington.govt.nz\)](https://www.wellington.govt.nz/joint-witness-statement-of-hannah-van-haren-giles-and-pauline-whitney-on-the-quarry-zone)

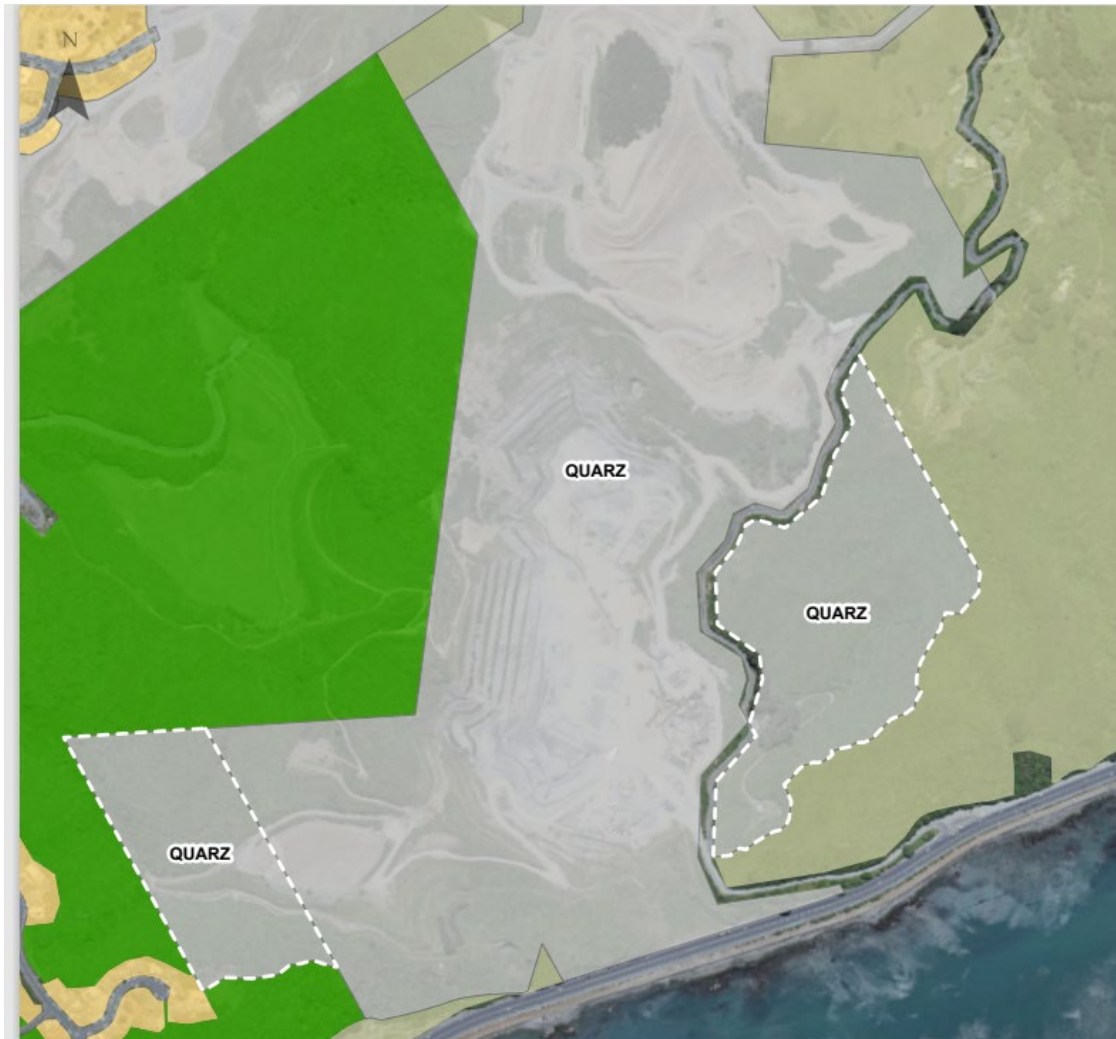


Figure 9. Rezoning as shown in the Joint statement of planning experts Hannah van Haren-Giles and Pauline Whitney on the Special Purpose Quarry Zone Date: 16 April 2024. The rezoned areas are identified as “Howokiwi Precinct “

- 5.17. In order to assess the policy and rule framework as recommended in the S42A Report, the following table (Table 1) summarises my understanding of how the framework would apply to the Horokiwi Quarry landholding (noting that as notified, the Howokiwi Quarry is zoned: Quarry zone, Open Space zone and General Rural zone).
- 5.18. For the record, I support ECO-R1.3 and ECO-R4.2.d.vii., which specifically relate to quarries. The rules recognise the existing quarry activity and give effect to Strategic Objective SCA-O7. The provision of specific rules (and associated policy recognition) also give effect to NPS-IB policies 9⁹ and 10¹⁰.

⁹ NPS-IN Policy 9 Certain established activities are provided for within and outside SNAs.

¹⁰ NPS-IB Policy 10: Activities that contribute to New Zealand’s social, economic, cultural, and environmental wellbeing are recognised and provided for as set out in this National Policy Statement.

Table 1. Policy and Rule framework as recommended in the S42A Report

SNAs		
Zone/Overlay	Rule	Policies
Quarry Zone	ECO-R1.3 Permitted activity (for trimming or removal to enable the continued operation and maintenance of quarries for aggregate extraction - subject to ECO-S2 <i>1. Not be greater than 2.5m in width; and 2. Not involve removal of any tree with a trunk diameter exceeding that in Schedule 9 as measured 1.4m above ground.</i> Defaults to Discretionary activity ECO-R1.4	ECO-P2 Precautionary approach ECO-P3 Avoiding adverse effects on SNAs ECO-P4 Specific activity to use EMH ECO-P5 EMH
Rural Zone	ECO-R1.4 Discretionary activity (as vegetation works relating to quarry activities are not provided for under ECO-R1.2)	ECO-P7 Appropriate trimming, pruning or vegetation removal in SNAs
Open Space Zone		
Coastal Environment Overlay	CE-R4 Permitted activity for vegetation trimming or removal within the coastal environment (no standards are provided)	ECO-P6 SNAs within the CE
Indigenous Biodiversity outside SNAs		
Zone/Overlay	Rule	Policies
Quarry Zone	ECO-R4.2.d.vii. Permitted activity for trimming, pruning or removal to enable the continued operation and maintenance of quarries for aggregate extraction (no standards are provided)	ECO-P2 Precautionary approach ECO-P5 EMH
Rural Zone	ECO-R4.1 Permitted activity where the works do not exceed 3000m ² of a contiguous area of indigenous vegetation, or involves any tree removal with a specified trunk diameter. Defaults to Restricted Discretionary activity ECO-R4.3	ECO-P8 Maintaining IB outside of SNAs
Open Space Zone		
Coastal Environment Overlay	CE-R4 Permitted activity for vegetation trimming or removal within the coastal environment (no standards are provided)	CE-P8 Vegetation Removal within the CE

5.19. The outstanding policy and rule provisions from my perspective are as follows and addressed in turn:

- The lack of policy recognition within ECO-P7 for quarries outside SNA's; and
- The rule thresholds within ECO-S2.

