
ORDINARY MEETING

OF

STRATEGY AND POLICY COMMITTEE

MINUTES

Time: 9:30 am
Date: Thursday, 5 March 2020
Venue: Ngake (16.09)
Level 16, Tahiwī
113 The Terrace
Wellington

PRESENT

Mayor Foster
Councillor Calvert (Deputy Chair)
Councillor Condie
Councillor Day (Chair)
Councillor Fitzsimons
Councillor Foon
Deputy Mayor Free
Councillor Matthews
Councillor O'Neill
Councillor Pannett
Councillor Paul
Councillor Rush
Councillor Sparrow
Councillor Woolf
Councillor Young

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1. Meeting Conduct

1.1 Karakia

The Chairperson declared the meeting open at 9:30 am and invited members to stand and read the following karakia to open the meeting.

**Whakataka te hau ki te uru,
Whakataka te hau ki te tonga.
Kia mākinakina ki uta,
Kia mātaratara ki tai.
E hī ake ana te atākura.
He tio, he huka, he hauhū.
Tihei Mauri Ora!**

Cease oh winds of the west
and of the south
Let the bracing breezes flow,
over the land and the sea.
Let the red-tipped dawn come
with a sharpened edge, a touch of frost,
a promise of a glorious day

1.2 Apologies

No apologies were received.

1.3 Conflict of Interest Declarations

No conflicts of interest were declared.

1.4 Confirmation of Minutes

Moved Councillor Day, seconded Councillor Fitzsimons

Resolved

That the Strategy and Policy Committee:

1. Approve the minutes of the Strategy and Policy Committee Meeting held on 13 February 2020, having been circulated, that they be taken as read and confirmed as an accurate record of that meeting.

Carried

(Councillor O'Neill arrived at the meeting at 9:33 am)

1.5 Items not on the Agenda

There were no items not on the agenda.

1.6 Public Participation

1.6.1 Winnie Laban

Representing Fale Malae Trust, Winnie Laban spoke to item 2.5 The Fale Malae Proposal.

1.6.2 Pacific Advisory Group

Representing the Pacific Advisory Group, Jocelyn Kua, Aseri kua and Kira Hundleby spoke to item 2.5 The Fale Malae Proposal.

(Councillor Paul left the meeting at 9:55 am)
(Councillor Paul returned to the meeting at 9:57 am)

Note: In accordance with Standing Order 3.9.2, the Chairperson accorded precedence to some items of business and announced that the agenda would be considered in the following order:

- Item 2.5 The Fale Malae Proposal
- Item 2.2 Change of Name for Waripori Street
- Item 2.1 Report back on elected member travel
- Item 2.3 Submission on Proposed National Policy Statement for Indigenous Biodiversity
- Item 2.4 Cemeteries Management Plan Review: Scope
- Item 2.6 Quarter 2 Report 2019/20
- Item 3.1 Potential Land Acquisition

2. General Business

2.5 The Fale Malae Proposal

Moved Mayor Foster, seconded Councillor O'Neill

Resolved

That the Strategy and Policy Committee:

1. Receive the information.
2. Support the establishment of a Fale Malae in Wellington.
3. Note that the Trust is seeking funding from the Ministry of Culture and Heritage to progress detailed design work for the site and requires an agreement in principle from Council to be able to progress those discussions.
4. Note that the Trust's preferred site for the proposed Fale Malae is Bunny Street between Rutherford House and Old Government House.
5. Note that development on the preferred site will trigger a number of council processes including road stopping and resource consent or alternatively Council agreement to develop a Local Bill.
6. Note that no other financial contribution is being sought from the Council.
7. Note that any future decisions around the process and gifting or leasing of land remain Council's to make.
8. Agree in principle for the Fale Malae Trust to continue investigating the Bunny Street site between Rutherford House and Old Government House for the establishment of a proposed Fale Malae to enable the detailed design work to progress.
9. **Note that Mana Whenua, Taranaki Whanui, and Te Ati Awa are represented on the Trust.**

Carried

Moved Councillor Rush, seconded Councillor Woolf, the following amendment

That the Strategy and Policy Committee:

- 7A. Note that any future decisions around the use of land, under commercial structures or otherwise, will remain in Council's absolute discretion.

Lost

Secretarial note: A procedural motion to put the amendment to vote was moved by Mayor Foster and seconded by Deputy Mayor Free. The closure motion was carried by a vote of 14:1.

Secretarial note: With the leave of the meeting clause 9 was added to the motion.

