

Section 32 Evaluation Report

Part 2: Ecosystems and Indigenous Biodiversity

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Table of acronyms

| Abbreviation | Full term |
|---------------------|---|
| ECO | Ecosystems and Indigenous Biodiversity |
| GWRC | Greater Wellington Regional Council |
| INF-ECO | Infrastructure - Ecosystems and Indigenous Biodiversity |
| MfE | Ministry for the Environment |
| NES | National Environmental Standards |
| NES-ETA | National Environmental Standards for Electricity Transmission Activities 2009 |
| NES-FW | National Environmental Standards for Freshwater 2020 |
| NES-PF | National Environmental Standards for Plantation Forestry 2017 |
| NES-TF | National Environmental Standards for Telecommunication Facilities 2016 |
| NPS | National Policy Statements |
| NPS-FM | National Policy Statement for Freshwater Management 2020 |
| NZCPS | New Zealand Coastal Policy Statement 2010 |
| ODP | Operative District Plan |
| ONFL | Outstanding Natural Features and Landscapes |
| PDP | Proposed District Plan |
| PNRP | Proposed Natural Resources Plan |
| REG | Renewable Energy Generation |
| RMA | Resource Management Act |
| RPS | Regional Policy Statement for the Wellington Region 2013 |
| SALs | Special Amenity Landscapes |
| SNAs | Significant Natural Areas |

1. Overview and Purpose

1.1 Introduction to the resource management issue/s

PLEASE NOTE: This section 32 report was finalised prior to the Wellington City Council Planning & Environment Committee on 23 June 2022. In approving the proposed district plan for notification, the committee members agreed an amendment (adopted motions (10 & 10b) to remove Significant Natural Area overlays and provisions from all residential zoned land. While the overlays and provisions have been amended as directed, this section report has **not** been amended due to insufficient time available prior to the notification date. As such, all references to residential zoned land and provisions should be disregarded, and also any references to Schedule 9: Urban Environment Allotments.

This section 32 evaluation report is focussed on Ecology and Indigenous Biodiversity. The purpose of the topic is to identify Significant Natural Areas (SNA) and manage activities to maintain the remaining areas of significant indigenous biodiversity.

A substantial loss of biodiversity has been experienced nationally with more than 70,000 hectares of native vegetation lost across New Zealand between 1996 and 2012.¹ The conversion to pasture, plantation forestry and urban growth have contributed to this declining trend.² The importance of halting the decline and protecting the remaining indigenous biodiversity is recognised in Part 2 of the Resource Management Act 1991 (RMA) as a matter of national importance.

Section 6(c) of the RMA states that “*the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*” is a matter of national importance. Both the New Zealand Coastal Policy Statement (NZCPS) and the draft National Policy Statement on Indigenous Biodiversity (draft NPS-IB) also direct the protection of indigenous biodiversity.

The Wellington Regional Policy Statement (RPS) requires territorial authorities to identify and protect indigenous ecosystems and habitats with significant indigenous biodiversity, excluding aquatic indigenous biodiversity.³ Both regional councils and territorial authorities are required to maintain indigenous biological diversity as part of their functions. The operative plan does not achieve the level of protection required by the RPS.

Regulation 7 (direction 19) of the National Planning Standards requires that the following matters must be located within the *Ecosystems and indigenous biodiversity chapter*,

- identification and management of significant natural areas (including 6(c) of the RMA);
- maintenance of biological diversity; and
- intrinsic values of ecosystems and indigenous biodiversity.

The SNA provisions apply district wide, including within the Coastal Environment. The provisions for identified SNA are all contained within the Ecosystems and Indigenous Biodiversity (ECO) chapter, with the exception of those related to the following topics where the ECO provisions are located in those chapters:

- Infrastructure – as a specific sub-chapter (INF-ECO).
- Renewable Electricity Generation (REG)

¹ Environment Aotearoa (2019).

² Ibid.

³ The Regional Council is responsible for maintaining and enhancing ecosystems in waterbodies and coastal water – Policy 61 RPS.

- Subdivision (SUB) and
- Earthworks (EW).

The proposed Ecosystems and Indigenous Biodiversity chapter will provide the necessary protection of significant indigenous biodiversity, in accordance with the Council's statutory responsibilities.

2. Reference to other evaluation reports

This report should also be read in conjunction with the following evaluation reports:

| Report | Relationship to this topic |
|---|---|
| Infrastructure / Renewable Electricity Generation | The infrastructure chapter and the renewable electricity generation chapter contain provisions relating to infrastructure and renewable electricity generation in significant natural areas. |
| Subdivision | The subdivision chapter contains provisions regulating the subdivision process, including specific subdivision rules that apply within the different overlays. Subdivisions containing significant natural areas are required to minimise the impact on the biodiversity values by managing the location of future building platforms and applying the effects management hierarchy to assessing the impact of the subdivision. |
| Earthworks | The earthworks chapter provides for the sustainable management of earthworks. Earthworks can result in adverse effects on significant natural areas and therefore this chapter contains provisions relating to earthworks within SNAs. |

3. Strategic Direction

The following objectives in the Strategic Direction chapter of the Proposed District Plan are relevant to this issue/topic:

| | |
|--|----------------------------|
| NE-O1 | Natural Environment |
| The natural character, landscapes and features, and ecosystems that contribute to the City's identity and have significance for mana whenua as kaitiaki are identified, recognised, protected, and, where possible, enhanced. | |
| NE-O2 | Natural Environment |
| Future subdivision and development is designed to limit further degradation of the City's water bodies, and recognises mana whenua and their relationship to water (Te Mana o Te Wai). | |
| NE-O3 | Natural Environment |
| The City retains an extensive open space network that: <ol style="list-style-type: none"> 1. Is easily accessible; 2. Connects the urban and natural environment; 3. Supports ecological, cultural, and landscape values; and 4. Meets the needs of anticipated future growth. | |
| NE-O4 | Natural Environment |
| Mana whenua are able to exercise their customary responsibilities as mana whenua and kaitiaki with their own mātauranga Māori in the protection and management of the natural environment. | |

An evaluation of these objectives is contained in the companion Section 32 Evaluation Overview Report.

4. Regulatory and policy direction

In carrying out a s32 analysis, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA.

Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources.

Sustainable management

means managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, while -

- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

In achieving this purpose, all persons exercising functions and powers under the RMA also need to:

- Recognise and provide for the matters of national importance identified in s6
- Have particular regard to the range of other matters referred to in s7
- Take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi in s8.

4.1 Section 6

The s6 matters relevant to this topic are:

| Section | Relevant Matter |
|---------|--|
| 6(a) | <i>the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:</i> |
| 6(c) | <i>The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna</i> This is directly relevant to Significant Natural Areas. |
| 6(e) | <i>The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga</i> This is directly relevant to ecosystems and indigenous biodiversity, through recognising the cultural relationship with ecosystems and indigenous biodiversity through kiatiaki and as a taonga. |
| 6(g) | <i>The protection of protected customary rights</i> This is relevant to the relationship of hauhake within ecosystems and indigenous biodiversity. |

4.2 Section 7

The s7 matters that are relevant to this topic are:

| Section | Relevant Matter |
|---------|---|
| 7(a) | Kaitiakitanga |
| 7(aa) | The ethic of stewardship |
| 7(b) | The efficient use and development of natural and physical resources |
| 7(c) | The maintenance and enhancement of amenity values |
| 7(d) | Intrinsic values of ecosystems |
| 7(f) | Maintenance and enhancement of the quality of the environment |
| 7(g) | Any finite characteristics of natural and physical resources. |
| 7(h) | The protection of the habitat of trout and salmon |
| 7(i) | The effects of climate change |

The s7 matters listed above are relevant to the Ecosystems and Indigenous Biodiversity chapter as they provide guidance and direction to:

- Ensure that tangata whenua can exercise kaitiakitanga including for hauhake.
- Maintain and enhance amenity values and the quality of the environment and have particular regard to the intrinsic values of ecosystems.
- Take the effects of climate change into consideration.

4.3 Section 8

Section 8 requires all persons exercising functions and powers under the RMA, in relation to managing the use, development, and protection of natural and physical resources, to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The Council has worked in partnership with Taranaki Whānui ki te Upoko o te Ika and Ngāti Toa Rangatira in the development of these provisions to actively identify and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna which provide for opportunities for tangata whenua to exercise kaitiakitanga.

4.4 Other relevant statutory requirements

4.4.1 Section 31 – Maintenance of indigenous biological diversity

Section 31(1)(b)(iii) requires that every territorial authority, as a function of giving effect to the purpose of the RMA, control the actual or potential effects of the use of land including where necessary for the maintenance of indigenous biological biodiversity.

4.4.2 Section 76 - Urban Environment Allotments:

Section 76 (4A) - (4D) of the RMA limits the scope of regulations in regard to tree protection rules applicable to “urban environment allotments” defined within the RMA as generally meaning a serviced residential zoned property within the urban area. Broad or general tree protection provisions cannot restrict the felling, trimming, damaging, or removal of trees within urban environment

allotments, unless a schedule clearly identifies the property by address or legal description and the subject trees are identified.

4.4.3 Sections 77G⁴ to 77J - Qualifying matters in applying medium density residential standards (MDRS)

While councils are required to introduce the MDRS standards into the district plan to increase housing supply; these standards and the building height or density requirement may be less enabling of development where necessary to accommodate 'qualifying matters'. Such qualifying matters are identified in section 77I and include matters of national importance under section 6. Accordingly, areas of significant indigenous vegetation and significant habitats of indigenous fauna can be identified as a qualifying matter.

4.4.4 Section 86 - Legal effect of proposed provisions

Under section 86B of the RMA, rules in proposed plans that protect areas of significant indigenous vegetation or habitats of indigenous fauna have immediate legal effect from the date of notification.

4.4.5 Section 104 - Offsetting and compensation

Changes to section 104 of the RMA in 2017 introduced the concept of offsetting and compensation when assessing resource consents. Section 104(1)(ab) states that when considering an application for a resource consent, the consent authority must have regard to any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.

4.5 National Direction

4.5.1 National Policy Statements

There are five National Policy Statements (NPS) currently in force:

- NPS for Electricity Transmission 2008
- New Zealand Coastal Policy Statement 2010
- NPS for Renewable Electricity Generation 2011
- NPS for Freshwater Management 2020
- NPS on Urban Development 2020

New Zealand Coastal Policy Statement 2010

The NZCPS is of relevance to the Ecosystem and Indigenous Biodiversity chapter, through recognising rare, threatened or at risk species and habitats in the coastal environment and directing protection of this indigenous biodiversity. Where significant natural areas are identified within the coastal environment then provisions are included within this chapter, while non-qualifying areas of indigenous vegetation are addressed within the Coastal Environment chapter.

⁴ Introduced via the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, which commenced on 21 December 2021.