Policy ECO-P7 Appropriate trimming, pruning or vegetation removal in Significant Nature Areas

- 5.19.1. I support ECO-P7, acknowledging it gives effect to NPS-IB clause 3.15 (which is very confined in its application) in terms of recognising existing activities. In particular I support the recognition of quarries for aggregate extraction, and accept the reasoning provided in paragraph 512 of the S42A Report. While it could be perceived the NPS-IB has a policy gap in how it deals with expansion of activities such as quarries, as currently framed, any expansion (which exceeds the thresholds within 3.15) is considered a new activity and therefore assessed under Clause 3.10 and 3.11 of the NPS-IB as opposed to Clause 3.15. The importance of quarries is recognised in the district plan strategic direction SCA-O7.
- 5.19.2. My only concern with the policy is that it is confined to SNAs and there is no policy consideration (for the activities within clauses 1 – 7 of ECO-P7) outside SNAs. In my opinion the policy recognition is equally appropriate outside SNAs and would provide the policy framework for the permitted activities within ECO-R4.
- 5.19.3. Based on the above I recommended an amendment to the policy as follows (amendments recommended through the S42A Report are shown in red, and those amendment sought through this evidence are shown in blue): As an alternative, a new policy could be constructed for indigenous vegetation trimming, pruning or removal outside a SNA.

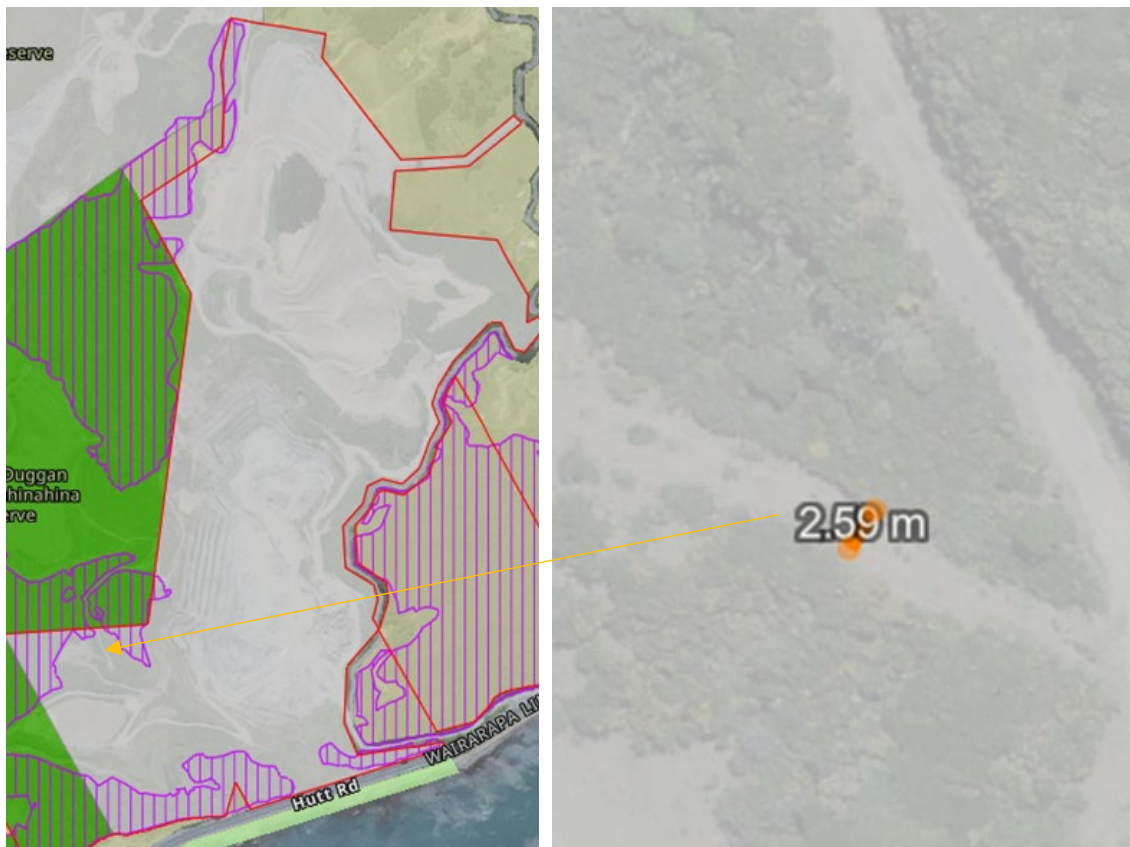
<p>ECO-P2 ECO-P7</p>	<p>Appropriate trimming, pruning or vegetation removal in significant natural areas Enable vegetation trimming, pruning or removal within significant natural areas identified within SCHED8 where it is of a scale and nature that maintains the biodiversity values, including to provide for:</p> <ol style="list-style-type: none"> 1. Maintenance around existing buildings; or 2. Safe operation of lawfully established roads or rail corridors, tracks and access ways; or 3. Restoration and conservation activities including plant and animal pest control activities; or 4. Natural hazard management activities; or 5. Reduction of wildfire risk through the removal of highly flammable vegetation near existing residential units on rural property; or 6. Opportunities to enable tangata whenua to exercise customary harvesting practices (excluding commercial use).; or 7. The continued operation and maintenance of quarries for aggregate extraction.
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- 5.19.1. As a consequential amendment, ECO-R4.3 should also include reference to ECO-P7 as a matter of discretion.

Standard ECO-S2

5.19.2. Related to policy ECO-P7 which recognises existing quarry activities, I would support amendment to the standard ECO-S2¹¹. The S42A Report has invited feedback (paragraph 615 of the Section 42A Report) “as to the appropriateness of this extent of clearance from the submitters as to whether this finds a balance of enabling operation while protecting significant natural areas.”. My first comment in relation to the standard is that it is not confined to a site or continuous area and therefore given the large extent and area of the SNAs (for example WCC109 is over 161 ha in area) in the city, the standard would be difficult to monitor and administer.

5.19.3. In terms of the application of the standard to the Howokiwi quarry landholding, there are discrete areas of SNA within the Quarry zone as notified, refer left image below. Within the context of the quarry, a 2.5m width is negligible (and in effect amounts to width of a minor track as shown in the right image below).



¹¹ Vegetation trimming, pruning or removal must:

1. Not be greater than 2.5m in width to accommodate the track; and
2. Not involve removal of any tree with a trunk diameter exceeding that in Schedule 9 as measured 1.4m above ground.