Secretarial note: The motion was taken part by part, the divisions for which are as follows:

Division for clauses 1, 2,3,4,5,6,7 and 9:

For:

Mayor Foster
Councillor Calvert (Deputy Chair)
Councillor Condie
Councillor Day (Chair)
Councillor Fitzsimons
Councillor Foon
Councillor Free
Councillor Matthews
Councillor O'Neill
Councillor Pannett
Councillor Paul
Councillor Sparrow
Councillor Woolf
Councillor Young

Against:

Councillor Rush

Majority Vote: 14:1

Carried

Division for clause 8:

For:

Mayor Foster
Councillor Condie
Councillor Day (Chair)
Councillor Fitzsimons
Councillor Foon
Councillor Free
Councillor Matthews
Councillor O'Neill
Councillor Pannett
Councillor Paul
Councillor Sparrow
Councillor Woolf

Against:

Councillor Calvert (Deputy Chair)
Councillor Rush
Councillor Young

Majority Vote: 12:3

Carried

The meeting adjourned for morning tea at 11:03 am and reconvened at 11:24 am with all the members present.

2.2 Change of Name for Waripori Street

Moved Councillor Day, seconded Councillor Foon

Recommendations

That the Strategy and Policy Committee:

1. Receive the information.
2. Agree to rename the street currently known as Waripori St, **Te Wharepouri St**, as shown on F Plan 3113.

Moved Mayor Foster, seconded Deputy Mayor Free, the following amendment

Resolved

That the Strategy and Policy Committee:

3. Note that Council will work with Wellington Tenths Trust to interpret the new name of **Te Wharepouri St**.

Carried

Moved Councillor Day, seconded Councillor Foon, the following substantive motion

Resolved

That the Strategy and Policy Committee:

1. Receive the information.
2. Agree to rename the street currently known as Waripori St, **Te Wharepouri St**, as shown on F Plan 3113.
3. Note that Council will work with Wellington Tenths Trust to interpret the new name of **Te Wharepouri St**.

Carried unanimously

(Councillor Paul left the meeting at 11:56 am)

(Councillor Paul returned to the meeting at 11:58 am)

2.1 Report back on elected member travel

Moved Deputy Mayor Free, seconded Mayor Foster

Resolved

That the Strategy and Policy Committee:

1. Receive the information.
2. Agree in principle to progress work on upgrading the relationship to a sister city with Seoul Metropolitan government.

Carried

The meeting adjourned for lunch at 12:25 pm and reconvened at 12:58 pm with all the members present.

(Councillor Young left the meeting at 1:09 pm)

(Councillor Young returned to the meeting at 1:11 pm)

2.3 Submission on Proposed National Policy Statement for Indigenous Biodiversity

Moved Councillor O'Neill, seconded Mayor Foster

Recommendation/s

That the Strategy and Policy Committee:

1. Receive the information.
2. Approve the amended submission document as set out in Attachment 1.
3. Agree to delegate authority to the Portfolio Leader Urban Development and the Chief Executive to finalise the submission, consistent with discussions and any amendments made by the Committee.

Moved Councillor Foon, seconded Councillor Pannett, the following amendment

Resolved

That the Strategy and Policy Committee:

4. Agree that the submission acknowledges that the existing landfill is currently a regionally significant infrastructure; however, we are working towards a full resource recovery system with the intention of heading towards not needing the landfill in the longer term

A division was called for, voting on which was as follows:

For:

Mayor Foster
Councillor Condie
Councillor Day (Chair)
Councillor Fitzsimons
Councillor Foon
Councillor Free
Councillor Matthews
Councillor O'Neill
Councillor Pannett
Councillor Paul
Councillor Rush
Councillor Sparrow
Councillor Woolf
Councillor Young

Against:

Councillor Calvert (Deputy Chair)

Majority Vote: 14:1

Carried

(Councillor Rush left the meeting at 1:24 pm)

Moved Councillor O'Neill, seconded Mayor Foster, the following substantive motion

Resolved

That the Strategy and Policy Committee:

1. Receive the information.
2. Approve the amended submission document as set out in Attachment 1.
3. Agree to delegate authority to the Portfolio Leader Urban Development and the Chief Executive to finalise the submission, consistent with discussions and any amendments made by the Committee.
4. Agree that the submission acknowledges that the existing landfill is currently a regionally significant infrastructure; however, we are working towards a full resource recovery system with the intention of heading towards not needing the landfill in the longer term.

Carried

Attachments

- 1 Amended Submission on Proposed National Policy Statement for Indigenous Biodiversity

2.4 Cemeteries Management Plan Review: Scope

Moved Councillor Fitzsimons, seconded Councillor O'Neill

Resolved

That the Strategy and Policy Committee:

1. Receive the information.
2. Approve the proposed review of the Cemeteries Management Plan, including informal stakeholder engagement **and** preparation of a draft revised plan **for Council's consideration. Pending Council approval, this will be followed by** formal consultation on the draft plan and completion of a revised management plan by December 2020.

Carried

Secretarial note: With the leave of the meeting clause 2 was amended as indicated in red font.

2.6 Quarter 2 Report 2019/20

Moved Deputy Mayor Free, seconded Councillor Condie

Resolved

That the Strategy and Policy Committee:

1. Receive the information.
2. Note the contents of the Quarter Two 2019/20 report (Attachment 1).
3. Note the Financial and Performance Measure variances.
4. Approve the 2019/20 Quarter Two report.