The relevant objectives and policies of the NZCPS are:

| NZCPS | |
|--|---|
| Objective 1 | <p><i>To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:</i></p> <ul style="list-style-type: none"> • <i>maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;</i> • <i>protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand’s indigenous coastal flora and fauna; and</i> • <i>maintaining coastal water quality and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.</i> |
| Objective 3 | <p><i>To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:</i></p> <ul style="list-style-type: none"> • <i>recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;</i> • <i>promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;</i> • <i>incorporating mātauranga Māori into sustainable management practices; and</i> • <i>recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.</i> |
| Policy 1 | <i>Extent and characteristics</i> |
| Policy 2 | <i>The treaty of Waitangi, tangata whenua and Māori</i> |
| Policy 3 | <i>Precautionary approach</i> |
| Policy 6 | <i>Activities in the coastal environment</i> |
| Policy 11 <i>Indigenous biological diversity (Biodiversity)</i> | <p><i>To protect indigenous biological diversity in the Coastal Environment:</i></p> <p><i>a. avoid adverse effects of activities on:</i></p> <ol style="list-style-type: none"> <i>i. indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;</i> <i>ii. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;</i> <i>iii. indigenous ecosystems and vegetation types that are threatened in the Coastal Environment, or are naturally rare;</i> <i>iv. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;</i> <i>v. areas containing nationally significant examples of indigenous community types; and</i> <i>vi. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and</i> |

| NZCPS | |
|-----------|---|
| | <p>b. <i>avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:</i></p> <p>i. <i>areas of predominantly indigenous vegetation in the Coastal Environment;</i></p> <p>ii. <i>habitats in the Coastal Environment that are important during the vulnerable life stages of indigenous species;</i></p> <p>iii. <i>indigenous ecosystems and habitats that are only found in the Coastal Environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;</i></p> <p>iv. <i>habitats of indigenous species in the Coastal Environment that are important for recreational, commercial, traditional or cultural purposes;</i></p> <p>v. <i>habitats, including areas and routes, important to migratory species; and</i></p> <p>vi. <i>ecological corridors, and areas important for linking or maintaining biological values identified under this policy</i></p> |
| Policy 14 | <i>Restoration of natural character</i> |

NPS for Freshwater Management 2020

While much of the NPS-FM is directed at Regional Councils, it is important to be aware of these requirements in order to avoid duplication or contradiction of regional council statutory responsibilities. The NPS-FM requires Council to include objectives, policies and methods to promote positive effects and avoid, remedy or mitigate adverse effects of urban development on the health and well-being of water bodies, freshwater ecosystems and receiving environments and is therefore of relevance to the Ecosystems and Indigenous Biodiversity chapter as some of these features may be included within identified significant natural area overlays. The most relevant objectives and policies are:

| NPS-FM 2020 | |
|-------------|--|
| Objective | <p>(1) <i>The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:</i></p> <p>(a) <i>first, the health and well-being of water bodies and freshwater ecosystems</i></p> <p>(b) <i>second, the health needs of people (such as drinking water)</i></p> <p>(c) <i>third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.</i></p> |
| Policy 1 | <i>Freshwater is managed in a way that gives effect to Te Mana o te Wai.</i> |
| Policy 3 | <i>Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.</i> |
| Policy 6 | <i>There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.</i> |
| Policy 7 | <i>The loss of river extent and values is avoided to the extent practicable.</i> |
| Policy 9 | <i>The habitats of indigenous freshwater species are protected.</i> |

| NPS-FM 2020 | |
|---|---|
| <i>Clause 3.5 Integrated Management</i> | <i>(4) Every territorial authority must include objectives, policies and methods in its district plan to promote positive effects and avoid, remedy or mitigate adverse effects of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.</i> |
| <i>Interpretation</i> | <i>Receiving environment - includes, but is not limited to, any water body (such as a river, lake, wetland or aquifer) and the coastal marine area (including estuaries).</i> |

NPS for Renewable Electricity Generation 2011

The NPS-REG recognises the national significance of renewable electricity generated from sources including solar, wind, hydroelectricity, geothermal, biomass, tidal, wave or ocean currents. The preamble in the NPS-REG notes the benefits of renewable electricity can compete with the matters of national importance including significant indigenous vegetation and habitats of indigenous fauna. However, the objective and policies do not provide any specific recognition or direction where those conflict may occur when applying the NPS-REG objective of providing for development and operation of new and existing renewable electricity.

Policy C1 and C2 are relevant to Ecosystems and Indigenous Biodiversity as they recognise the practical constraints associated with locating renewable electricity activities and the need to consider any residual environmental effects and ability to apply offsetting or compensation.

| NPS-REG | |
|------------------|--|
| <i>Policy C1</i> | <i>Decision-makers shall have particular regard to the following matters:</i> <i>(a) the need to locate the renewable electricity generation activity where the renewable energy resource is available;</i> <i>(b) logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity;</i> <i>(c) the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, the distribution network and the national grid in relation to the renewable electricity generation activity, and the need to connect renewable electricity generation activity to the national grid;</i> <i>(d) designing measures which allow operational requirements to complement and provide for mitigation opportunities; and</i> <i>(e) adaptive management measures.</i> |
| <i>Policy C2</i> | <i>When considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, decision-makers shall have regard to offsetting measures or environmental compensation including measures or compensation which benefit the local environment and community affected.</i> |

NPS for Electricity Transmission 2008

There is no direct recognition of significant indigenous vegetation and significant habitats of indigenous fauna within the NPS-ET. However, there is direct reference within the NES for Electricity Transmission Activities 2009 relating to existing transmission activities, which is addressed further below.

NPS for Urban Development 2020

The NPS-UD was gazetted in August 2020 and replaces the NPS-UDC. It aims to support well-functioning urban environments to provide for current and future community well-being. It requires RMA plans to provide opportunities for land development to meet housing and business needs, supported by adequate development capacity.

The NPS-UD was recently amended through the Enabling Housing Supply Act⁵ which introduced changes to the wording of policy 3. The intensification requirements under Policy 3 of the NPS-UD requires district plans to enable:

- (a) City centre zone – enable building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification.
- (b) Metropolitan centre zone – enable building heights and density of urban form to reflect demand and allow for building heights of at least 6 storeys.
- (c) Walkable catchments – enable building heights of at least 6 storeys within walkable catchments of rapid transit stops, city centre zones and metropolitan centre zones.
- (d) Within and adjacent to neighbourhood centre zones, local centre zones and town centre zones – enable building heights and density of urban form commensurate with the level of commercial activities and community services.

Local Authorities are required to understand the demand for higher densities, determine how to measure accessibility and walkability, determine which heights and densities are appropriate based on both demand and accessibility and realise intensification while achieving well-functioning urban environments. These requirements are addressed in more detail in the relevant zone chapters and the strategic objective for the proposed district plan.

While significant indigenous biodiversity is not addressed within the NPS-UD, it has relevance in terms of the qualifying matters under the Enabling Housing Supply Act which is addressed in section 8 of this report.

4.5.2 Proposed National Policy Statements

In addition to the five NPS currently in force there are also two proposed NPS under development, noting that these are yet to be issued and have no legal effect:

- Proposed NPS for Highly Productive Land
- Proposed NPS for Indigenous Biodiversity

4.5.3 National Environmental Standards

In addition to the NPS there are nine National Environmental Standards (NES) currently in force:

- NES for Air Quality 2004
- NES for Sources of Human Drinking Water 2007
- NES for Electricity Transmission Activities 2009
- NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

⁵ Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

- NES for Telecommunication Facilities 2016
- NES for Plantation Forestry 2017
- NES for Freshwater 2020
- NES for Marine Aquaculture 2020
- NES for Storing Tyres Outdoors 2021

The following standard/s and associated provisions are relevant to this topic:

- NES for Electricity Transmission Activities 2009
- NES for Plantation Forestry 2017
- NES for Telecommunication Facilities 2016
- NES for Freshwater 2020

NES for Electricity Transmission Activities 2009

The NES-ETA set out a national regulatory framework for activities on existing electricity transmission lines. Activities include the operation, maintenance and upgrading of existing lines. They set out which transmission activities are permitted, subject to conditions, to control the environmental effects, while recognising the importance of the national grid infrastructure.

The NES only applies to existing high voltage electricity transmission lines. The regulations do not apply to the construction of new transmission lines or to substations or to electricity distribution lines – these are the lines carrying electricity from regional substations to electricity users.

The most relevant parts are regulations 30 to 32 which relate to trimming, felling and removing trees and vegetation.

| NES-ETA | |
|-----------------------------------|---|
| <i>Regulation 30(1) & (2)</i> | <p><i>Trimming, felling and removing trees and vegetation</i></p> <p><i>Permitted activities:</i></p> <p><i>(1) Trimming, felling, or removing any tree or vegetation, in relation to an existing transmission line, is a permitted activity if all of the applicable conditions in subclauses (2) to (6) are complied with.</i></p> <p><i>Conditions:</i></p> <p><i>(2) Any tree or vegetation must not be trimmed, felled, or removed if—</i></p> <p><i>(a) a rule prohibits or restricts its trimming, felling, or removal (as the case may be); or</i></p> <p><i>(b) it is in a natural area.</i></p> |
| <i>Regulation 31</i> | <p><i>Trimming, felling and removing trees and vegetation</i></p> <p><i>Controlled Activity where the condition of Regulation 30 is not met.</i></p> |
| <i>Regulation 32</i> | <p><i>Trimming, felling and removing trees and vegetation</i></p> <p><i>Restricted Discretionary Activity where;</i></p> <p><i>(a) first;</i></p> <p><i>(i) the condition in regulation 30(2) is breached; and</i></p> |

| NES-ETA | |
|---------|---|
| | <p>(ii) <i>it does not satisfy the exception in regulation 31(1)(a)(ii):</i></p> <p>(b) <i>second; 1 or more of the conditions in regulation 30(3) to (6) are breached.</i></p> |

NES for Telecommunication Facilities 2016

The NES-TF regulates the activity of telecommunication facilities, comprising cabinets, antennas, small cell sites and lines with varying standards depending on the location within or outside the road reserve and underlying zone (residential or rural). Subpart 5 expressly recognises the application of district plans and in particular significant habitats for indigenous vegetation and fauna. NES-TF states district rules may be more stringent.

| NESTF | |
|---------------|---|
| Regulation 44 | <p><i>Trees and vegetation in road reserve</i></p> <p>(1) <i>This regulation applies to a regulated activity if-</i></p> <p>(a) <i>the activity is carried out at a place that is in a road reserve and within the drip line of a tree or other vegetation; and</i></p> <p>(b) <i>in the absence of these regulations, the relevant District Plan or proposed District Plan would require the facility operator to obtain a resource consent for the regulated activity.</i></p> <p>(2) <i>This regulation is complied with if the regulated activity is carried out in accordance with the district rules about the protection of trees and other vegetation that apply at that place.</i></p> |
| Regulation 48 | <p><i>Significant habitats for indigenous vegetation</i></p> <p>(1) <i>This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to significant vegetation rules.</i></p> <p>(2) <i>This regulation is complied with if the regulated activity is carried out in accordance with the significant vegetation rules that apply to that place.</i></p> <p>(3) <i>In this regulation, significant vegetation rules means district rules about the protection of significant habitats for indigenous vegetation (however described).</i></p> |
| Regulation 49 | <p><i>Significant habitats for indigenous fauna</i></p> <p>(1) <i>This regulation applies to a regulated activity if it is carried out at a place identified in the relevant District Plan or proposed District Plan as being subject to significant fauna rules.</i></p> <p>(2) <i>This regulation is complied with if the regulated activity is carried out in accordance with the significant fauna rules that apply to that place.</i></p> <p>(3) <i>In this regulation, significant fauna rules means district rules about the protection of significant habitats for indigenous fauna (however described).</i></p> |

NES for Plantation Forestry 2017

The NES-PF provides a consistent set of regulations for plantation forestry activities. It provides for 8 core plantation forestry activities subject to conditions to manage potential effects on the environment.