- 5.19.4. The permitted rule would therefore not allow for the continued operation of the quarry operation. Given the areas of SNA within the Quarry zone are edges of the SNA, and the existing nature of the Quarry activity, I would support a permitted threshold of 3000m² per 'Site' as it applies to the Quarry zone. This would align with the Greater Wellington Natural Resources Plan earthworks rule R101 which the reporting officer has referenced in his assessment.
- 5.19.5. In terms of the application of the standard to the Horokiwi land sought to be rezoned, I am cognisant that these areas of land contain more extensive areas of SNA. A 3000m² threshold would in my opinion still provide an appropriate consent threshold. However if the panel were concerned about these 'rezoned areas', they could be excluded from the permitted rule (by excluding the areas identified as "Horokiwi Precinct" – refer Hearing Stream 6, Joint Witness Statement [Joint Witness Statement of Hannah van Haren-Giles and Pauline Whitney on the Quarry Zone \(wellington.govt.nz\)](#)).
- 5.19.6. Based on the above, I support amendment to the rule as follows (amendments recommended through the S42A Report are shown in red, and those amendment sought through this evidence are shown in blue):

ECO-R1	Trimming, pruning or removal of vegetation within a significant natural area	
	1. And 2.	
<u>Quarry Zone</u>	<p>3. <u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p>a. <u>The trimming or removal of vegetation is to:</u></p> <p>i. <u>Enable the continued operation and maintenance of quarries for aggregate extraction and ECO-S2 is complied with.</u></p>	
Standards		
ECO-S2	<p>Vegetation <u>trimming, pruning or removal</u> associated with:</p> <ul style="list-style-type: none"> • maintenance or repair of public walking and cycling tracks including parks maintenance and repair • <u>the continued operation and maintenance of quarries for aggregate extraction</u> • <u>maintenance and repair of existing buildings and structures</u> 	
All Zones	<p>Vegetation <u>trimming, pruning or</u> removal must:</p> <p>1. Not be greater than 2.5m in width to <u>accommodate the track</u>; and</p> <p>2. Not involve removal of any tree with a trunk diameter exceeding that in Schedule 9 as measured 1.4m above ground.</p>	<p>Assessment criteria where the standard is infringed:</p> <p>1. The extent to which the <u>trimming, pruning</u> or removal of <u>indigenous</u> vegetation limits the loss, damage or disruption to the ecological processes, functions and integrity of the significant natural area; and</p> <p>2. The effect of the <u>vegetation trimming,</u></p>

		pruning or removal on the identified biodiversity values.
<u>Quarry Zone</u>	<u>Vegetation trimming, pruning or removal must not exceed 3000m2 of a contiguous area per site.</u>	Assessment criteria where the standard is infringed: 1. The extent to which the trimming, pruning or removal of indigenous vegetation limits the loss, damage or disruption to the ecological processes, functions and integrity of the significant natural area; and 2. The effect of the vegetation trimming, pruning or removal on the identified biodiversity values.

6. Conclusion

- 6.1. Horokiwi’s submission on the Wellington City Proposed District Plan (“PDP”) centred on recognising and providing for the role and continued use and operation of its existing quarry operation at Horokiwi. Hearing Stream 11 focuses on the topic of Ecosystems and Indigenous Biodiversity.
- 6.2. The Section 42A Report recommends significant amendments to the policy and rule framework for Ecosystems and Indigenous Biodiversity, largely as I understand to give effect to the NPS-IB. I do acknowledge and support the provision for quarrying activities within the officer recommendations, and largely accept the recommended policy and rule framework that give effect to the NPS-IB. However, I do have general and more specific concerns with the recommended provisions.
- 6.3. My general concern relates to the inclusion of provisions for indigenous biodiversity outside SNAs. While I acknowledge the inclusion give effects to NPS-IB clause 3.16, the provisions (and specifically the rules) have not been ‘tested’ by the community through submissions. Arguably there are even larger natural justice issues that those identified in the S42A Report relating to inclusion of SNAs in urban areas, given the general indigenous biodiversity apply to every site in the city.
- 6.4. In terms of specific concerns, through my evidence I have recommended a confined amendment to policy ECO-P7, and an amendment to the permitted rule standard for works to vegetation within an SNA within the Quarry zone. Based on the evidence of Dr Keesing, I have also expressed by support for the removal of a portion of SNA WC109.

6.5. I respectfully request the panel give due consideration to the relief sought in this evidence.

Pauline Mary Whitney

28 August 2024

Appendix A

Provisions – Wellington Regional Policy Statement and Natural Resource Plan

The Operative Regional Policy Statement

1. The Wellington Regional Policy Statement (“RPS”) was made operative in 2013. Section 75(3)(c) of the RMA requires that a District Plan must give effect to any Regional Policy Statement (as well as any NPS). Of particular relevance to the Horokiwi Quarry are Objective 21 and Policy 60.

2. The RPS provides a definition for Significant Mineral Resources as follows:

Deposits of minerals, the extraction of which is of potential importance in order to meet the current or future mineral needs of the region or nation.

3. Objective 21 provides a strong directive to ensure the demand for mineral resources is located in close proximity to the areas of demand. The use and expansion of Horokiwi Quarry is consistent with the objective given the local demand for the quarry material.

Objective 21: The demand for mineral resources is met from resources located in close proximity to the areas of demand.

4. Policy 60 provides a strong policy directive which requires consideration of utilising the regional mineral resources.

Policy 60: Utilising the region’s mineral resources – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to:

(a) the social, economic, and environmental benefits from utilising mineral resources within the region; and

(b) protecting significant mineral resources from incompatible or inappropriate land uses alongside.

Explanation

Policy 60 directs that particular regard be given to the social, economic, and environmental benefits of utilising mineral resources within the region. It also requires that particular regard be given to protecting significant mineral resources from incompatible and inappropriate land use alongside. This protection extends to both the land required for the working site and associated access routes. Examples of methods to protect significant mineral resources include the use of buffer areas in which sensitive activities may be restricted, and the use of noise reduction measures and visual screening.

5. Method 52¹², when implemented, will identify the locations of significant mineral resources within the region. I understand this has not yet been undertaken.

6. Objective 16 relates to Indigenous ecosystems

Objective 16 *Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state..*

7. Policy 23 relate to the identification of the area of significant biodiversity values, and Policy 24 relates to their protection. Policy 47 is a policy consideration relevant until Policy 23 is given effect to.

Policy 23: Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans

District and regional plans shall identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values; these ecosystems and habitats will be considered significant if they meet one or more of the following criteria:

(a) Representativeness: the ecosystems or habitats that are typical and characteristic examples of the full range of the original or current natural diversity of ecosystem and habitat types in a district or in the region, and:

(i) are no longer commonplace (less than about 30% remaining); or

(ii) are poorly represented in existing protected areas (less than about 20% legally protected).

(b) Rarity: the ecosystem or habitat has biological or physical features that are scarce or threatened in a local, regional or national context. This can include individual species, rare and distinctive biological communities and physical features that are unusual or rare.

(c) Diversity: the ecosystem or habitat has a natural diversity of ecological units, ecosystems, species and physical features within an area.

(d) Ecological context of an area: the ecosystem or habitat:

(i) enhances connectivity or otherwise buffers representative, rare or diverse indigenous ecosystems and habitats; or (ii) provides seasonal or core habitat for protected or threatened indigenous species.

(e) Tangata whenua values: the ecosystem or habitat contains characteristics of special spiritual, historical or cultural significance to tangata whenua, identified in accordance with tikanga Māori..

Explanation

Policy 23 sets out criteria as guidance that must be considered in identifying indigenous ecosystems and habitats with significant biodiversity values. Wellington Regional Council,

¹² Method 52: Identify the region's significant mineral resources.
Identify the location of significant mineral resources in the region
Implementation: Wellington Regional Council * and city and district councils

and district and city councils are required to assess indigenous ecosystems and habitats against all the criteria but the relevance of each will depend on the individual cases. To be classed as having significant biodiversity values, an indigenous ecosystem or habitat must fit one or more of the listed criteria. Wellington Regional Council and district and city councils will need to engage directly with land owners and work collaboratively with them to identify areas, undertake field evaluation, and assess significance. Policy 23 will ensure that significant biodiversity values are identified in district and regional plans in a consistent way.