Carried

Attachment 1

Reference to be made to Attachment 1 of item 2.6 on the Strategy and Policy Committee meeting agenda of 5 March 2020.

3. Public Excluded

Moved Councillor Day, seconded Councillor Condie

Resolved

That the Strategy and Policy Committee:

1. Pursuant to the provisions of the Local Government Official Information and Meetings Act 1987, exclude the public from the following part of the proceedings of this meeting namely:

General subject of the matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
3.1 Potential Land Acquisition	7(2)(i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	s48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
	7(2)(j) The withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage.	

Carried

The meeting went into public excluded session at 1:48 pm.

The meeting returned from public excluded session and concluded at 1:51 pm with the reading of the following karakia:

Unuhia, unuhia, unuhia ki te uru tapu nui	Draw on, draw on
Kia wātea, kia māmā, te ngākau, te tinana, te wairua	Draw on the supreme sacredness To clear, to free the heart, the body and the spirit of mankind
I te ara takatū	
Koia rā e Rongo, whakairia ake ki runga	Oh Rongo, above (symbol of peace)
Kia wātea, kia wātea	Let this all be done in unity
Āe rā, kua wātea!	

Authenticated: _____

Chair

ORDINARY MEETING

OF

STRATEGY AND POLICY COMMITTEE

MINUTE ITEM ATTACHMENTS

Time: 9:30am
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Venue: Ngake (16.09)
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Wellington

Business

Page No.

**2.3 Submission on Proposed National Policy Statement for
Indigenous Biodiversity**

1. Amended Submission on Proposed National Policy Statement for
Indigenous Biodiversity

3

To: Indigenous Biodiversity consultations
Ministry for the Environment
Via email: indigenousbiodiversity@mfe.govt.nz

From: Wellington City Council
P O Box 2199
Wellington 6140

Contact: Onur Oktem
Senior Advisor, Place Planning Team
E: onur.oktem@wcc.govt.nz
M: 021 227 8639

Submission on the Government's Draft National Policy Statement for Indigenous Biodiversity

1. Introduction

Thank you for the opportunity to make a submission on the draft National Policy Statement for Indigenous Biodiversity (NPS-IB). **Wellington City Council strongly supports the need for this NPS-IB.**

Much of our biodiversity was destroyed when Wellington was cleared for human settlement. Many of our native ecosystems have been cleared or extensively altered, and this trend continues today. The ongoing degradation of our Natural Environment is not an option. In June 2019 Wellington City Council declared an ecological and climate emergency.

The Council is committed to caring for and protecting our native plants and landscapes that are essential for a healthy green urban environment including water quality, fish and bird life, and provides invaluable carbon sinks.

Our communities have given us a clear direction that whilst the city needs to accommodate growth (50,000 – 80,000 more people in the next 30 years), that we must also protect our natural environment and find ways to increase the green spaces throughout our city.

The process of identifying and protecting indigenous biodiversity has been a challenging and difficult one for some Council's. We therefore welcome the purpose of the NPS to provide direction about biodiversity management under the Resource Management Act.

Wellington City Council has already carried out a substantial amount of work to provide greater protection for the city's significant natural areas and indigenous ecosystems. We took a different approach to other Councils. We took great care in talking and listening to landowners and this has been successful.

The Council has contacted 1700 private landowners with potential Significant Natural Areas on their properties. This project was called 'Backyard Tāonga'. We sent letters, attended meetings, held workshops, and carried out site visits with an ecologist. We invited feedback on ways we can work together to care for these places and find the right balance between protection without getting in way with day to day use.

This engagement was based on the principles of collaboration and partnership that underpin the draft NPS-IB. It has been a very successful process that now places Council in a good position to include appropriate levels of protection for indigenous biodiversity in its new District Plan.

The engagement process carried out by WCC highlights the importance of community support being fundamental to achieving successful outcomes. The concept of Hutia Te Rito as a basis for the proposed NPS is therefore strongly supported. This recognises that we all have a role as stewards or kaitiaki of indigenous biodiversity.

Whilst the intentions and principles of the draft NPS are supported, it is considered that there is a lack of real guidance and best practice on how Councils can implement Hutia Te Rito, and furthermore that some parts of the NPS run counter to achieving this concept. With the process we ran having a range of tools and options were an important part of the implementation, and this NPS falls short on providing a range of delivery tools. The areas of concern are set out in the following submission points.

Whilst Wellington City Council supports the proposed NPS, it also considers that regulatory controls alone will not achieve the overall outcomes sought by the NPS to protect and enhance indigenous biodiversity.

The Government needs to acknowledge that this is a much wider issue that cannot be fixed by a National Policy Statement alone. It will be very costly for Councils to implement the requirements of the NPS, and for some local authorities it may be financially untenable to do so.