The following regulations are relevant:

| NES-PF | Relevant Regulations |
|---------------------|--|
| Regulation 6 | Regulation 6 of the NES-PF sets out where a rule in a plan may be more stringent than the NES. |
| Regulation 12 | Afforestation must not occur within a significant natural area. |
| Regulation 16 | Under regulation 16 afforestation that does not comply with regulation 12 is a restricted discretionary activity. |
| Regulation 78(1) | Replanting must not occur in any area closer than the stump line to an adjacent significant natural area. |
| Regulation 79(6) | Wilding conifers established in wetlands and significant natural areas must be eradicated— a. before replanting begins, if the wilding conifer has resulted from the previous harvest: at least every 5 years after replanting, if the wilding conifer has resulted from the replanting. |
| Regulation 93(2)(d) | Clearance of indigenous vegetation in a significant natural area associated with a plantation forestry activity is a permitted activity if the indigenous vegetation is overgrowing a forestry track, if the track has been used within the last 50 years. |

NES for Freshwater 2020

The Freshwater NES identifies regulations for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. Anyone carrying out these activities must comply with the standards. The NES-FW only deals with functions of regional councils.

While the regulations do not deal with the functions of territorial authorities under the Act, it is important to ensure that the proposed provisions are not inconsistent with the NES-FW.

Rules in a district plan may be more stringent than those in the NES-FW.

Most relevant is Part 3 Standard for other activities that relate to freshwater of the NES-FW. Subpart 1 relates to Natural Wetlands and contains regulations 37 to 56 which manage and control activities, vegetation removal and earthworks within, or within a 10m setback from, a natural wetland.

4.5.4 National Planning Standards

The National Planning Standards require that where the following matters are addressed, they must be included in the Ecosystems and Indigenous Biodiversity (ECO) chapter in Part 2 – District-Wide Matters of the District Plan:

- identification and management of significant natural areas, including under s6(c) of the RMA
- maintenance of biological diversity
- intrinsic values of ecosystems and indigenous biodiversity.

4.6 National Guidance Documents

| Document | Relevant provisions |
|--|---|
| Statement of National Priorities for Protecting Rare and Threatened Species on Private Land, Department of Conservation (2007) | <p>The Statement identifies four national priorities for protecting indigenous biodiversity:</p> <ol style="list-style-type: none"> 1. To protect indigenous vegetation associated with land environments, that have 20% or less remaining in indigenous cover (as defined by Land Environments of New Zealand). 2. To protect indigenous vegetation associated with sand dunes and wetlands; ecosystem types that have become uncommon due to human activity. 3. To protect indigenous vegetation associated with 'originally rare' terrestrial ecosystem types not already covered by priorities 1 & 2. 4. To protect habitats of acutely and chronically threatened indigenous species. |
| New Zealand Biodiversity Strategy Department of Conservation (2000-2020) | <p>The Strategy established four goals for the protection of indigenous biodiversity. The two directly relevant goals are:</p> <ol style="list-style-type: none"> 1. Treaty of Waitangi – Protect iwi and hapu interests in biodiversity and strengthen partnerships between government and iwi and hapu in protecting and sustainably using indigenous biodiversity. 2. Halt the decline of New Zealand's indigenous biodiversity – maintain and restore natural habitats and ecosystems; and maintain and restore populations of indigenous species and subspecies. <p>The remaining two goals are still considered relevant, but to a lesser degree:</p> <ol style="list-style-type: none"> 3. Community and individual action, responsibility and benefits – improve community understanding of biodiversity and the importance of protecting it and allow communities to enjoy the benefits of protecting biodiversity. 4. Genetic resources of introduced species – maintain introduced species that are important for economic, biological and cultural reasons. |
| New Zealand Biodiversity Action Plan, Department of Conservation (2016-2020) | <p>The Biodiversity Action Plan is an update on the biodiversity strategy.</p> <p>The Action Plan has five goals. Of relevance are:</p> <ol style="list-style-type: none"> 1. Reduce pressures on biodiversity and promote sustainable use. 2. Safeguard ecosystems, species and genetic diversity. |
| Guidance on biodiversity offsetting in New Zealand 2014, Department of Conservation (2014) | <p>The New Zealand Government's Guidance on Good Practice Biodiversity Offsetting in New Zealand is designed for policy makers, planners, developers and decision-makers who need to gain an understanding of the concepts and current good practice around biodiversity offsetting.</p> <p>This guidance has adopted international guidance from the Business Biodiversity Offsetting Programme. This approach has become more established within national emerging ecology and biodiversity policy development.</p> |
| New Zealand Threat Classification System, | <p>The NZ Threat Classification System is used to assess the threat status of taxa (species, subspecies, varieties and forma). There are thirty publications that list New Zealand's wild species, according to their threat of extinction.</p> |

| Document | Relevant provisions |
|--|--|
| Department of Conservation, 2018 | |
| Report of the Biodiversity Collaborative Group 2018 | This is a non-statutory document and is a report of a group established to report to the Government on the potential content of a National Policy Statement for Indigenous Biodiversity. |
| Indigenous Biodiversity Guidance Note, 2013. Quality Planning Website | The guidance note contains a comprehensive analysis of a large number of methods that councils can use to address their responsibilities for indigenous biodiversity. These include: regulatory provisions; non-regulatory tools; economic instruments; the management of council lands; and the implementation of other council functions. While this note outlines the requirement to monitor the policy outcomes it does not describe how to undertake this monitoring. |
| Ministry for the Environment. 2020. Wetland delineation protocols. Wellington: Ministry for the Environment. | This guidance provides a national method for delineating wetlands as required for the implementation of policy regarding wetlands under the National Policy Statement for Freshwater Management 2020. The identification and delineation is a regional council function but has implications for territorial authorities depending on where these are eventually identified in relation to SNA. |
| Interaction between the NES-F and the NES-PF. Ministry for the Environment. October, 2020. | A short guide explaining the relationship between the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F), and the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (NES-PF). In particular where the NES-PF prevails over the NES-F. |

Business and Biodiversity Offset Program (BBOP)

The international Business and Biodiversity Offset Program (BBOP) ran from 2004-2018 to help developers, conservation groups, communities, governments and financial institutions develop and apply best practice towards achieving no net loss and preferably a net gain of biodiversity through the application of the ‘mitigation hierarchy’ approach. This comprises a series of sequential steps in which the given activity and site is assessed in terms of its approach to avoiding effects, and where avoidance is not practicable, then minimising the effects, and if not all effects can be minimised then remedying the remaining impacts before moving to consider biodiversity offsetting and lastly biodiversity compensation.

The biodiversity offsetting standard (BBOP, 2012) has been adopted internationally with the approach more recently being integrated within the draft NPS-IB (2019) and within the NPS-FM 2020 which is currently in force. The hierarchy is defined within section 3.21 of the NPS-FM as the “effects management hierarchy” but otherwise comprises the same series of sequential steps. The effects management hierarchy has also been adopted in the regional councils proposed Natural Resources Plan, forming part of the policies and rules addressing biodiversity which is addressed further in the following section.

4.7 Regional Policy and Plans

4.7.1 Regional Policy Statement for the Wellington Region 2013 (RPS)

The table below identifies the relevant provisions and resource management topics for Ecosystems and Indigenous Biodiversity contained in the RPS.

| RPS | |
|---|--|
| Section | Relevant matters |
| 3.2 Coastal Environment | |
| Objective 3 | <i>Habitats and features in the Coastal Environment that have significant indigenous biodiversity values are protected; and Habitats and features in the Coastal Environment that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development.</i> |
| Objective 7 | <i>The integrity, functioning and resilience of physical and ecological processes in the coastal environment are protected from the adverse effects of inappropriate subdivision, use and development.</i> |
| 3.6 Ecosystems and Indigenous Biodiversity | |
| Objective 16 | <i>Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state.</i> |
| Policy 23 (M) | <i>Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values.</i> <ul style="list-style-type: none"> • <i>This policy is particularly important in that it requires territorial councils to undertake assessment against the specific criteria in Policy 23 to identify significant natural areas. Meeting any one of the criteria determines whether an ecosystem or habitat is considered significant;</i> <ul style="list-style-type: none"> ○ <i>representativeness</i> ○ <i>rarity</i> ○ <i>diversity</i> ○ <i>ecological context and</i> ○ <i>tangata whenua values.</i> |
| Policy 24 (M) | <i>Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values.</i> <ul style="list-style-type: none"> • <i>Identified SNA are required to be protected from inappropriate subdivision, use and development under this policy through the use of objectives, policies and rules within city and district plans.</i> • <i>Policy 24 advises that it is not intended to prevent change but to ensure change is carefully considered.</i> |
| Policy 47 (M) | <i>Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values – consideration.</i> |
| Policy 61 | <i>Allocation of responsibilities for land use controls for indigenous biodiversity.</i> |

| RPS | |
|--------------------------------|---|
| Section | Relevant matters |
| 3.2 Coastal Environment | |
| Objective 3 | <i>Habitats and features in the Coastal Environment that have significant indigenous biodiversity values are protected; and Habitats and features in the Coastal Environment that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development.</i> |
| Objective 7 | <i>The integrity, functioning and resilience of physical and ecological processes in the coastal environment are protected from the adverse effects of inappropriate subdivision, use and development.</i> |
| | <ul style="list-style-type: none"> • <i>This policy clarifies that in developing policies and rules to protect indigenous biodiversity;</i> <ul style="list-style-type: none"> ○ <i>Wellington Regional Council shall be responsible for developing objectives, policies, rules and/or methods in regional plans for the control of the use of land to maintain and enhance ecosystems in water bodies and coastal water. This includes land within the coastal marine area, wetlands and the beds of lakes and rivers; and</i> ○ <i>city and district councils shall be responsible for developing objectives, policies, rules and/or methods in district plans for the control of the use of land for the maintenance of indigenous biological diversity. <u>This excludes land within the coastal marine area and the beds of lakes and rivers.</u> [emphasis added].</i> |
| Policy 64 (NR) | <p><i>Support a whole of catchment approach – non-regulatory.</i></p> <p><i>Take a whole of catchment approach that recognises the inter-relationship between land and water, and support environmental enhancement initiatives to restore and enhance:</i></p> <p><i>(a) coastal features, ecosystems and habitats;</i></p> <p><i>(b) aquatic ecosystems and habitats; and</i></p> <p><i>(c) indigenous ecosystems and habitats.</i></p> |