Indigenous ecosystems and habitats can have additional values of significance to tangata whenua. There are a number of indigenous ecosystems and habitats across the region that are significant to tangata whenua for their ecological characteristics. These ecosystems will be considered for significance under this policy if they still exhibit the ecosystem functions which are considered significant by tangata whenua. Access and use of any identified areas would be subject to landowner agreement. Wellington Regional Council and district and city councils will need to engage directly with tangata whenua and work collaboratively with them and other stakeholders, including landowners, to identify areas under this criterion.

Regional plans will identify indigenous ecosystems and habitats with significant biodiversity values in the coastal marine area, wetlands and the beds of lakes and rivers. District plans will identify indigenous ecosystems and habitats with significant biodiversity values for all land, except the coastal marine area and the beds of lakes and rivers. Policy 4 identifies those natural and physical resources that, because of their form, function, or value, give particular parts of the region a coastal character.

Policy 24: Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans

District and regional plans shall include policies, rules and methods to protect indigenous ecosystems and habitats with significant indigenous biodiversity values from inappropriate subdivision, use and development.

Explanation Policy 24 applies to provisions in regional and district plans.

Table 16 in Appendix 1 identifies rivers and lakes with significant indigenous ecosystems and habitats with significant indigenous biodiversity values by applying criteria taken from policy 23 of rarity (habitat for threatened indigenous fish species) and diversity (high macroinvertebrate community health, habitat for six or more migratory indigenous fish species).

Policy 47 will need to be considered alongside policy 24 when changing, varying or reviewing a regional or district plan.

Policy 24 is not intended to prevent change, but rather to ensure that change is carefully considered and is appropriate in relation to the biodiversity values identified in policy 23.

8. **Plan Change 1 to the RPS** recommends amendment to the above, noting that significant further amendments have been recommended through the hearing process but no decision has yet been issued. The provisions as notified are as follows:

Objective 16 *Indigenous ecosystems and habitats with significant ecosystem functions and services and/or biodiversity values are ~~maintained~~ protected, enhanced, and restored to a healthy functioning state.*

Objective 16A *The region's indigenous ecosystems are maintained, enhanced, and restored to a healthy functioning state, improving their resilience to increasing environmental pressures, particularly climate change, and giving effect to Te Rito o te Harakeke.*

Objective 16B *Mana whenua / tangata whenua values relating to indigenous biodiversity, particularly taonga species, and the important relationship between indigenous ecosystem health and well-being, are given effect to in decisionmaking, and mana whenua / tangata whenua are supported to exercise their kaitiakitanga for indigenous biodiversity.*

Objective 16C *Landowner and community values in relation to indigenous biodiversity are recognised and provided for and their roles as stewards are supported*

Policy 23: Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans

By 30 June 2025, ~~D~~district and regional plans shall identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values; these ecosystems and habitats will be considered significant if they meet one or more of the following criteria:

(a) Representativeness: the ecosystems or habitats that are typical and characteristic examples of the full range of the original or current natural diversity of ecosystem and habitat types in a district or in the region, and:

(i) are no longer commonplace (less than about 30% remaining); or

(ii) are poorly represented in existing protected areas (less than about 20% legally protected).

(b) Rarity: the ecosystem or habitat has biological or physical features that are scarce or threatened in a local, regional or national context. This can include individual species, rare and distinctive biological communities and physical features that are unusual or rare.

(c) Diversity: the ecosystem or habitat has a natural diversity of ecological units, ecosystems, species and physical features within an area.

(d) Ecological context of an area: the ecosystem or habitat:

(i) enhances connectivity or otherwise buffers representative, rare or diverse indigenous ecosystems and habitats; or

(ii) provides seasonal or core habitat for protected or threatened indigenous species.

(e) Mana whenua / tTangata whenua values: the ecosystem or habitat contains characteristics of special spiritual, historical or cultural significance to mana whenua / tangata whenua, identified in accordance with tikanga Māori.

Explanation

Policy 23 sets out criteria as guidance that must be considered in identifying indigenous ecosystems and habitats with significant biodiversity values. This evaluation is to be undertaken by 30 June 2025.

Wellington Regional Council, and district and city councils are required to assess indigenous ecosystems and habitats against all the criteria but the relevance of each will depend on the individual cases. To be classed as having significant biodiversity values, an indigenous ecosystem or habitat must fit one or more of the listed criteria.

Wellington Regional Council and district and city councils will need to engage directly with landowners and work collaboratively with them to identify areas, undertake field evaluation, and assess significance. Policy 23 will ensure that significant biodiversity values are identified in district and regional plans in a consistent way.

Indigenous ecosystems and habitats can have additional values of significance to mana whenua / tangata whenua. There are a number of indigenous ecosystems and habitats across the region that are significant to tangata whenua for their ecological characteristics. These ecosystems will be considered for significance under this policy if they still exhibit the ecosystem functions which are considered significant by mana whenua / tangata whenua. Access and use of any identified areas would be subject to landowner agreement. Wellington Regional Council and district and city councils will need to ~~partner engage directly~~ with mana whenua / tangata whenua and work collaboratively with ~~them and other~~ stakeholders, including landowners, to identify areas under this criterion.

Regional plans will identify indigenous ecosystems and habitats with significant biodiversity values in the coastal marine area, wetlands and the beds of lakes and rivers. District plans will identify indigenous ecosystems and habitats with significant biodiversity values for all land, except the coastal marine area and the beds of lakes and rivers.

Policy 24: Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans

By 30 June 2025, District and regional plans shall include policies, rules and methods to protect indigenous ecosystems and habitats with significant indigenous biodiversity values from inappropriate subdivision, use and development.

Where the policies and/or rules in district and regional plans enable the use of biodiversity offsetting or biodiversity compensation for an ecosystem or habitat with significant indigenous biodiversity values, they shall:

a) not provide for biodiversity offsetting:

(i) where there is no appropriate site, knowledge, proven methods, expertise or mechanism available to design and implement an adequate biodiversity offset; or

(ii) when an activity is anticipated to causes residual adverse effects on an area after an offset has been implemented if the ecosystem or species is threatened or the ecosystem is naturally uncommon;

(b) not provide for biodiversity compensation where an activity is anticipated to cause residual adverse effects on an area if the ecosystem or species is threatened or the ecosystem is naturally uncommon;

(c) ecosystems and species known to meet any of the criteria in (a) or (b) are listed in Appendix 1A (Limits to biodiversity offsetting and biodiversity compensation);

(d) require that the outcome sought from the use of biodiversity offsetting is at least a 10 percent net biodiversity gain, or from biodiversity compensation is at least a 10 percent net biodiversity benefit.

Explanation

Policy 24 applies to provisions in regional and district plans.

The policy provides clarity about the limits to, and expected outcomes from, biodiversity offsetting and biodiversity compensation for an ecosystem or habitat with significant indigenous biodiversity values. Ecosystems and species known to meet the criteria in clauses (a and b) are listed in Appendix 1A (Limits to biodiversity offsetting and biodiversity compensation).

Calculating a 10 percent net biodiversity gain (offsetting) or a 10 percent net biodiversity benefit (compensation) employs the same or a similar calculation methodology used to determine 'no net loss or preferably net gain' under a standard offsetting approach. The distinction between 'net gain' and 'net benefit' is to recognise that the outcomes achievable through the use of offsetting and compensation are different. An offsetting 'net biodiversity gain' outcome is expected to achieve an objectively verifiable increase in biodiversity values while a compensation 'net biodiversity benefit' outcome is more subjective and less preferable.