Government therefore needs to recognise that a package of interventions is required in order to really make a difference. It needs to deliver a package of interventions to support all aspects of the NPS-IB implementation. Some suggested options include:

- Funding and research assistance for both local authorities and individual property owners to enable them to better look after and enhance the ecological values of their sites.
- Additional assistance for Iwi to be actively involved in this work alongside central and local government.
- Providing independent ecological expertise, potentially within MfE or DoC, for local authorities or landowners to access and assist with the assessment of indigenous biodiversity values.
- Non-financial assistance such as education, weed and pest animal control, or planting could also be included as part of an overall package of incentives.
- A compensation package / fund could be established.

Background to the development of the draft NPS-IB

The draft NPS-IB is the culmination of work undertaken by the *Biodiversity Collaborative Group (BCG)*, with a draft NPS being written by the Group in 2018, along with a report containing the Group's findings. BCG is a stakeholder-led group that was established by the Minister for the Environment. Following completion of the work, Ministry staff organised targeted workshops with all territorial authorities last year to discuss the outcomes of BCG's work. WCC officers that attended these workshops have previously given detailed feedback on and provided extensive input about the implementation practicalities of the proposed NPS prepared by the BCG.

This submission summarises previous points WCC officers made at these forums, as well as providing additional points. As detailed below in this submission, WCC is seeking a number of changes to the draft NPS as detailed below.

2. WCC has already undertaken significant work to protect biodiversity

Wellington City Council would like to emphasize that it is important that Government and its advisers from the Ministry for the Environment (MfE) have an appreciation of both the

significant work the Council is undertaking to meet its obligations under the Resource Management Act 1991 (RMA) to protect biodiversity, and an understanding of the growth pressures the city is facing. The Council has an important role in protecting biodiversity on behalf of the community through its management of the inner and outer greenbelt and other important reserves and open spaces.

The Council has carried out significant work over the last decade to assess and identify ecological sites and Significant Natural Areas (SNAs) across the city.

A biodiversity strategy was approved in 2015 (*Our Natural Capital: Wellington's Biodiversity Strategy and Action Plan*). This Action Plan has four goals:

1. Protect the ecologically significant areas on both private and public land.
2. Restore ecologically significant areas, create buffer zones and connect them.
3. Reduce pest numbers throughout the city.
4. Raise awareness of the issues facing indigenous biodiversity.

Significant Natural Areas

The Wellington District Plan became operative in 2000. There is currently little in the Plan that requires private landowners to protect indigenous biodiversity on their land.

In 2016 the Council engaged with Wildlands Ecological Consultants to complete an assessment of Significant Natural Areas (SNAs) across the City based on the significance criteria detailed in Policy 23 of the Wellington Regional Policy Statement (RPS).

Council then used the outcomes of this assessment to map the proposed SNAs. There are over 5,000 hectares of land that has been identified as potential SNAs, with around half of this on public land and half on private land. There are approximately 1700 private landowners that are impacted by a proposed SNA.

Council's approach to the identification and protection of SNAs is consistent with the approach and principles of partnership and transparency that are set out in the draft NPS-IB. As stated in the explanatory notes of the draft NPS-IB, "*Partnerships and collaboration between landowners, communities and public agencies is critical to the success of this National Policy Statement.*"

In August 2019, the Council wrote to the 1700 landowners to advise them that their land could be part of a SNA. As part of this engagement we offered site visits to anyone who wanted an ecologist to visit them to confirm what they have, and WCC invited feedback on ways the Council and the land owner could work together to find the right balance between protection and practical use. So far, WCC has visited over 100 properties.

The Council has received positive community feedback from many landowners and for the way WCC has undertaken engagement with them in order to achieve positive conservation outcomes. For example we received this response from a landowner who we contacted about Backyard Taonga:

“I love living in the bush. All those years when I thought I should do something there but never got around to it, to find out it is good for the city. It’s exciting to see the native bush regenerating. I actually jumped for joy that someone has noticed my garden.”

We believe this is a very good example of how to implement SNAs, and is an example of best practise. We would be happy to share our insights and experience with Ministry officials.

WCC’s approach has enabled tailored, considerate, honest communication with the impacted landowners about the protection of important ecological values on private land.

The Council is now in a good position to include appropriate levels of protection for indigenous biodiversity in its new District Plan, which will fulfil requirements under both the RMA and the RPS. The District Plan review is currently underway, with the next stage being to draft provisions for these areas and to seek feedback on them through the Draft District Plan consultation later this year.

3. Wellington City is facing significant growth pressures

The population of Wellington City is predicted to grow by between 50,000 to 80,000 more people in the next 30 years.

The National Policy Statement for Urban Development Capacity (NPS-UDC) requires WCC to provide sufficient capacity for housing. Council is seeking to address this requirement through a full review of its District Plan. Council’s current timeframe is to consult on a Draft District Plan in late 2020, followed by notification of a Proposed District Plan in late 2021.

In accordance with the requirements of the NPS-UDC, the Wellington Urban Area Councils have recently completed and published their Housing and Business

Assessment (HBA) report. The HBA results show that Wellington City faces a shortfall of between 4,635 and 12,043 homes by 2047.