(M) = policies which must be implemented in accordance with stated methods in the RPS

(R) = policies to which particular regard must be had when varying a district plan

(NR) = policies that outline non-regulatory actions to help achieve the objectives of the RPS

4.7.2 Regional Plans

There are currently five operative regional plans and one proposed regional plan for the Wellington region:

- Regional Freshwater Plan for the Wellington Region, 1999
- Regional Coastal Plan for the Wellington Region, 2000
- Regional Air Quality Management Plan for the Wellington Region, 2000

- Regional Soil Plan for the Wellington Region, 2000
- Regional Plan for discharges to the land, 1999
- Proposed Natural Resources Plan, appeals version 2021

The proposed Natural Resources Plan (PNRP) replaces the five operative regional plans, with provisions in this plan now largely operative with the exception of those that remain subject to appeal.

The table below identifies the relevant provisions for Ecosystems and Indigenous Biodiversity as contained in the following regional plans (noting ecosystems within wetlands, lakes, rivers and their margins falls within the jurisdiction of the regional council).

| Regional Freshwater Plan | |
|---------------------------------|--|
| Section | Relevant matters |
| <i>Policy 4.2.12</i> | <i>To promote the maintenance and enhancement of aquatic habitats and ecosystems when considering the adverse effects of the subdivision, use and development of land <u>outside</u> river and lake beds (emphasis added).</i> |
| Regional Soil Plan | |
| Section | Relevant matters |
| <i>Policy 4.2.14</i> | <p><i>To avoid, remedy or mitigate the adverse effects of vegetation disturbance by promoting:</i></p> <ul style="list-style-type: none"> • <i>the maintenance and enhancement of vegetation in erosion prone areas;</i> • <i>the conversion of erosion prone areas to forestry or soil conservation woodlots, or regeneration or active restoration to native bush;</i> • <i>riparian management, including where this will help safeguard the life supporting capacity of aquatic ecosystems;</i> • <i>compliance with industry recognised standards and procedures such as the Logging Industry Research Organisation's (LIRO) "Forestry Code of Practice" (Second Edition, 1993); and/or</i> • <i>the maintenance and retention of erosion control plantings.</i> |
| Regional Coastal Plan | |
| Section | Relevant matters |
| <i>Objective 4.1.6</i> | <i>Important ecosystems and other natural and physical resources in and adjacent to the coastal marine area are protected from inappropriate use and development.</i> |
| <i>Policy 4.2.10</i> | <i>To protect sensitive, rare or unusual habitats, natural and physical resources and ecosystems from the adverse effects of use and development. In particular, the values of the areas identified by this Plan either as an Area of Significant Conservation Value or an Area of Important Conservation Value shall be protected.</i> |
| Discharges to Land | |
| Section | Relevant matters |
| <i>Policy 4.2.6</i> | <p><i>(1) To discourage the siting of new landfills in areas which:</i></p> <p><i>(b) Support ecosystems which are particularly vulnerable to the effects of landfills, including;</i></p> |

| | |
|--|--|
| | <ul style="list-style-type: none"> <i>i. Wetlands,</i> <i>ii. Intertidal areas and coastal dunes,</i> <i>iii. Native bush,</i> <i>iv. Recognised wildlife habitats....</i> |
|--|--|

4.7.3 Proposed Natural Resources Plan, appeals version 2022

The proposed Natural Resources Plan (PNRP) replaces the five operative regional plans, with provisions in this plan now considered largely operative with the exception of any outstanding appeal matters.

| PNRP (Appeals version) | |
|-------------------------------|--|
| <i>Objective O1</i> | <i>Ki uta ki tai: mountains to the sea</i> |
| <i>Objective O2</i> | <i>Ki uta ki tai: mountains to the sea</i> |
| <i>Objective O12</i> | <i>Beneficial use and development</i> |
| <i>Objective O25</i> | <i>Biodiversity, aquatic ecosystem health and mahinga kai</i> |
| <i>Objective O35</i> | <i>Ecosystems and habitats with significant indigenous biodiversity values are protected from the adverse effects of use and development, and where appropriate restored to a healthy and functioning state including as defined by Tables 3.4, 3.5, 3.6, 3.7 and 3.8.</i> |
| <i>Policy P8</i> | <p><i>Beneficial Activities</i></p> <p><i>The following activities are recognised as beneficial and generally appropriate:</i></p> <p><i>(a) activities for the purpose of restoring natural character, aquatic ecosystem health, mahinga kai, outstanding water bodies, sites with significant mana whenua values, and sites with significant indigenous biodiversity values, and...</i></p> |
| <i>Policy 12</i> | <i>Benefits of regionally significant infrastructure and renewable electricity generation facilities.</i> |
| <i>Policy 13</i> | <i>Providing for regionally significant infrastructure and renewable electricity generation activities</i> |
| <i>Policy 13A</i> | <ol style="list-style-type: none"> <i>1) Recognise and provide for the benefits of the National Grid.</i> <i>2) Enable the operation, maintenance or upgrade of existing National Grid assets.</i> <i>3) Where the National Grid has a functional need or operational requirement to locate in the coastal environment, lakes, rivers or wetlands, manage the adverse effects of its activities on natural character, natural features and natural landscapes, and indigenous biodiversity by:</i> <ol style="list-style-type: none"> <i>(a) Seeking to avoid adverse effects of new development or major upgrades on values of:</i> <ol style="list-style-type: none"> <i>(i) outstanding natural character,</i> <i>(ii) natural attributes and characteristics of outstanding natural features and landscapes,</i> <i>(iii) indigenous biodiversity values of the aquatic ecosystems, habitats, species and areas listed in Policy P39A(a).</i> |

| PNRP (Appeals version) | |
|-------------------------------|--|
| | <p>(b) <i>Seeking to avoid significant adverse effects of new developments or upgrades or major upgrades on: ...</i></p> <p>(iii) <i>indigenous biodiversity values that meet the criteria in Policy P11(b) of the NZCPS....</i></p> <p>(c) <i>Having regard to the extent to which adverse effects have been avoided, remedied or mitigated:</i></p> <p>(i) <i>through the route, site and method selection process, and</i></p> <p>(ii) <i>given the constraints imposed by the activity's operational requirements.</i></p> <p>(d) <i>Recognising there may be some areas in the coastal environment where:</i></p> <p>(i) <i>avoidance of adverse effects is required to protect the values, natural attributes and characteristics identified within 3(a) (i), (ii) and (iii) above.</i></p> <p>(ii) <i>avoidance of significant adverse effects is required to protect the values, natural attributes and characteristics identified within 3(b) (i), (ii) and (iii) above.</i></p> <p>4) <i>Remedy or mitigate any adverse effects from the operation, maintenance, upgrade, major upgrade or development of the National Grid which cannot be avoided.</i></p> <p><i>In the event of any conflict with any other objectives and policies in the Plan relating to indigenous biodiversity within Policy P39A, natural character, and natural features and natural landscapes, Policy P13A takes precedence.</i></p> |
| <i>Policy P39A</i> | <i>Indigenous biodiversity values within the coastal environment</i> |
| <i>Policy P39B</i> | <i>Existing regional significant infrastructure and renewable energy generation activities within a site that meets any of the criteria in Policy P39A(a)(i) – (v) or included in schedule F5</i> |
| <i>Policy P39C</i> | <i>Kaiwharawhara Stream Estuary</i> |
| <i>Policy P40</i> | <i>Ecosystems and habitats with significant indigenous biodiversity values</i> |
| <i>Policy P42</i> | <i>Managing effects on ecosystems and habitats with significant indigenous biodiversity values from activities outside these ecosystems and habitats</i> |
| <i>Rule R99A</i> | <i>Permitted Activity – Construction of a new farm track</i> |
| <i>Rule R99B</i> | <i>Controlled Activity – Construction of a new farm track</i> |
| <i>Rule R100</i> | <i>Permitted Activity – Vegetation clearance on erosion prone land</i> |
| <i>Rule R104</i> | <i>Existing structures in natural wetlands – permitted activity</i> |
| <i>Rule R105</i> | <i>Planting and pest control in natural wetlands and outstanding natural wetlands – permitted activity</i> |
| <i>Rule R105A</i> | <i>Removal of wetland plants for Māori customary use or the use of an individual – permitted activity</i> |
| <i>Rule 106</i> | <i>Restoration of natural wetlands and outstanding natural wetlands – controlled activity</i> |
| <i>Rule 107</i> | <i>Activities in natural wetlands – discretionary activity</i> |
| <i>Rule 108</i> | <i>Activities in natural wetlands – non-complying activity</i> |
| <i>Rule 109</i> | <i>Activities in outstanding natural wetlands – discretionary activity</i> |

| PNRP (Appeals version) | |
|------------------------|---|
| Rule 110 | Activities in outstanding natural wetlands – non-complying activity |
| Rule 111 | Reclamation or drainage of outstanding natural wetlands – prohibited activity |

It is noted the following policies are only relevant within aquatic or coastal marine environments which fall within the jurisdiction of Regional Councils.

- P31 – biodiversity, aquatic ecosystems health and mahinga kai
- P32 – adverse effects on biodiversity, aquatic ecosystems health and mahinga kai
- P37 – Values of wetlands (in and adjacent)
- P38A – Restoring Wellington Harbour
- P39A – Indigenous biodiversity values within the coastal environment
- P39C – Kaiwharawhara Stream Estuary
- P40 – Ecosystems and habitats with significant indigenous biodiversity values

However, these policies are included due to the structure and direct incorporation of the effects management hierarchy which is directly relevant to approach for terrestrial ecosystems which fall within the jurisdiction of Wellington city council.

4.8 Iwi Management Plan

There are no Iwi Management Plans relevant to this topic.