Table 16 in Appendix 1 identifies rivers and lakes with significant indigenous ecosystems and habitats with significant indigenous biodiversity values by applying criteria taken from policy 23 of rarity (habitat for threatened indigenous fish species) and diversity (high macroinvertebrate community health, habitat for six or more migratory indigenous fish species). Policy 47 will need to be considered alongside policy 24 when changing, varying or reviewing a regional or district plan. Policy 24 is not intended to prevent change, but rather to ensure that change is carefully considered and is appropriate in relation to the biodiversity values identified in policy 23.

Policy IE.1: Giving effect to mana whenua / tangata whenua roles and values when managing indigenous biodiversity – district and regional plans

District and regional plans shall include objectives, policies, methods and/or rules to partner with mana whenua / tangata whenua to:

(a) apply mātauranga Māori frameworks, and support mana whenua / tangata whenua to exercise their kaitiakitanga, in managing and monitoring indigenous biodiversity;

(b) identify and protect taonga species;

(c) support mana whenua / tangata whenua to access and exercise sustainable customary use of indigenous biodiversity, including for mahinga kai and taonga, in accordance with tikanga.

Explanation Policy IE.1 directs regional and district plans to recognise and provide for Māori values for indigenous biodiversity, and for the role of mana whenua as kaitiaki in the region

Natural Resources Plan for the Wellington Region

9. The Natural Resources Plan for the Wellington Region (“**NPR**”) further recognises the importance and role of mineral extraction with Objective 12 and Policy 12A requiring:

Objective 12: The social, economic, cultural and environmental benefits of regionally significant infrastructure, renewable energy generation activities and the utilisation of mineral resources are recognised.

Policy P12A: Benefits of mineral resource utilisation

When considering proposals that relate to the use of the Region’s mineral resources, particular regard will be given to the benefits from the utilisation of those resources

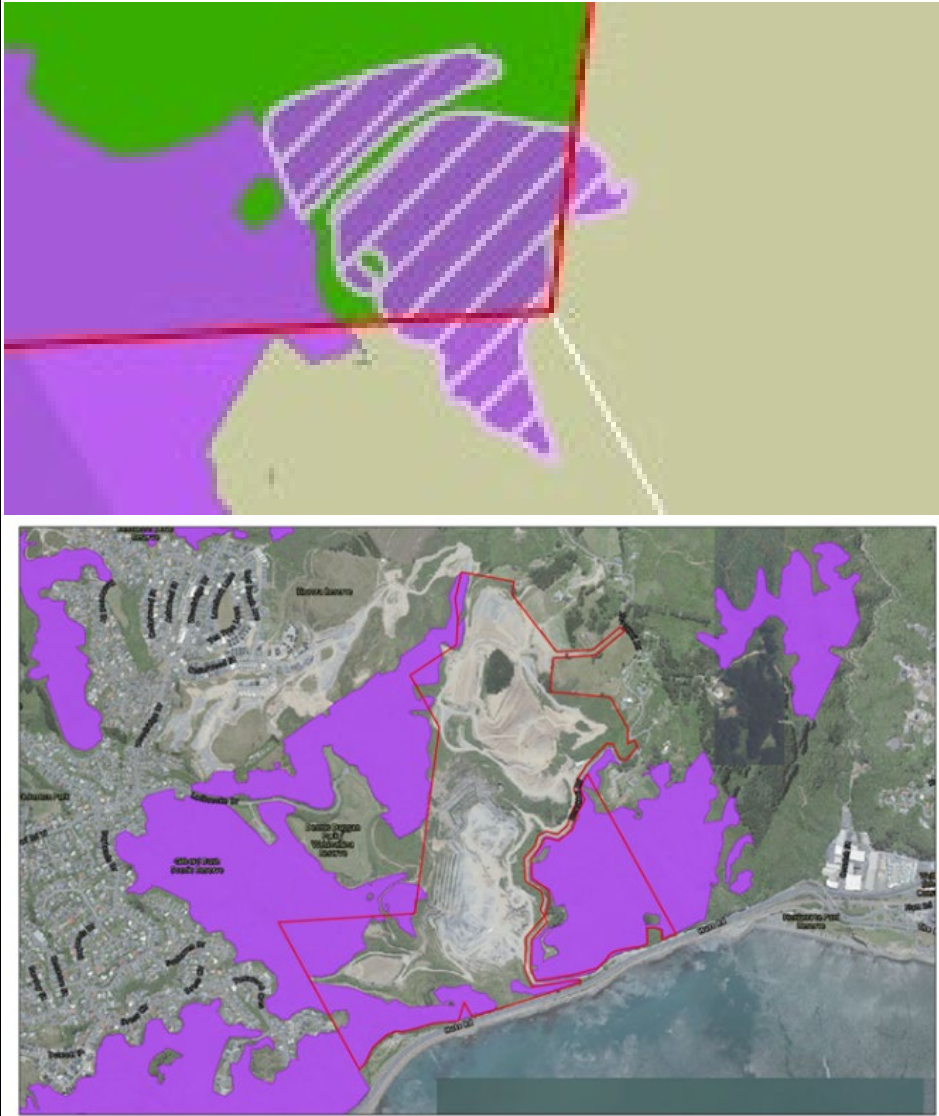

10. Policies relating to Indigenous Biodiversity are contained within policies 31, 38, 42 and 44.
11. Proposed Plan Change 1 to the NPR does not amend these provisions.

Appendix B

Summary table of Horokiwi submission points and response to S42A recommendations

(Outstanding submission points are shaded orange)

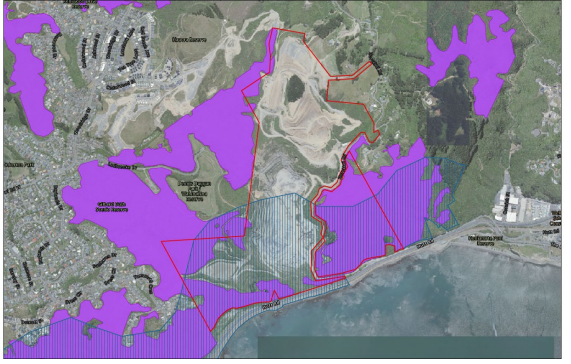
Horokiwi Submission Points: Hearing Topic 11 – Ecosystems and Indigenous Biodiversity