In addition to the growth pressures referred to above, Wellington City needs to address the significant issues of climate change, sea level rise and natural hazard risks.

Through the *Our City Tomorrow* and *Planning for Growth* engagement programmes Council has received clear direction from its community that the compact form of the city must be maintained. The community also asked for a 'greener city' where special ecological areas are protected and streams and wetlands are maintained.

Following this feedback WCC initiated the SNAs work as part of Council's Spatial Plan and growth work (*Planning for Growth*) and called the project '*Backyard Tāonga*'. This project will significantly contribute to achieving the green city that Wellingtonians asked for by protecting SNAs in the face of anticipated growth and associated requirements to increase housing supply.

Draft National Policy Statement for Indigenous Biodiversity

The draft NPS-IB Section 3.7 (*Social, economic and cultural wellbeing*) highlights partnership and collaboration between local authorities and landowners as being fundamental to achieving the outcomes sought by the NPS:

When implementing the NPS local authorities must recognise:

- b) *that the maintenance of indigenous biodiversity does not preclude subdivision, use and development in appropriate places and forms, within appropriate limits; and*
- c) *that people are critical to maintaining and enhancing indigenous biodiversity; and*
- d) *the importance of forming partnerships between local authorities, tangata whenua, landowners, people and communities in maintaining and enhancing indigenous biodiversity; and*
- e) *the importance of respecting and fostering the contribution of landowners as stewards and kaitiaki*

WCC is concerned that the NPS-IB's implementation requirements are overly onerous and restrictive, for example the rigid no-go requirements for the areas classified as high value SNAs. This will establish an adversarial process with landowners, which will be a major barrier to achieving a partnership approach and will prevent the outcomes sought by the NPS from being achieved.

WCC has invested significant time and cost to meet its requirements under the RMA and RPS to maintain indigenous biodiversity. Council is concerned that the implementation of the draft NPS-IB in its current form will undermine the work that Council has carried out to date, and not achieve the outcomes sought by the NPS-IB in Wellington City.

Recommendations:

WCC requests that the draft NPS-IB is reviewed and the implementation requirements are amended, so that they are consistent with the key principles of partnership and collaboration that will be fundamental to the success of the NPS-IB.

4. The proposals in the Draft NPS-IB lack awareness and consideration of the necessity of balancing increased urban development and protecting indigenous biodiversity

The draft NPS-IB imposes overly onerous and restrictive requirements on subdivision, use and development. WCC initiated the Backyard Tāonga work to ensure a balance between the requirement for increased housing supply and achieving a greener city. The NPS-IB lacks awareness and consideration for the balancing act between the two elements and is therefore inconsistent with other national direction set by the NPS-UDC.

Council is concerned that the implications of implementing the draft NPS-IB in its current form will mean that the future development of urban growth areas will be compromised and potentially prevented. This will mean Council will not be able to fulfil its requirements under the NPS-UDC to provide sufficient capacity to meet its identified housing shortfall, and it will undermine the future direction of the city, which has been agreed with its community, to focus growth within its urban areas.

Recommendations:

WCC requests the draft NPS-IB is reviewed and amended to better align with other national direction under the RMA. This requires greater recognition of the need to enable development within urban areas.

One of the most significant challenges for councils today is responding to the raft of new, and sometimes conflicting, national direction. Central Government must provide clear direction and guidance on how local authorities should manage and resolve situations where there are tensions between competing national directions.

Greater flexibility is also required in the implementation requirements of the draft NPS-IB and its regulatory framework to enable Councils to manage and balance development and effects on indigenous biodiversity. A more flexible approach can still achieve the outcomes sought by both the NPS-UDC and the draft NPS-IB.

5. The Draft NPS-IB’s proposed high and medium classification of SNAs are impractical and does not meet conservation outcomes

WCC has concerns in relation to the medium and high classification of SNAs; and the application of an avoidance threshold for adverse effects from new subdivision, use or development in high SNA areas (Section 3.8 and Section 3.9).

The draft NPS-IB (Section 3.8) sets out a requirement that every territorial authority must “...classify areas of significant indigenous vegetation and/or significant habitat of indigenous fauna as either High or Medium...”.

It also requires that:

“At least every two years...every territorial authority must notify a plan change, where practicable, to add any area that has been identified as an SNA (in accordance with the criteria in Appendix 1) as a result of an assessment undertaken as part of a resource consent application, notice of requirement for designation or any other means...”.

In relation to accessing sites for the purpose of identifying SNAs, the draft NPS-IB states that “where permission to access a property on a voluntary basis is not given, territorial authorities should first rely on a desktop assessment by an ecological expert, and powers of entry under section 333 of the Act should be used only as a last resort”.

When identifying the boundaries of an SNA, the draft NPS-IB states that the assessment should be “...unaffected by artificial margins such as property boundaries”.