4.9 Relevant plans or strategies

The following plans / strategies are relevant to this topic:

| Plan / Strategy | Relevant Provisions |
|--|---|
| Northern Growth Management Framework WCC (2003) | <p>Wellington City Council decided during its Strategic Review in 2000/01 to create a growth management plan for the northern area to address the dual challenge of encouraging growth but also managing it so that values of the existing communities and environment are maintained.</p> <p>It has two objectives:</p> <ul style="list-style-type: none"> • To consolidate the northern part of Wellington City into a highly attractive, efficient and accessible urban area that realises its potential of contributing to the city as a whole. • To enhance, protect and link significant landscape, ecological and natural features of the area as a foundation for sustainable urban living. <p>Underlying principles of relevance to ECO:</p> <ul style="list-style-type: none"> • Value and protect the landscape and ecology of the area. • Seeks to maintain the Outer Green Belt and recognise the importance of retention of green corridors within built environments and seeking to retain and protect bush remnants, stream systems, soils and landforms. • Development will not be permitted to impinge on important natural features |

| Plan / Strategy | Relevant Provisions |
|---|--|
| | <ul style="list-style-type: none"> • Streams and wetlands will be protected and extended. • Protection and enhancement of the green (open space and natural areas) and blue (streams and stormwater systems) networks will be central to how the area develops. • Restrict or manage development in some areas so that streams, significant ridgetops and hilltops, wetlands and bush remnants are recognised and protected, using if necessary new District Plan policies and appropriate zoning changes. |
| <p>Our Capital Spaces WCC (2013)</p> | <p>Our Capital Spaces is a framework which determines how Council manages its open spaces that are important for their recreational, ecological, landscape, cultural and historic values.</p> <p>The framework specifies four outcomes intended to guide decisions on funding and the use of open spaces. The most relevant being:</p> <ul style="list-style-type: none"> • Outcome 2: Protecting our birds, nature, streams and landscapes. <p>There are 6 priorities accompanying this outcome which include:</p> <ul style="list-style-type: none"> • protecting and restoring indigenous biodiversity; • creating ecological networks; and facilitating the restoration and protection of wetlands. |
| <p>Biodiversity Strategy (Our Natural Capital) WCC (2015)</p> | <p>This strategy is the Council's vision for indigenous biodiversity. It outlines the vision, goals and objectives for protecting indigenous biodiversity, as well as identifying priorities.</p> <p>The document is intended to inform everything that Wellington City Council does and is identified as an input into the District Plan.</p> <p>The strategy has four overarching goals. Two of which are of direct relevance to ECO:</p> <ol style="list-style-type: none"> 1) Protect – protect important biodiversity on both public and private land. 2) Restore – reverse the loss of indigenous biodiversity on both public and private land, including ensuring restoration programmes are in place. <p>The remaining two, of lesser relevance, are:</p> <ol style="list-style-type: none"> 3) Connect – Encourage active protection and restoration from the community by ensuring the community is aware of the importance of protecting and restoring indigenous biodiversity. 4) Research – Ensure biodiversity management is continually improved and monitoring methods are consistent with national methods. <p>Part two of the strategy also lists actions that are specific to the District Plan. Of some relevance to ECO are:</p> <ul style="list-style-type: none"> • Better tools for protecting biodiversity on private land • Review conservation sites in the Plan, including ensuring that all sites of ecological significance or important for biodiversity are protected. |

| Plan / Strategy | Relevant Provisions |
|--|--|
| | <ul style="list-style-type: none"> • Ensure that District Plan Changes adequately protect biodiversity values through objectives, policies and rules. |
| <p>Wellington Urban Growth Plan</p> <p>Urban development and transport strategy 2014-2043</p> <p>WCC</p> | <p>The plan is the Council's guide for directing investment and supporting development in growth areas – a blueprint for prioritising and managing future growth.</p> <p>One of its goals is to maintain the natural environment: to continue to enhance the natural assets, and reduce the environmental impact of urban development and transport. It also seeks to ensure that the city remains compact, looking for suitable areas for growth including regeneration of existing areas, as well as development in new greenfield areas.</p> <p>The plan seeks to deliver four key outcomes; of relevance to the ECO chapter is:</p> <ul style="list-style-type: none"> • A city set in nature – the natural setting of the city (including its reserves, streams and coastline) define the layout and character; good access to them for recreation is one of the things that people love about Wellington. This plan ensures that the distinctive character of the city is enhanced by protecting the natural environment, minimising the impact of urban development, and that development along the coastline respects and enhances its values. <p>Further, as part of the identification of Stebbings Valley for greenfield development, this strategy sets out a goal to develop a structure plan for this area that would complete the Outer Green Belt and waterways in the area, likely protecting ecological areas of value.</p> |
| <p>Outer Green Belt Management Plan</p> <p>WCC (2019)</p> | <p>The Wellington City Outer Green Belt Management Plan provides a framework for how reserves and other land in the outer green belt will be managed over the next 10 years. The Plan has been prepared under the Reserves Act 1977.</p> <p>The Plan contains a vision and guiding principles, general objectives and policies, as well as rules for use and development within the outer green belt.</p> <p>The relevant points from the objectives and policies include:</p> <ul style="list-style-type: none"> • Protection of identified important forest remnants of high ecological significance through District Plan provisions, in both the outer green belt and neighbouring private properties. • A general discouragement of new buildings and structures in the outer green belt. • Enable track building and maintenance, subject to rigorous assessments as to the level of effect on the environment. • Enable furniture, such as seats and picnic tables, to be provided. <p>The relevant points from the rules include:</p> <ul style="list-style-type: none"> • Several permitted activities which focus on ensuring people can enjoy the outer green belt. • Prohibited activities include construction of private dwellings, unauthorized track building and firewood collection, amongst others. |

| Plan / Strategy | Relevant Provisions |
|--|---|
| | <p>Managed activities (activities not specifically allowed or prohibited) include traditional cultural harvesting by Māori, demolition or removal of buildings and structures and construction of structures and furniture.</p> |
| <p>Open Space Access Plan WCC (2016)</p> | <ul style="list-style-type: none"> • The Open Space Access Plan sets out the Council's approach to managing the network of tracks through the open space areas of Wellington. • There are a number of users including pedestrians, cyclists and vehicles. • The vision is to provide for the continued access to the open space areas and managing the development of the network for all users. • The plan identifies principles which apply to the whole network and recognises that providing public access to certain areas while preventing access in other areas is important to ensure habitats are protected. • Tracks within significant ecological sites are identified as requiring particular consideration – which is further outlined in Appendix 4 of Our Natural Capital – and sets out seven principles of avoiding or minimising the impact on threatened habitats and species. |
| <p>Spatial Plan WCC (2021)</p> | <p>The Spatial Plan is Council's blueprint for how Wellington might look in the future. It seeks to strike a balance between old and new, by valuing areas of special significance, while providing for greater capacity for the new housing our growing city needs. Change is expected to continue to occur over time. The Spatial Plan identifies a particular concern with the numerous Significant Natural Areas scattered throughout the city on private and publicly owned land. These are natural ecosystems or habitats that have significant indigenous biodiversity value such as the Karori Wildlife Sanctuary and reservoir. As many of these areas are currently unprotected there is a risk that they might be destroyed in the wake of future growth. To avoid this occurring, it is important that they are included in our planning for future growth and measures put in place to protect them for generations to come.</p> <p>Visions, Goals & Directions</p> <p>Six goals for the City:</p> <ul style="list-style-type: none"> • Compact • Resilient • Vibrant and prosperous • Inclusive and connected • Greener • In partnership with mana whenua <p>Of most relevance is</p> <ul style="list-style-type: none"> • Greener - We protect and value our natural environment, and enjoy thriving pockets of nature in the city. • Important natural and physical features that enhance the city's character and identity are protected and the natural environment contributes to improving our quality of life. |

| Plan / Strategy | Relevant Provisions |
|---|---|
| | <ul style="list-style-type: none"> Nature is integrated into the city and green space is accessible to all. <p>Direction 3.3 - Important natural and physical features that enhance the city's character and identity are protected and the natural environment contributes to improving our quality of life.</p> |
| <p>Backyard Taonga WCC (2019 - 2021)</p> | <ul style="list-style-type: none"> Engagement with community as part of the lead up to the district plan review. The engagement focused on significant natural areas and important landscapes. Draft areas of significant indigenous vegetation and significant habitats of indigenous fauna (or significant natural areas – “SNA”) where identified within the Wildlands audit of potential significant natural areas report (2016) and shared with the community. Meetings and site visits were also undertaken by Councils ecologists at the request of landowners. A report by Darrochs (2019) provided further information on the potential impact on land value following the identification and protection of SNA on private property. |
| <p>Regional Growth Framework 2021</p> | <ul style="list-style-type: none"> This is a 30 year spatial plan for the Wellington and Horowhenua region. It has been developed by local government, central government and iwi partners to deliver on the Urban Growth Agenda objectives of the Government, which adjusts the approach to urban development and infrastructure planning to accommodate an estimated population growth of 200,000 additional people over the next 30 years. Section 1.2 identifies four key challenges for the future of the region. Of these, “Challenge 2” recognises that as the region grows and becomes more densely settled, it will become increasingly important to improve resilience and protect and enhance the region's natural environment. |
| <p><i>Get Fire Safe at the Interface</i> – protect your home from wildfires Fire and Emergency NZ</p> | <ul style="list-style-type: none"> Guidance on managing wildfire risk around houses and buildings. Identifies two key zones around homes and buildings. Zone 1 is the most important and extends up to 10m from the house. Zone 2 is the area between 10m out to 30m. Removal of flammable vegetation within the first 10m of a home is recommended. Encourages pruning and trimming of existing vegetation and if planting then use of low flammable vegetation within Zone 1. A list of high and low flammable vegetation including indigenous vegetation is provided. |

4.10 Other relevant legislation or regulations

The following additional legislative / regulatory requirements are also relevant to this topic:

| Legislation / Regulation | Relevant Provisions |
|---|--|
| Reserves Act 1977 | The Department of Conservation administers this Act. Section 3(1)(b) of the Reserves Act identifies the need for the establishment of an ecologically representative, protected natural areas system in New Zealand. An objective of this legislation is: Ensuring as far as possible, the survival of all indigenous species of flora and fauna, both rare and commonplace, in their natural communities and habitats, and the preservation of representative samples of all classes of natural ecosystems and landscapes which in their aggregate originally gave New Zealand its own recognisable character. (Section 3(1)(b), Reserves Act 1977). |
| Forests Act 1949, Forests Amendment Act 1993 | The Forests Act 1949 was amended in 1993 to bring an end to unsustainable harvesting and clear-felling of indigenous forest. Under the Forests Amendment Act 1993, indigenous timber can only be produced from forests that are managed in a way that maintains continuous forest cover and ecological balance. |
| Electricity (Hazards from Trees) Regulations 2003 | The purpose of these regulations is to protect the security of the supply of electricity, and the safety of the public by providing for trimming and of trees within prescribed distances from electrical conductors. |

5. Resource Management Issues Analysis

5.1 Background

The statutory higher order direction requires Wellington City Council to identify and protect significant natural areas within its District Plan and maintain indigenous biodiversity. However, indigenous biodiversity has continued to decline over time with both urban and rural land use activities contributing to the decline. The effects not only reduce native biodiversity but result in soil loss through increased erosion and sedimentation loss to streams, rivers, lakes and harbours, thereby adversely impacting on water quality and habitats of those areas. Recent environmental reporting (Environment Aotearoa 2019) has confirmed a continuing trend of decline, highlighting the need to halt any further loss and take actions to protect and restore our remaining biodiversity.