Sub No / Point No	Plan Provision	Position	Summary of Submission and relief sought	S42A Recommendation	Response to S42A Report
Transpower 271.9 Transpower 271.21 Transpower 271.94 Transpower 271.93	General / Mapping /Overlays General ECO SCHED8 – Significant Natural Areas	Amend	<p>Relief Sought: Seeks that the Significant Natural Area overlay be amended as it relates to the Horokiwi quarry site including to remove the SNA from the Horokiwi site which is subject to the existing use certificate reference 1048648.</p>  <p>Reasoning: Considers that there is a restrictive policy and rule framework that would apply to SNAs (and in particular where the sites are within a Coastal Environment overlay) and wishes to ensure any sites that are identified are in fact warranted as significant areas. Horokiwi does have concerns with particular areas on both its site and on the adjoining land to the west, in terms of whether the biodiversity values merit the specific areas being identified as SNAs. Based on the independent ecological assessment, Horokiwi seeks amendment to the SNA area identified. [Refer to original submission for full reason, including attachments]</p>	<p>Recommendation: Accept in part</p> <p>Reasoning: A site visit was undertaken with Wildlands on invitation with the Quarry operator. Based on site visit and review of Boffa Miskell Ecological Report, Wildlands recommend that a SNA is retained for the most part but a small area can be removed. I accept that recommendation.</p> <p>Plan Provision Amended: Yes</p> <div style="border: 1px solid black; padding: 5px;"> <p>Legend</p> <ul style="list-style-type: none"> Section S42A: Removed areas of SNA SNA in Residential Areas (Not recommended to be included) SNA Proposed District Plan 2022 Suburbs </div> 	Accept in part the recommendation but remain supportive of amendment to the balance of the SNA as sought in the Horokiwi submission
DOC FS106.2 on 271.21	General ECO	Oppose	<p>Relief Sought: Disallow / Seeks that the submission is disallowed, unless it can be confirmed that the site does not meet the relevant SNA criteria</p> <p>Reasoning: The methodology used to determine SNAs for the PDP should align with the criteria of Policy 23 of the Regional Policy Statement for the Wellington Region. It is also considered effective and efficient to align the review of Significant Natural Area provisions with the policy direction and requirements that are anticipated to come into effect during the PDP hearing process as set out in the exposure draft of the National Policy Statement on Indigenous Biodiversity (NPS-IB). Removal or amendments to the extent of any SNA is not supported without the site being ground-truthed by a suitably qualified ecologist to confirm the accuracy of the current SNA mapping in Schedule 8. The SNA opposed by Horokiwi Quarries Ltd should be ground-truthed before a determination is made to retain, amend, or remove the site/SNA from Schedule 8. If the site does not meet the SNA criteria under the NPS-IB exposure draft or the RPS, only then should it be removed.</p>	Refer above	Accept in part the recommendation but remain supportive of amendment to the balance of the SNA as sought in the Horokiwi submission

Horokiwi Submission Points: Hearing Topic 11 – Ecosystems and Indigenous Biodiversity

Transpower 271.22	ECO-P1	Support	<p>Relief Sought: Retain ECO-P1 (Protection of significant natural areas) as notified. <i>ECO-P1 Protection of significant natural areas</i> <i>Protect the biodiversity values of the identified significant natural areas within SCHED8 by requiring subdivision, use and development to:</i></p> <ol style="list-style-type: none"> 1. Avoid adverse effects on indigenous biodiversity values where practicable; 2. Minimise adverse effects on the biodiversity values where avoidance is not practicable; 3. Remedy adverse effects on the biodiversity values where they cannot be avoided or minimised; 4. Only consider biodiversity offsetting for any residual adverse effects that cannot otherwise be avoided, minimised or remedied and where the principles of APP2 – Biodiversity Offsetting are met; and 5. Only consider biodiversity compensation after first considering biodiversity offsetting and where the principles of APP3 – Biodiversity Compensation are met. <p>Reasoning: Supports ECO-P1 as it reflects the common mitigation hierarchy approach to biodiversity. Depending on the identification of specific SNA areas, Horokiwi is not opposed to the policy. The references to ‘where practicable’ and ability for offsetting are supported.</p>	<p>Recommendation: Accept in part</p> <p>Reasoning: 489. In my assessment of New Ecosystems and Indigenous Biodiversity Provisions at Section 11.2 I have explained the requirements of the effects management hierarchy. 490. The intent of notified ECO-P1 was to incorporate the effects management hierarchy. It was also the primary policy for the assessment of effects on SNAs. 491. Given that the NPS-IB is now in effect and that the effects management hierarchy it details is clear, in my view the best approach is to align the wording of ECO-P1 with the definition provided in clause 1.6 of the NPS-IB and amend the policy accordingly. 492. As I have also noted in Section 11.2 the hierarchy is used for specific purposes: a. For effects on a SNA not otherwise specified in clause 3.10; and b. For those specific activities that are able to use an effects management hierarchy to manage their effects ‘as of right’ instead of the avoidance directives of clause 3.10. 493. I recommend that this be reflected in the policy chapeau and those relevant policies referenced. 494. I note that the effects management hierarchy is also used for the management of significant effects on indigenous biodiversity outside of SNAs (New ECO-P8), and Coastal SNAs (notified ECO-P5 now renumbered ECO-P6) but I do not think that these need to also be reflected in the chapeau. In my view it is cleaner that both these issues be dealt with comprehensively in their own policies. I have recommended clear references to this now renumbered ECO-P5 (effects management hierarchy) for wayfinding. 495. On this basis, my recommendations on the submission points are as follows: a. The submission points from the Director-General of Conservation are accepted as the relief sought is achieved [385.40, 385.41 supported by FS101.13]. b. The submission points in support of ECO-P1 are accepted in part, on the basis that the policy is retained but with amended wording [221.36, 271.22, 303.14, 435.8, 315.163].</p> <p>Plan Provision Amended: Yes Delete ECO-P1 Insert a new policy ECO-P5 <u>ECO-P5 Effects management hierarchy</u> <u>Manage any adverse effects of use and development on SNAs that are not referred to in ECO-P1 or that are specified activities in ECO-P2 by applying the effects management hierarchy as follows:</u> <u>a. Adverse effects are avoided where practicable; then</u> <u>b. Where adverse effects cannot be avoided, they are minimised where practicable; then</u> <u>c. Where adverse effects cannot be minimised, they are remedied where practicable; then</u> <u>d. Where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided in accordance with APP2 – Biodiversity Offsetting where possible ; then</u> <u>e. Where biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided in accordance with APP3 – Biodiversity Compensation; then</u> <u>f. If biodiversity compensation is not appropriate, the activity itself is avoided.</u></p>	Accept the recommendation on the basis it gives effect to the NPS-IB
Transpower 271.23	ECO-P3	Support	<p>Relief Sought: Retain ECO-P3 (Subdivision, use and development in significant natural areas) as notified. <i>ECO-P3 Subdivision, use and development in significant natural areas</i> <i>Allow for subdivision, use and development in significant natural areas listed in SCHED8 where it:</i></p> <ol style="list-style-type: none"> 1. Applies the effects management hierarchy approach in ECO-P2; and 2. Demonstrates that it is appropriate by taking into account the findings of an ecological assessment for the activity in accordance with APP15; and 3. Ensures the activities effects on biodiversity values are appropriately managed in accordance with the effects management hierarchy to achieve no net loss of biodiversity values of the identified significant natural area; and 4. Ensures that the ecological processes, functions and integrity of the significant natural area are maintained. <p>Reasoning: Supports policy ECO-P3 (Subdivision, use and development in significant natural areas) as it provides a clear framework in which to address the effects of activities within an SNA.</p>	<p>Recommendation: Reject</p> <p>Reasoning: 530. As detailed at section 11.4, the NPS-IB contains an avoidance and effects management hierarchy framework through clauses 3.10/3.11 which generally seeks the adverse effects of new subdivision, use and development on SNAs be avoided and the effects management hierarchy be used only for additional effects or for specific activities. 531. This approach is fundamentally incompatible with notified ECO-P3. 532. Having introduced two new policies to reflect the NPS-IB framework (New ECO-P3 Avoiding adverse effects on significant natural areas and New ECO-P4 Specific activities to use effects management hierarchy) notified ECO-P3 is redundant and needs to be removed. 533. Considering this, all submissions seeking the policy be retained as notified or amended should be rejected based on this deletion.</p> <p>Plan Provision Amended: Yes Delete ECO-P3</p>	Accept the recommendation on the basis it gives effect to the NPS-IB
Transpower 271.24	ECO-P5	Oppose	<p>Relief Sought: Seeks that the Significant Natural Area overlay and Coastal Environment overlay be amended as they relate to the Horokiwi quarry site.</p>	<p>Recommendation: Reject</p> <p>Reasoning: 563. Horokiwi Quarries Ltd [271.24, opposed by the Director-General of Conservation FS106.13] opposes ECO-P5 on the basis that they seek an amendment to the SNA overlay as it relates to the Horokiwi Quarry site 569. I do not recommend any changes to ECO-P5 as a result of the submission point from Horokiwi Quarries Ltd [271.24, opposed by the Director-General of Conservation FS106.13]. Their concerns in relation to the extent of the SNA on the quarry site have been addressed at section 8.2 of this report.</p>	Accept in part the recommendation but remain supportive of amendment to the balance of the SNA as sought in the Horokiwi submission