Local authorities are required under Section 3.9 of the draft NPS-IB to avoid adverse effects on areas that are classified as high, and for medium areas to be managed following an effects hierarchy (avoid, remedy or mitigate, followed by offsetting and compensation).

As stated in the Section 2 of this submission, the Council has carried out significant work over the last four years to assess and identify SNAs across the city in accordance with the criteria in the Wellington Regional Policy Statement. The additional requirement to classify these areas as high and medium would impose additional time and cost on the Council.

High and medium SNAs Classifications

The Draft NPS-IB's high and medium classifications are not necessary or beneficial to achieve the outcomes sought by the NPS. It is considered to be an arbitrary requirement that will overly complicate the process. The high and medium classification may also result in perverse and unintended outcomes whereby landowners are discouraged from maintaining and enhancing their SNAs to avoid a high classification.

The more appropriate approach is to identify SNAs in accordance with the relevant criteria, and then the effects from new subdivision, use or development on these areas can be accurately assessed and managed on a case by case basis through the resource consent process.

The application of an avoidance threshold for high SNA areas represents a very restrictive framework that is likely to create an adversarial process with landowners, and it will unnecessarily blight some sites and limit development opportunities for the site that may be appropriate.

Accessing private land

The guidance provided in the Draft NPS-IB in relation to accessing private land to identify SNAs is unhelpful. The statement that powers of entry under the RMA should also be used a last resort does not offer any useful assistance or solution to local authorities. There are already existing powers of entry available to Council. The need to carry out site visits in some cases is essential to verify desktop information and enable a robust assessment of significance. However, invoking powers of entry to carry out site visits is not considered to be a viable solution.

SNA boundaries

When identifying the boundaries of an SNA (Section 3.8), the draft NPS-IB states that the assessment should be, “...*unaffected by artificial margins such as property boundaries*”.

This approach is considered by WCC to reflect a lack of understanding in the practicalities of implementing rules associated with SNAs, and it undermines a pragmatic approach to managing these areas whilst still achieving positive biodiversity outcomes.

WCC officers are happy to meet with Ministry representatives to show them real examples of where a pragmatic approach to mapping SNAs can result in sensible and practical outcomes that both achieve the aims of the draft NPS-IB and which are consistent with the partnership and collaboration principles that are embedded in the draft NPS.

Section 3.8 also requires that, “*At least every two years...every territorial authority must notify a plan change, where practicable, to add any area that has been identified as an SNA (in accordance with the criteria in Appendix 1) as a result of an assessment undertaken as part of a resource consent application, notice of requirement for designation or any other means...*”.

A requirement to carry out ongoing plan changes every two years is overly onerous and costly for local authorities.

Recommendations:

WCC requests the following that:

- The proposed medium and high classifications are removed from the NPS.
- The avoidance threshold is removed from the NPS.
- The draft NPS-IB is amended to provide greater direction and solution options to address access issues onto private land.
- The requirement to carry out plan changes every two years should be removed from the NPS, and/or there needs to be additional explanation and guidance provided on the meaning of “where practicable” so that local authorities have greater flexibility to allow them to decide when the appropriate time is to carry out future plan changes.

6. Managing adverse effects on SNAs and Nationally Significant Infrastructure

Section 3.9 of the draft NPS-IB (*Managing adverse effects on SNAs*) requires local authorities to manage the adverse effects of subdivision, use or development of

Nationally Significant Infrastructure that sits within an SNA, and acknowledges that there may be functional or operation needs that also need to be considered.

Nationally Significant Infrastructure as identified in the draft NPS does not include landfills. The Southern Landfill is a critical piece of sanitation infrastructure for Wellington. It is the only facility in Wellington City that accepts solid waste, including all the City's dewatered sewage sludge, contaminated soil and asbestos-containing materials. The existing disposal area will likely reach capacity as early as 2023.

The requirements of Section 3.9 of the draft NPS create a high degree of uncertainty along with additional costs for the Council.

Recommendation:

WCC requests the following:

- That landfills be recognised in the NPS as Significant Infrastructure with specific functional and operational needs. **However, it should also be noted that Wellington City Council is committed to reducing the amount of material landfilled by 30 per cent by 2026. The future intentions for the Southern Landfill are that it will support the region's resource recovery network, and options will be developed for an effective waste education facility at the Landfill (or elsewhere) that meets the needs of the community and council.**
- **Whilst the functional and operational needs of Significant Infrastructure do need to be recognised within the NPS, it is also important that the delivery of this infrastructure still needs to assess and consider the impacts on indigenous biodiversity, and be designed to manage and mitigate the effects on this biodiversity.**

7. NPS-IB Rules that apply outside of SNAs are onerous, costly, and create a high degree of uncertainty

Section 3.13 of the draft NPS-IB (*General Rules applying outside of SNAs*) requires local authorities to include plan provisions to:

- Control subdivision, use and development in areas outside SNAs to maintain indigenous biodiversity;
- Apply the effects management hierarchy when assessing the impact on biodiversity;
- Establish a process for how these areas are classified and managed in accordance with Section 3.8 of the NPS i.e. high or medium.