Within the Wellington context the ecological assessment⁶ has identified a number of threatened species which are at risk or declining. Some are nationally threatened ranging from critical to vulnerable, at risk or uncommon. While a number of species are either regionally critical or endangered. These are detailed within Table 1 of the wildlands report. An example of some of the threatened species of flora based on the 'National Threat Classification' listing include:

- Threatened – Regionally Critical:
 - 7x plant species
- Threatened – Regionally Endangered:
 - 2x plant species
- Threatened – Regionally Vulnerable:
 - 3x plant species

⁶ Audit of Potentially Significant Natural Areas for Wellington City – Stage 1 Desktop Analysis (2016).

- At Risk – Declining:
 - 4x plant species

In addition to specific species there are a range of identified ecosystems and habitats within Wellington that meet the criteria for being included within an SNA⁷. A number of ecosystems in Wellington are rare and most currently have incomplete protection placing them at risk for further decline. Examples of these ecosystems are highlighted in the following table:

| Ecosystem type | Remaining | Protected |
|--|-----------|-----------|
| CL3 ⁷ : Coprosma, Muehlenbeckia, shrubland / herbfield / rockland | 41% | 0.01% |
| MF6: Kohekohe, tawa forest | 16% | 0.3% |
| MF7: Tawa, kamahi, podocarp forest | 13% | 0.3% |
| MF8: Kamahi, broadleaved podocarp forest | 7% | 0.01% |
| WF2: Totara, matai, ribbonwood forest | 7% | 0.01% |

5.2 Evidence Base - Research, Consultation, Information and Analysis undertaken

The Council has reviewed the operative District Plan, commissioned technical advice and assistance from various internal and external experts and utilised this, along with internal workshops and community feedback to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions. This advice includes the following:

| Title | Author | Brief synopsis |
|---|------------------|---|
| Audit of Potentially Significant Natural Areas for Wellington City – Stage 1 Desktop Analysis | Wildlands (2016) | <p>An assessment of potential SNA areas was undertaken by Wildlands (2016) in the <i>Audit of Potentially Significant Natural Areas for Wellington City: Stage 1 Desktop Analysis</i>. The audit included;</p> <ul style="list-style-type: none"> • The summary of the methodology used to identify ecologically significant sites in the Wellington district. • Sites were assessed for significance under the RPS Policy 23 criteria. • Identified 176 potential SNA • Identified 75 SNA (of the total 176) that would require further information and / or site visits to confirm the status. • Total SNA coverage of 5,492 hectares. |
| Significant Natural Areas - Implementation by Wellington City Council | Darroch (2019) | <ul style="list-style-type: none"> • An evaluation and explanation of the anticipated effects on property values resulting from the |

⁷ Audit of Potentially Significant Natural Areas for Wellington City – Stage 1 Desktop Analysis (2016).

| Title | Author | Brief synopsis |
|-------------------------------|--------|---|
| and Impact on Property Owners | | <p>introduction of District Plan rules that identify and protect Significant Natural Areas (SNA).</p> <ul style="list-style-type: none"> • Identification and reference to any other national or international examples which are similar and the effects on property values. • Some specific real site case examples (18 properties) where 'Before and After' valuations are provided to show how the introduction of an SNA may affect the value of these properties. |

In addition to the material listed in the table above, the Council has also gathered the following information and advice that is relevant to this topic:

- Feedback from the community through the Backyard Taonga engagement phase (further outline in section 5.2.4) which included:
 - Site visits to private properties;
 - Boundary adjustments and updates to draft SNA overlays;
 - Community meetings.
- Reviewing recently updated aerial photo runs (2021) to identify land use changes;
- Refining spatial overlays in GIS following site visits, feedback and updated aerial mapping;
- Requested a summary overview of actions from Wildlands (following the draft district plan public consultation) to record updates actioned since the original identification of draft sites of significance (Wildlands report, 2016);
- Sought a peer review of the Darroch property value report following feedback received from the public consultation phase (Market Economics report, May 2022).

5.2.1 Analysis of Operative District Plan provisions relevant to this topic

There are some provisions within the operative district plan that address vegetation removal. However, these are limited and generally only found within the Residential Chapter, Rural Zone chapter and the Open Space chapter.

For the purposes of this report the key provisions in the Operative Wellington District Plan of relevance to this topic are summarised below.

| Topic | Summary of relevant provisions |
|---------------------|---|
| Residential Chapter | <p>Policies:</p> <ul style="list-style-type: none"> • Policies broadly encourage the retention of “mature, visually prominent trees and bush” where associated with site redevelopment this includes Policies 4.2.8.3 and 4.2.8.4 which encourage retention of indigenous ecosystems. • Site specific policies (sites identified in Appendix 20 and 22) require consideration of how indigenous vegetation with significant ecological value will be protected. |

| Topic | Summary of relevant provisions |
|--------------------|--|
| | <p>Rules:</p> <ul style="list-style-type: none"> • There are no general residential wide rules controlling removal of indigenous vegetation, except for site specific provisions; <ul style="list-style-type: none"> ○ The site specific policy (Appendix 20 site) follows through to a permitted rule (Rule 5.1.12A.5) which provides removal of indigenous vegetation of no more than 100m² except where for pedestrian tracks, dead or dying trees and vegetation that has become dangerous to human life or property and the pruning around existing residential buildings or residential structures. ○ Other vegetation removal on the Appendix 20 site is controlled through a vegetation protection boundary (VPB) where the removal from within the VPB is identified as a non-complying activity while some removal east of the VPB is provided for at a restricted discretionary level. ○ These provisions are site specific and do not apply district wide within the residential zone. |
| Rural Chapter | <p>Policy:</p> <ul style="list-style-type: none"> • Includes a policy broadly encouraging the retention of existing native vegetation. <p>Rules:</p> <ul style="list-style-type: none"> • Non-rural activities and buildings are discretionary under Rule 15.4 and within the assessment criteria is the consideration of the extent to which the ecological values will be retained and recommends “existing vegetation should be retained where possible”. • Subdivision under Rule 15.4.5 and 15.4.6 require consideration of whether “native vegetation or wetlands” are to be protected when assessing rural subdivision applications. • These are broad and indirect requirements located within the assessment criteria and would not meet the requirement to protect SNA. |
| Open Space Zones | <p>Policies:</p> <ul style="list-style-type: none"> • Objectives and policies encourage retention and where appropriate the re-introduction of native cover, recognising the importance of indigenous ecosystems. <p>Rules:</p> <ul style="list-style-type: none"> • Provisions protecting indigenous vegetation are contained within the Open Space Chapter. However, this is largely limited to publicly administered land. This includes a specific rule permitting limited removal of vegetation on Open Space B and C zoned land for a limited range of activities including 100m² maximum area within a 5 year period and up to 1.5m for track development and maintenance. Where the standards are not met the activity elevates to restricted discretionary under Rule 17.2.4. |
| Conservation Sites | <p>Policies:</p> |

| Topic | Summary of relevant provisions |
|-------|---|
| | <ul style="list-style-type: none"> • Objective and four policies focused on maintenance and enhancement of indigenous habitats and ecosystems, especially those classified as conservation sites by protecting them from modification or loss. • The policies seek to raise awareness by defining ecologically valuable sites on public and private land as conservation sites. • Supports conservation aims via a conservation strategy and recognises the importance of public access to and recreational use of publicly owned conservation sites. <p>Rules:</p> <ul style="list-style-type: none"> • These are the most direct provisions for protecting indigenous vegetation and habitats. The chapter includes a list of identified conservation sites divided into five groups. Almost all the conservation sites are on public land which includes public reserves, parks, bays and islands. However, there are some instances of conservation sites on private land. • The rules permit conservation activities and maintenance or upgrade of accesses and roads. The clearance of up to 100m² of vegetation is also permitted where it is greater than 5m high (except within site 3B). Where permitted standards are not met the activity then becomes a restricted discretionary activity, which is also the starting point for carpark development up to 5 spaces. • Building and structures not otherwise permitted are identified as discretionary activities. |

Overall, the approach to biodiversity and protection of significant natural areas within the operative District Plan is limited by;

- Not identifying significant natural areas or the spatially defined overlays;
- Not listing the biodiversity values to assist decision making;
- Not applying provisions in a district wide manner and lacking focus on biodiversity values, so that some provisions address amenity rather than biodiversity;
- Policies generally acknowledge the importance of biodiversity but these are generally limited to only “encouraging” retention of existing vegetation;
- The broad policy approach is not carried through to the rule framework in a comprehensive manner with only some zone chapters including provisions. This results in a fragmented and inconsistent approach. In some cases the provisions are only included as consideration amongst the assessment criteria, rather than the focus of the rule.
- The Open Space Zone does include rules directly focused on indigenous vegetation but this is predominantly public land and thus does not address vegetation removal outside this zone or on private land.