Horokiwi Submission Points: Hearing Topic 11 – Ecosystems and Indigenous Biodiversity

			 <p>Reasoning: Considers that given the nature of the existing quarrying activities undertaken and modified nature of the environment, parts of the Coastal Overlay as it relates to part of the exiting quarry site is opposed.</p>	Plan Provision Amended: No									
DOC FS106.13 on 271.24	ECO-P5	Oppose	<p>Relief Sought: Disallow / Seeks that the submission is disallowed, unless it can be confirmed that the site does not meet the Coastal Environment criteria under Policy 1 of the NZCPS.</p> <p>Reasoning: The methodology used to determine the extent of the Coastal Environment for the PDP should align with the criteria under Policy 1 of the New Zealand Coastal Policy Statement (NZCPS). Removal or amendments to the extent of any Coastal Environment area is not supported without the site being ground-truthed by a suitably qualified ecologist to confirm the accuracy of the current Coastal Environment mapping. The Coastal Environment area opposed by Horokiwi Quarries Ltd should be ground-truthed and assessed by WCC before a determination is made to retain, amend, or remove the Coastal Environment area. If the site does not meet the Coastal Environment criteria under Policy 1 of the NZCPS, only then should it be removed.</p>	Refer above	Accept in part the recommendation but remain supportive of amendment to the balance of the SNA as sought in the Horokiwi submission								
Transpower 271.25 and 271.26	ECO-R1	Amend	<p>Relief Sought: Seeks amendment to the activity status within ECO-R1 from non-complying under clause 6. to discretionary if amendments sought to the areas identified as SNAs (as outlined in Appendix C of the submission) and amendment to the Coastal Environment Boundary (as identified in Appendix D of the submission) are not accepted. Seeks an amendment to ECO-R1 (Trimming, pruning or removal of vegetation within a significant natural area) to clarify the activity status for trimming, pruning or removal of vegetation within a significant natural area that is not within the Coastal Environment and does not comply with ECO- R1.1 or ECO-R1.2.</p> <p>Reasoning: Considers that in its current drafting, the activity status for works within a SNA outside the CE, that are not provided for within R1.1 or R1.2, is not clear as rules R1.4, R1.5 and R1.6 all apply to vegetation within the CE. R1.3 only applies to certain activities. Horokiwi understands the intent of the rule ECO-R1.4 and 1.5 may be that if you do not meet R1.1 or R1.2 and you are not affecting any NZCPS policy 11(a) matters, you are permitted regardless of whether you are within or outside the CE. However, this is not clear and open to interpretation. As proposed, the cascade rule approach does not work for vegetation work outside the CE in that there is no clear activity status and ECO-R1 is open to interpretation issues.</p>	<p>Recommendation: Accept in part</p> <p>Reasoning: 511. In respect of the Aggregate and Quarry Association [303.15, opposed by FS106.12] - the policy cannot be expanded to provide a pathway for activities that generally have an operational or functional need as the list of activities in ECO-R1 and the higher-level groupings in this policy need to be exhaustive. 512. I do agree in part with the submitter that a new clause be added to the policy in respect of the operation and maintenance of existing quarries. In my assessment of ECO-R1 I have specified compliance with ECO-S2 in recognition that a SNA has been identified within the operational area of the Quarry Zone at Kiwi Point and on the periphery of Horokiwi Quarry. It is my view reasonable, acknowledging the regional significance of such strategic assets, to allow for relatively minor clearance for continued operation and maintenance, but not expansion. 614. In my response to the Aggregate and Quarry Association [303.15, opposed by the Director-General of Conservation FS106.12] in relation to ECO-P2 at section 11.9 I have recommended adding a new clause to the policy around existing quarrying operations. 615. I stated that in my view it is reasonable, acknowledging the regional significance of such strategic assets, to allow for relatively minor clearance for continued operation and maintenance, but not expansion. To implement this policy, I recommend addition of a new rule step for the Quarry Zone (which applies to Horokiwi and Kiwi Point Quarries) where clearance of vegetation is permitted subject to compliance with ECO-S2. I welcome discussion as to the appropriateness of this extent of clearance from the submitters as to whether this finds a balance of enabling operation while protecting significant natural areas. 626. I can understand the confusion of Horokiwi Quarries given that each of the restricted discretionary and non-complying activity status rule steps (R1.4 – R1.6) include varying clauses with respect to the coastal environment which are differentiated based on whether any of the matters in policy 11(a) or 11(b) of the NZCPS are present. 629. In the context of the new policies and amendments to policies which I have recommended to reflect the specificity of the tests in the NPS-IB and NZCPS the notified approach is in my view overly complicated and unnecessary. 630. To address these issues and simplify the rule framework I propose the following structure which will apply both within and outside of the coastal environment:</p> <table border="1" data-bbox="1308 1845 2119 2042"> <tr> <td style="background-color: #92d050;">Permitted activity step 1</td> <td>All zones</td> </tr> <tr> <td style="background-color: #92d050;">Permitted activity step 2</td> <td>General Rural and Open Space and Recreation Zones</td> </tr> <tr> <td style="background-color: #92d050;">Permitted activity step 3</td> <td>Quarry Zone</td> </tr> <tr> <td style="background-color: #f4a460;">Discretionary activity step</td> <td>All non-compliances with permitted activity steps 1 -3</td> </tr> </table> <p>632. Considering the recommendation to extensively rewrite the rule, my recommendations on the submissions are that:</p>	Permitted activity step 1	All zones	Permitted activity step 2	General Rural and Open Space and Recreation Zones	Permitted activity step 3	Quarry Zone	Discretionary activity step	All non-compliances with permitted activity steps 1 -3	Accept in part the recommendation but remain supportive of amendment to the rule as sought in evidence.
Permitted activity step 1	All zones												
Permitted activity step 2	General Rural and Open Space and Recreation Zones												
Permitted activity step 3	Quarry Zone												
Discretionary activity step	All non-compliances with permitted activity steps 1 -3												

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f. The submission points from Horokiwi Quarries Ltd [271.25, 271.26] should be accepted in part given my recommended new rule step for the Quarry zone and Discretionary activity framework.