The requirements of section 3.13 are considered overly onerous and create a high degree of uncertainty along with additional costs for the Council and community through added consenting and assessment requirements.

The requirement will impose another constraint on the development capacity of the city and the ability for Council to meet its requirements under the NPS-UDC.

As set out earlier, WCC has undertaken significant work over the last four years to assess and identify SNAs across the city. This has entailed carrying out a positive engagement process with the 1700 land owners that are impacted by SNAs, which is consistent with the principles of partnership and collaboration that are endorsed by the draft NPS-IB.

Having completed an extensive assessment and engagement process to identify SNAs, it is considered unnecessary and unreasonable for the draft NPS to now extend the degree of assessment and control beyond the identified areas.

Recommendation:

WCC requests that Section 3.13 is removed from the NPS.

8. Draft NPS-IB proposals lack awareness of and consideration of Tangata Whenua resources

Sections 3.3 (*Tangata whenua as kaitiaki*) and 3.14 (*Identified Taonga*) of the draft NPS-IB require local authorities to involve and collaborate with tangata whenua, and require that *“Territorial authorities must make or change their district plans to include (to the extent agreed to by tangata whenua) the description of identified taonga and their values and a description or map of their location”*.

The draft NPS allows for flexibility in relation to the identification and protection of taonga and recognises that, *“...tangata whenua have the right to choose not to identify taonga and to choose the level of detail at which identified taonga or their location or values, are described.”*

The principles underpinning these sections of the draft NPS are supported. However, they impose additional consultation and resourcing requirements on tangata whenua and iwi at a time when they are already stretched to meet all of the current consultation requirements on them.

WCC has sought to consult and collaborate with local iwi in the work we have done on identifying SNAs. However, they have informed WCC that they are struggling to cope with the current consultation demands, and that they have little information and knowledge about the SNAs on private land, and no capacity to further pursue research on this to define the significance.

Recommendation:

The draft NPS enables a flexible approach to the identification and protection of taonga which is supported. No specific changes are therefore requested. However, Government needs to take action to address the current and growing consultation requirements and pressures on tangata whenua.

9. The Draft NPS-IB’s highly mobile fauna proposal is vague, onerous, and overly restrictive

Section 3.15 in the draft NPS requires regional and territorial authorities to work together to survey and record areas outside SNAs “...where highly mobile fauna have been, or are likely to be, sometimes present...”

It also requires that, “Local authorities must include objectives, policies or methods in their policy statements and plans for managing the adverse effects of subdivision, use and development in highly mobile fauna areas, as necessary to maintain viable populations of highly mobile fauna across their natural range.”

WCC has the following concerns:

- The pre-mentioned requirements are vague, onerous and overly restrictive and will result in a high degree of opposition, uncertainty and additional costs for Council and community through added consenting and assessment requirements.
- The requirements impose another constraint on the development capacity of the city and the ability for the Council to meet its requirements under the NPS-UDC.
- The requirements are unnecessary as the work Council has already carried out to identify SNAs includes assessment of important habitat for threatened and at-risk high mobile fauna.

Recommendation:

WCC requests that Section 3.15 is removed from the NPS.

10. Implementation of the Draft NPS-IB's timeframes are out of sync with WCC District Plan review timeframes

The Application sections of the draft NPS-IB (*Section 1.5 and 3.19*) requires that WCC when notifying a plan change in order to give effect to the requirements of the NPS, must do so as soon as practicable, but no later than 31 December 2028.

Section 3.19 requires Local Authorities to change their plans to require all resource consent applications to include an assessment of effects on:

- “a) an SNA; or*
- b) an area of indigenous vegetation; or*
- c) a habitat of indigenous fauna; or*
- d) an area identified as highly mobile fauna area (as described in clause 3.15), in which case it must include information about the use of the area by highly mobile fauna; or*
- e) an area providing connectivity or buffering; or*
- f) an area identified as or containing, identified taonga.”*

These additional assessment requirements imposed on resource consent applications will create added costs for applicants which in many cases may be unnecessary.

Section 3.19 also requires Local Authorities to amend their plans to include the following policy within one year of the commencement date of the NPS:

“If the regional policy statement or this plan requires a site to be assessed to determine whether it is an area of significant indigenous vegetation of significant habitat of indigenous fauna:

“(a) the assessment must be done in accordance with Appendix 1 of the National Policy Statement for Indigenous Biodiversity 2020.; and

(b) any site confirmed as an SNA through that assessment must be classified as High or Medium in accordance with Appendix 2 of the National Policy Statement for Indigenous Biodiversity 2020.”; and

(4) Local authorities may amend their plans to remove the policy in (3) when replacing with like-for-like content as part of a plan change to give effect to this National Policy Statement.”