5.2.2 Analysis of relevant provisions in other District Plans

Current practice has been considered in respect of this topic, with a review undertaken of the following District Plans. It is noted that some of these plans have been prepared in accordance with the National Planning Standards.

| Council / Plan | Natural Environment Provisions | Approach/Comments |
|--|--|--|
| <p>Porirua City Council</p> <p>Proposed District Plan (notified August 2020)</p> <p>Legal effect from date of notification</p> | <p>Using the National Planning Standards structure, the notified plan includes:</p> <ul style="list-style-type: none"> • Part 2: District-Wide Matters with an Ecosystems and Indigenous Biodiversity (“ECO”) chapter. • Specific ECO objectives, policies, rules, standards and identified SNA overlays to manage areas of significant indigenous biodiversity. | <ul style="list-style-type: none"> • SNA overlays are spatially identified. • Schedules list the key characteristics and values for each SNA overlay. • Policies incorporate the biodiversity effects management hierarchy approach and include appendices with principles for biodiversity offsetting and compensation. • Rule framework includes a range of permitted exemptions for minor works and activities located within the overlays. • Indigenous vegetation (outside the SNA) is not subject to ECO provisions. • Provisions relating to SNA and network utilities are controlled separately within the Infrastructure chapter. |
| <p>Kapiti Coast District Council</p> <p>Proposed District Plan (notified Nov 2013)</p> <p>Partially operative</p> | <p>Chapter 3: Natural Environment comprises policies and rules managing:</p> <ul style="list-style-type: none"> • Ecological Sites • Rare and threatened vegetation species • Key indigenous tree species • Indigenous vegetation | <ul style="list-style-type: none"> • Relevant overlays are spatially identified. • Schedules list the key characteristics and values for each overlay. • Policies incorporate the biodiversity effects management hierarchy approach and biodiversity offsetting direction. • Rule framework includes a range of permitted exemptions for minor works and activities located within the overlays. • Indigenous vegetation (outside the Ecosites) is controlled by definition within Rural Zones only. |

| Council / Plan | Natural Environment Provisions | Approach/Comments |
|--|--|--|
| | | <ul style="list-style-type: none"> Provisions relating to network utilities are generally controlled separately within the utilities chapter. |
| <p>New Plymouth District Council</p> <p>Proposed District Plan (notified September 2019)</p> <p>Legal effect from date of notification</p> | <p>Uses National Planning Standard format and includes chapters on:</p> <ul style="list-style-type: none"> Coastal Environment Ecology & Indigenous Biodiversity Infrastructure | <ul style="list-style-type: none"> Permits vegetation removal within SNA subject to standards. Incorporates the effects management hierarchy in ECO-P4⁸. Requires consent for subdivision or tracks and fences within a SNA. Permits 100m² of vegetation removal within Coastal environment per 5 years. Infrastructure provisions are located both within the relevant overlay chapters as well as the infrastructure chapters and thus not consolidated all together. 25m² vegetation removal? per 12 month per site for permitted earthworks. Erection of a structure for network utilities is Permitted – max height 5m building, 7m structure and 25m² GFA |
| <p>Dunedin City Council</p> <p>Second Generation District Plan (under appeal)</p> | <p>Chapter 10: Natural Environment chapter comprises an objective, policy and rule framework managing 'Areas of Significant Biodiversity Value'.</p> | <ul style="list-style-type: none"> Objective to maintain or enhance biodiversity through protection of significant indigenous vegetation and habitats. Policy incorporates effects mitigation hierarchy approach and identification of 'Areas of Significant Biodiversity Value'. Policies focus on the activity of vegetation clearance, encouraging conservation activities and managing activities |

⁸ Hearing 5 Section 42A Officer Right of Reply Ecosystems and Indigenous Biodiversity, New Plymouth District Council, 3 December 2021.

| Council / Plan | Natural Environment Provisions | Approach/Comments |
|----------------|--------------------------------|--|
| | | <p>based on the effect on the biodiversity values.</p> <ul style="list-style-type: none"> • Rule framework that permits “small scale” vegetation clearance for specific activities and identifies all other vegetation clearance within an ASBV as a restricted discretionary activity. |

These plans were selected because:

- They have been subject to a recent plan review that has addressed similar issues relating to this topic;
- The associated Councils are either within the Wellington region or are a similar scale to Wellington City and are confronting similar issues relating to this topic.

A summary of the key findings follows:

- The most recent plans (e.g. Porirua City Council, New Plymouth City Council, Dunedin City Council and Kapiti Coast District Council) adopted the ‘effects mitigation hierarchy’ approach into the policy framework, which sets out in preferential order;
 - firstly, avoiding adverse effects on biodiversity values; and,
 - where they cannot be avoided, minimising the effects; and,
 - where they cannot be minimised then remedying the effects; and,
 - consideration of biodiversity offsetting outside the site to address any residual effect.
- A common approach across the rule frameworks is to permit some very minor and specific trimming and vegetation clearance within SNA but in general most activities require assessment in order to determine whether the effect on biodiversity is appropriate. This is generally set at a restricted discretionary activity starting point.
- Quarry and mining activities are generally discouraged within policies and identified as non-complying activities.
- Recent plans include recognition for biodiversity offsetting.
- Policies also encourage restoration and enhancement practices.
- Recognition for cultural harvesting is often included but does not extend to development exemptions for removal of indigenous vegetation on Māori owned land (such as Te Ture Whenua titles), which is treated as any other proposal – generally starting at restricted discretionary.

5.2.3 Advice received from Taranaki Whānui and Ngāti Toa Rangatira

Under Clause 4A of Schedule 1 of the RMA local authorities are required to:

- Provide a copy of any draft policy statement or plan to any iwi authority previously consulted under clause 3 of Schedule 1 prior to notification;

- Allow adequate time and opportunity for those iwi authorities to consider the draft and to supply advice; and
- Have particular regard to any advice received before notifying the plan.

As an extension of this s32(4A) requires evaluation reports prepared in relation to a proposed plan to include a summary of:

- All advice received from iwi authorities concerning the proposal; and
- The response to that advice, including any proposed provisions intended to give effect to the advice.

The District Plan Review has included significant engagement with our mana whenua partners - Taranaki Whānui ki te Upoko o te Ika and Ngāti Toa Rangatira. This has included over 100 hui and wānanga attended by Council officers over the last 12 months. This has provided a much greater understanding of mana whenua values and aspirations as they relate to the PDP.

The PDP elevates the consideration of mana whenua values in resource management processes, including:

- A new Tangata Whenua chapter which provides context and clarity about who mana whenua are and what environmental outcomes they are seeking.
- A new Sites and Areas of Significance to Māori chapter that provides greater protection for sites and areas of significance than the current District Plan.
- Integrating mana whenua values across the remainder of the plan where relevant.

This is consistent with both the City Goal of ‘Partnership with mana whenua’ in the Spatial Plan; and the recently signed Tākai Here (2022), which is the new partnership agreement between the Council and our mana whenua partners, Rūnanga o Toa Rangatira, Taranaki Whānui ki Te Upoko o Te Ika and Te Rūnanganui o Te Āti Awa.

A full copy of the advice received is attached as an addendum to the complete suite of Section 32 reports as Addendum A – Advice received from Taranaki Whānui and Ngāti Toa Rangatira.

Advice was received from both Ngāti Toa Rangatira and Taranaki Whānui. A summary of is provided below:

| Topic | Advice Received | Response |
|--|--|---|
| Harbour pollution | <ul style="list-style-type: none"> • Concerns about levels of pollution in the harbour. • Diesel and air discharge and waste that enters the harbour. • Mana whenua states they have submitted on the regional plan and want concerns in relation to ecosystems and indigenous biodiversity upheld. | <ul style="list-style-type: none"> • The regulatory control of water quality within the harbour and air discharge is managed by regional council as it is within their statutory jurisdiction. |
| Ecosystems and indigenous biodiversity | <ul style="list-style-type: none"> • Seeks an objective to ensure relationship of mana whenua and their traditions associated with | <ul style="list-style-type: none"> • Objective ECO-O4 included. • Cultural values are included within the methodology for identifying |

| | | |
|--|---|--|
| | <p>indigenous vegetation and fauna are recognised and provided for.</p> <ul style="list-style-type: none"> • Seeks a policy that requires an applicant to seek advice / consult with mana whenua where species of cultural significance (as identified by mana whenua) are present within the significant natural area. • Encourage the protection, enhancement and restoration of indigenous biodiversity by supporting opportunities for Mana Whenua to exercise their customary responsibilities as kaitiaki in restoring, protecting and enhancing areas of indigenous biodiversity. • Provide for the role of Mana Whenua as kaitiaki in managing biodiversity, particularly in Treaty Settlement areas, and for cultural practices and cultural harvesting in significant ecological areas where the mauri of the resource is sustained. | <p>qualifying SNAs and the impacts on the overall biodiversity values will be considered through the effects management hierarchy.</p> <ul style="list-style-type: none"> • The policy framework requires assessment of the effect on indigenous biodiversity values and provides for hauhake. • Permitted provision included in rule framework recognising and supporting kaitiakitanga for mana whenua to be able to exercise restoration activities. • Customary harvesting (hauhake) is defined and provided for as a permitted activity in the rule framework. |
|--|---|--|

5.2.4 Consultation undertaken to date

The following is a summary of the primary consultation undertaken in respect of this topic:

| Who | What | When | Relevant Issues Raised |
|--------------------------------------|----------------------------------|--------------------------|---|
| General Public and Landowners | Feedback on discussion documents | August 2019 – May 2022 | <ul style="list-style-type: none"> • Backyard Tāonga engagement – ongoing engagement since 2019 including site visits, community meetings, ecological advice and refinement of spatial overlays. |
| Councillors | Draft Plan workshops | March 2021 April 2022 | <ul style="list-style-type: none"> • Regular workshops with Councillors throughout the course of preparing the Draft and Proposed District Plans. These workshops covered a wide range of topics and allowed Councillors to provide feedback on key policy directions and to input into the development of the Draft and Proposed District Plans. • SNAs were specifically discussed at these workshops on a number of occasions. |

| | | | |
|---|--|---------------|--|
| Parks, Sport and Recreation Team | Feedback on draft provisions | March 2022 | <ul style="list-style-type: none"> • Tracks building provisions, ecological assessments, activity status, structures and earthworks associated with public use of reserves. |
| Feedback on Draft Plan | Feedback on Draft Plan, through submissions and targeted discussions | November 2021 | <ul style="list-style-type: none"> • Removal of SNA overlays from private land; • Extent of SNA overlays challenged, including some with independent ecological assessments; • Amendments to provide for maintenance and residential amenity; • Impact on property value and reasonable use of land; • Challenging whether council is correctly implementing Policy 23; • Requests for non-regulatory support, access to advice and funding. • Infrastructure providers feedback on the draft provisions in relation to national grid and general infrastructure. |

A summary of specific feedback on this topic received during consultation on the Draft District Plan is contained in **Appendix 1**, including how it has been responded to in the Proposed District Plan.

Additional detail concerning the wider consultation undertaken in preparing the Proposed District Plan is contained in the companion Section 32 Evaluation Overview Report.

In summary, 180 submissions were received on the draft ECO related provisions with the key findings arising from the consultation undertaken on this topic comprising:

- General support for protection of indigenous biodiversity, but concerns the provisions prevented reasonable future use of private land;
- Some infrastructure providers and Requiring Authorities perceived conflicts with other legislation (e.g. NES-ETA or NES-TF) or uncertainty which provisions should apply (zones, overlays);
- Concerns that the draft overlays would remove private property rights, decrease property values and prevent any future use of urban zoned land within a SNA.