Plan Provision Amended: Yes

ECO-R1	Trimming, pruning or removal of vegetation within a significant natural area
All zones	<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. The trimming, pruning or removal of vegetation is to:</p> <ul style="list-style-type: none"> i. Ensure the operation of any <u>lawfully established</u> 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. Enable flood protection or natural hazard control where undertaken by a Regional or Territorial Authority or agents on their behalf as part of natural hazard mitigation works; or iii. Comply with section 43 or 64 of the Fire and Emergency Act 2017; or iv. Enable tangata whenua to exercise Customary Harvesting (hauhake); or v. Address an imminent threat to people or property represented by deadwood, diseased or dying vegetation and ECO-S1 is complied with; or vi. Enable the ongoing restoration work within the Zealandia sanctuary where undertaken by the Karori Sanctuary Trust; or vii. To Enable the maintenance of public walking or cycling tracks and parks maintenance and repair undertaken by the Department of Conservation, a Regional or Territorial Authority, Greater-Wellington Regional Council or Wellington City Council, or their approved contractors, and in accordance with <u>where ECO-S2 is complied with; or</u>. viii. <u>Trim, prune or remove a pest plant; or</u> ix. <u>Enable restoration and maintenance of a significant natural area under ECO-R3; or</u> x. <u>Enable maintenance and repair of existing buildings or structures and ECO-S2 is complied with.</u>
General Rural Zone Open Space and Recreation Zones	<p>2. Activity status: Permitted</p> <p>Where:</p> <p>a. The trimming or removal of vegetation is to:</p> <ul style="list-style-type: none"> i. Construct new perimeter fences for stock or pest animal exclusion from areas or <u>Maintenance</u> in <u>of</u> existing fences provided the trimming, <u>pruning</u> or removal of any vegetation does not exceed 2m in width; or ii. Maintain an existing farm drain, septic tank disposal field, or constructed stormwater management or treatment device; or iii. To create a firebreak within 10m of an external wall or roof of a residential unit that existed at 18 July 2022; or iv. Maintain, <u>or</u> upgrade or create a new <u>an</u> access track for agricultural, pastoral or horticultural activities <u>in accordance with where</u> ECO-S3 <u>is complied with.</u>
<u>Quarry Zone</u>	<p>3. <u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p>a. <u>The trimming or removal of vegetation is to:</u></p> <ul style="list-style-type: none"> i. <u>Enable the continued operation and maintenance of quarries for aggregate extraction and ECO-S2 is complied with.</u>
<u>All zones</u>	<p>4. <u>Activity status: Discretionary</u></p> <p><u>Where:</u></p> <p>a. <u>Compliance with the requirements of ECO-R1.1, ECO-R1.2 or ECO-R1.3 is not achieved. 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.</u></p>
<u>ECO-R4</u>	<u>Trimming, pruning or removal of indigenous vegetation outside of a significant natural area (except that falling under CE-R6)</u>
<u>General Rural Zone Open Space and Recreation zones Wellington Town Belt Zone</u>	<p>1. <u>Activity Status: Permitted</u></p> <p><u>Where:</u></p> <p>a. <u>The indigenous vegetation existed as at [date of council decision]; and</u></p> <p>b. <u>Trimming, pruning or removal of a contiguous area of indigenous vegetation on a site does not exceed 3000m²; or</u></p> <p>c. <u>The removal does not involve any tree with a trunk diameter exceeding that in Schedule 9 as measured 1.4m above ground; or</u></p> <p>d. <u>The trimming, pruning or removal is to:</u></p> <ul style="list-style-type: none"> i. <u>Undertake restoration; or</u> ii. <u>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</u>

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					<p>iii. <u>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</u></p> <p>iv. <u>Comply with section 43 or 64 of the Fire and Emergency Act 2017; or</u></p> <p>v. <u>Enable tangata whenua to exercise Customary Harvesting (hauhake); or</u></p> <p>vi. <u>Address an imminent threat to people or property represented by deadwood, diseased or dying vegetation (including for fire safety); or</u></p> <p>vii. <u>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</u></p> <p>viii. <u>Maintenance of existing buildings, structures or fences; or</u></p> <p>ix. <u>Maintain an existing farm drain, septic tank disposal field, or constructed stormwater management or treatment device; or</u></p> <p>x. <u>To create a firebreak within 10m of an external wall or roof of a residential unit that existed at 18 July 2022; or</u></p> <p>xi. <u>Maintain an access track for agricultural, pastoral or horticultural activities.</u></p>	
			All other Zones	<p>2. <u>Activity Status: Permitted</u></p> <p><u>Where:</u></p> <p>a. <u>The indigenous vegetation existed as at [date of council decision]; and</u></p> <p>b. <u>A tree is being trimmed, pruned or removed; or</u></p> <p>c. <u>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</u></p> <p>d. <u>The trimming, pruning or removal of indigenous vegetation is to:</u></p> <p>i. <u>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</u></p> <p>ii. <u>Comply with section 43 or 64 of the Fire and Emergency Act 2017; or</u></p> <p>iii. <u>Enable tangata whenua to exercise Customary Harvesting (hauhake); or</u></p> <p>iv. <u>Address an imminent threat to people or property represented by deadwood, diseased or dying vegetation (including for fire safety); or</u></p> <p>v. <u>To enable the maintenance of public walking or cycling tracks and parks maintenance and repair undertaken by Greater Wellington Regional Council, or their approved contractors; or</u></p> <p>vi. <u>Enable the maintenance of existing buildings, structures or fences; or</u></p> <p>vii. <u>Enable the continued operation and maintenance of quarries for aggregate extraction.</u></p>		
			All zones	<p>3. <u>Activity Status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p>a. <u>Compliance with the requirements of ECO-R4.1 or ECO-R4.2. is not achieved.</u></p> <p><u>Matters of discretion are:</u></p> <p>1. <u>ECO-P2, ECO-P5 and ECO-P8</u></p> <p><u>Section 88 information requirements for applications:</u></p> <p><u>Applications for a resource consent under this rule must contain an ecological assessment in accordance with APP15 – Ecological Assessment.</u></p> <p><u>Notification status:</u></p> <p><u>An application for resource consent made in respect of this rule is precluded from being either publicly or limited notified.</u></p>		
			Standards			
			ECO-S2	<p>Vegetation <u>trimming, pruning or removal</u> associated with:</p> <ul style="list-style-type: none"> • <u>maintenance or repair of public walking and cycling tracks including parks maintenance and repair</u> • <u>the continued operation and maintenance of quarries for aggregate extraction</u> • <u>maintenance and repair of existing buildings and structures</u> 		
			All Zones	<p>Vegetation <u>trimming, pruning or removal</u> must:</p> <ol style="list-style-type: none"> 1. <u>Not be greater than 2.5m in width to accommodate the track; and</u> 2. <u>Not involve removal of any tree with a trunk diameter exceeding that in Schedule 9 as measured 1.4m above ground.</u> 	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. <u>The extent to which the trimming, pruning or removal of indigenous vegetation limits the loss, damage or disruption to the ecological processes, functions and integrity of the significant natural area; and</u> 2. <u>The effect of the vegetation <u>trimming, pruning or removal</u> on the identified biodiversity values.</u> 	