The above implementation timeframes are out of sync with the WCC District Plan Review programme and may be counterproductive to the efficient delivery of a new District Plan for Wellington City. This review is needed to address multiple goals such as managing growth and housing demand whilst addressing climate change, natural hazard risk and protecting ecological values.

This would require Council to re-do the SNAs assessment and engagement work it has already completed. This would set-back the District Plan Review process, and would cause delay in achieving the positive planning actions and outcomes that are needed to address multiple issues such as addressing growth, housing demand, climate change, and natural hazards, as well further delaying protection of indigenous biodiversity values, which contradicts the purpose of this NPS.

As previously stated, WCC has already carried out significant work to assess and identify SNAs across the city, and Council is now in a strong position to include appropriate protection of indigenous biodiversity in its new District Plan, with the Proposed District Plan to be notified in late 2021.

The requirement of the draft NPS-IB (Section 3.19) to insert a directive policy into the Operative District Plan within one year of the commencement date of the NPS is an unnecessary requirement for Wellington City given its District Plan review programme.

Recommendations:

The implementation timeframes specified in the NPS need to be flexible to take into account the specific circumstances of each Local Authority and the stages they are at in their District Plan reviews.

The overall implementation requirements and regulatory framework set out in the draft NPS-IB need to be less directive and onerous. Allowance for a more flexible approach will enable partnership and collaboration and is more likely to achieve the outcomes sought by the draft NPS-IB.

11. Additional Points:

“Local Authorities” are not defined in the Draft NPS-IB. The provisions use the terms ‘Regional’ and ‘Territorial’. It is unclear if ‘Local’ applies to both.

Recommendation:

WCC requests the draft NPS-IB is amended to define “Local Authorities”.

12. Conclusion

Key issues raised in this submission relate to the following matters:

- Wellington City Council strongly supports the need for this NPS-IB.
- The process of identifying and protecting Indigenous Biodiversity has been a challenging and difficult one for some Councils. We welcome the purpose of the NPS to provide direction about biodiversity management.
- Wellington City Council has carried out a successful engagement process (called Backyard Taonga) that now places Council in a good position to include appropriate levels of protection for indigenous biodiversity in its new District Plan.
- The engagement process carried out by WCC highlights the importance of community support to achieving successful outcomes. The concept of Hutia Te Rito as a basis for the proposed NPS is therefore strongly supported.
- Whilst the intentions and principles of the draft NPS are supported, it is considered that there is a lack of real guidance and best practice on how to implement Hutia Te Rito, and furthermore that some parts of the NPS run counter to achieving this concept.
- The Government also needs to recognise that regulatory controls alone will not achieve the overall outcomes sought by the NPS to protect and enhance indigenous biodiversity, and that this is a much wider issue that cannot be fixed by a National Policy Statement alone.
- Government therefore needs to deliver a package of interventions to support all aspects of the NPS-IB implementation. Financial support will be important.
- The draft NPS highlights partnership and collaboration between local authorities and landowners as being key to achieving the outcomes sought by the NPS. However, the overly onerous and restrictive implementation requirements of the NPS-IB will establish an adversarial process which will be a major barrier to achieving the outcomes sought by the NPS.
- The draft NPS lacks awareness and consideration of the necessity for urban development and is therefore inconsistent with other national direction set by the NPS-UDC.

- One of the most significant challenges for councils today is responding to the raft of new, and sometimes conflicting, national direction. Central Government must provide clear direction and guidance on how local authorities should manage and resolve situations where there are tensions between competing national directions.
- The high and medium classification of SNAs is not necessary or beneficial to achieve the outcomes sought by the NPS.
- The application of an avoidance threshold for high SNA areas represents a very restrictive framework that may unnecessarily limit development opportunities and positive outcomes.
- WCC has carried out significant work to assess and identify Significant Natural Areas across the city, and has carried out a positive engagement process with the 1700 land owners that are impacted by SNAs. Having completed an extensive assessment and engagement process it is considered unnecessary and unreasonable for the draft NPS to now extend the degree of assessment and control beyond the identified areas.
- WCC is in a good position to include appropriate consideration and protection of indigenous biodiversity in its new District Plan. However, Council is concerned that the implementation of the draft NPS-IB in its current form will undermine the work carried out to date, and that it will be contradictory and counteractive to achieving the outcomes sought by the NPS in Wellington City.
- WCC requests that the draft NPS-IB is reviewed and that the implementation requirements are amended to be less directive and restrictive, and more consistent with the key principles of partnership and collaboration that are fundamental to the success of the protection of New Zealand's biodiversity.
- A more flexible approach is required to enable partnership and collaboration and to reflect the specific circumstances of each Local Authority. A more flexible approach is more likely to achieve the outcomes sought by draft NPS-IB.

We would welcome the opportunity to discuss our concerns directly with the relevant Ministry for the Environment representatives, and to make an oral submission in support of our written submission.

Yours sincerely,

Mayor Andy Foster

Portfolio Leader: Urban Development

Councillor Teri O'Neill

Portfolio Leader: Natural Environment