5.3 Summary of Relevant Resource Management Issues

Based on the research, analysis and consultation outlined above the following issues have been identified:

| Issue | Comment | Response |
|---|---|---|
| Issue 1: Areas of significant indigenous ecosystems and habitats are not adequately | <ul style="list-style-type: none"> • Increased urban growth and rural area activities result in removal of native indigenous vegetation. • Areas have not been spatially identified and the values within | <ul style="list-style-type: none"> • Complete a district wide assessment identifying all SNA and their biodiversity values. • Include a framework of objectives, policies and rules to manage |

| Issue | Comment | Response |
|--|--|---|
| protected and face threat of decline. | <p>them not recorded so that the impact of the loss is not understood.</p> <ul style="list-style-type: none"> • Effects on SNA within public administered land is addressed through reserve management plans and open space zone provisions but these do not extend to private land. • The statutory requirements of s6(c) RMA, NZCPS and the RPS are not being met. | <p>activities within SNA to reduce further loss of biodiversity.</p> <ul style="list-style-type: none"> • Incorporate the effects management hierarchy within the policy and rule framework to support decision making. • Include policies and rules that discourage development with particularly significant impacts. • Include policies that encourage the enhancement and restoration of indigenous biodiversity. |
| <p>Issue 2:</p> <p>Restriction on subdivision use and development may prevent reasonable expectation for use of land.</p> | <ul style="list-style-type: none"> • Requiring consent for any activity within an SNA will impose a cost for applications and place demand on WCC processing. • Some existing sites may no longer be able to realise the current development potential. • The requirements could unduly constrain or duplicate management of public reserves when management plans already require consideration of biodiversity impacts. | <ul style="list-style-type: none"> • Incorporate the effects management hierarchy into the policy and rule framework to enable activities to be considered against the likely impact on ecological value and support decision making rather than blunt avoidance provisions. • Include policies that recognise and provide for some minor activities and support these policies with permitted rules and standards where the effect on the ecological values of the SNA are understood to be less than minor or indiscernible. • Provide a rule hierarchy range that enables activities to be assessed in terms of the potential effect and manage those with limited effects and discourage those with substantial effects. |
| <p>Issue 3:</p> <p>Ability for tangata whenua to exercise traditional cultural practices is constrained.</p> | <ul style="list-style-type: none"> • Cultural harvesting can be limited within SNA and/or trigger requirement for resource consent. • Te Ture Whenua land is often predominately covered by SNA overlays representing significant constraint for future use. | <ul style="list-style-type: none"> • Enable traditional cultural harvesting practice within SNA as a permitted standard. • Seek feedback from mana whenua on the draft provisions including any potential constraints on future use of land held in Te Ture Whenua of iwi interests. |

| Issue | Comment | Response |
|--|--|--|
| <p>Issue 4: The extent to which indigenous vegetation needs to be protected outside of SNA.</p> | <ul style="list-style-type: none"> • Not all indigenous vegetation has been included within Significant Natural Areas because it does not meet the minimum criteria identified within the ecology assessment or the Policy 23 (RPS) criteria to be considered significant. • The RPS policy direction focuses regulation predominantly on significant natural areas and encourages non-regulatory measures in Policy 64 and Method 54 which collectively enable WCC to meet its s31 functions. | <ul style="list-style-type: none"> • The method⁹ for identifying ecological sites is comprehensive. This includes reviewing the GWRC database and the Department of Conservation's ecosite layer database for biodiversity values. The method also used aerial imagery to map the SNA capturing indigenous vegetation coverage. Consequently, the majority of existing indigenous vegetation is captured within the SNA overlays and any remaining examples outside the SNA are very limited. • Additional controls on general (non-SNA) indigenous vegetation are included in the overlay chapters for Outstanding Natural Features, Outstanding Natural Landscapes, Special Amenity Landscapes and the Coastal Environment which extend beyond the SNA overlays. • Non-regulatory support can be also included in the provisions to promote maintenance, restoration or enhancement of indigenous vegetation in general. This includes through measures to support pest control, provide information and planting enhancement funds. |
| <p>Issue 5: The SNA controls will not protect indigenous biodiversity on Urban Environment Allotments unless specific measures are imposed.</p> | <ul style="list-style-type: none"> • The RMA prevents rules imposing blanket tree protection within Urban Environment Allotments (defined within s76 of the RMA) unless the lot and all relevant trees are identified. • This means SNA provisions restricting tree removal from within urban SNA will be ultra vires unless the requirements of s76 RMA are met. | <ul style="list-style-type: none"> • Include a schedule of all SNA within Urban Environment Allotments in accordance with the s76 information requirements. • Include reference to the schedule within the SNA rule framework to ensure the provisions still apply and biodiversity is protected in accordance with the proposed objective. |

⁹ The methodology is detailed in Section 3 of the Wildlands report (Audit of Potentially Significant Natural Areas in Wellington City: Stage 1 Desktop Analysis, 2016).

| Issue | Comment | Response |
|---|---|--|
| | <ul style="list-style-type: none"> The result would be biodiversity objectives and provisions will not be effective within urban zones. | |
| <p>Issue 6: Maintenance and operation of existing network infrastructure may be unduly restrained.</p> | <ul style="list-style-type: none"> Operation and maintenance could be delayed where resource consent is required for routine maintenance of the network. Uncertainty and cost associated with resource consent process and potential for works to be declined disrupting service. | <ul style="list-style-type: none"> Address through the infrastructure chapter with specific directions for SNA areas. Policies and rules recognise and provide for ongoing maintenance and operation of network infrastructure including the National Grid where located within a SNA. Manage effects of new infrastructure with rules that require assessment of the impact on SNA. |
| <p>Issue 7: Crossover of jurisdictional responsibility for ecological areas could confuse or frustrate protection measures through dual decision making.</p> | <ul style="list-style-type: none"> Potential crossover and duplication of rules between regional and territorial authorities. Best to avoid duplication of regulation within regional documents (PNRP and operative plans). | <ul style="list-style-type: none"> GWRC are responsible for managing ecology effects within wetlands, rivers, streams and lakes. The NPS-FM and NES-FW regulations place clearer responsibility on regional authorities which includes regulation on identifying wetlands, controlling earthworks and vegetation removal adjacent and within wetlands. The rules within the PNRP already manage activities within wetlands. Terrestrial biodiversity is managed through the district plan provisions in accordance with the areas of responsibility in Policy 61(c) of the RPS and avoids duplication but aligns where necessary to be consistent (such as with permitted activities). |

6. Evaluation of the Proposal

This section of the report evaluates the objectives of the proposal to determine whether they are the most appropriate means to achieve the purpose of the RMA, as well as the associated policies, rules and standards relative to these objectives. It also assesses the level of detail required for the

purposes of this evaluation, including the nature and extent to which the benefits and costs of the proposal have been quantified.

6.1 Scale and Significance

Section 32(1)(c) of the RMA requires that this report contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.

The level of detail undertaken for this evaluation has been determined by assessing the scale and significance of the environmental, economic, social and cultural effects anticipated through introducing and implementing the proposed provisions (i.e. objectives, policies and rules) relative to a series of key criteria.

Based on this the scale and significance of anticipated effects associated with this proposal are identified below:

| Criteria | Scale/Significance | | | Comment |
|---------------------------------------|--------------------|--------|------|--|
| | Low | Medium | High | |
| Basis for change | | | ✓ | <ul style="list-style-type: none"> Section 6(c) of the RMA identifies the protection of significant indigenous vegetation and habitat as a matter of national importance. Section 31(1)(b) requires council to maintain indigenous biodiversity as part of its functional responsibilities under the RMA. The higher order policy directions include the RPS (2013) which requires territorial authorities to identify SNA and to include objectives, policies and rules to protect significant natural areas comprising indigenous biodiversity and habitats. |
| Addresses a resource management issue | | | ✓ | <ul style="list-style-type: none"> The Audit of Potentially Significant Natural Areas in Wellington City (Wildlands, 2016) identified 176 draft significant natural areas district wide within Wellington City on both public and private land. The current operative provisions will not protect all those areas and therefore are inconsistent with the requirements of the Regional Policy Statement. The operative provisions do not spatially identify the extent of SNA and only include regulatory provisions on Open Space zoned land, excluding a large portion of privately owned land from any protection from further loss. |
| Degree of shift from the status quo | | | ✓ | <ul style="list-style-type: none"> There is an established regulatory approach to managing adverse effects on indigenous vegetation but this is limited to land within Open |

| Criteria | Scale/Significance | | | Comment |
|--|--------------------|--------|------|--|
| | Low | Medium | High | |
| | | | | <p>Space B and C zones which are primarily administered as public land by WCC.</p> <ul style="list-style-type: none"> • There are no spatially identified areas or regulatory provisions controlling removal or impacts on indigenous vegetation or habitats on urban land. As such, there are no direct provisions regulating impacts on indigenous biodiversity on private land. • Accordingly, the degree of shift would be high for private landowners. |
| Who and how many will be affected/ geographical scale of effect/s | | | ✓ | <ul style="list-style-type: none"> • The draft assessment by Wildlands identified 176 potential SNA sites which accounts for nearly 2600 parcels across the Wellington district. Currently only the open space provisions in the ODP apply which includes some 200 parcels. • The majority of the proposed total SNA area is identified within rural and open space zones, with a much smaller percentage located within residential zoned areas. However, due to the higher density of land ownership within urban zones, these represent some 1700 individual parcels. • Consequentially, the move to include some 2400 private land parcels at a district wide scale represents a comparatively high level of change at a district wide scale. |
| Degree of impact on or interest from iwi/ Māori | | | ✓ | <ul style="list-style-type: none"> • The interest of Ngāti Toa Rangatira in indigenous ecosystems and habitats and the ongoing ability to exercise tikanga and kaitiakitanga and traditional cultural practices will be impacted by proposed provisions. • The interest of Ngāti Toa Rangatira in identifying the SNA with tangata whenua values comprising spiritual, cultural or historical significance in accordance with Policy 23(e). • The degree of interest is considered high. |
| Timing and duration of effect/s | | | ✓ | <ul style="list-style-type: none"> • In accordance with s86F of the RMA, the SNA provisions will have legal effect once formally notified. • Once beyond challenge the operative provisions will have an ongoing effect until reviewed as part of the Council's statutory requirements to undertake a plan review or as otherwise directed |

| Criteria | Scale/Significance | | | Comment |
|--------------------------------|--------------------|--------|------|--|
| | Low | Medium | High | |
| | | | | <p>by any future gazettal of a National Policy Statement on Indigenous Biodiversity (which would define statutory time periods the Council must meet in order to implement any plan changes to achieve the NPS-IB requirements).</p> <ul style="list-style-type: none"> The timing and duration effect on private landowners and public asset managers is therefore considered moderate to high given the provisions will have immediate legal effect from the date of notification and thus form a consideration through the resource consent process early in the plan review phase. |
| Type of effect/s | | | ✓ | <ul style="list-style-type: none"> The effect on the community includes a range of private landowners, Ngāti Toa Rangatira and asset managers of public open space areas. The effects of activities on the biodiversity values of the SNA areas will be managed via a set standards and the resource consent process. The draft provisions will capture a wider range of activities than the operative provisions and also include private land. The range of permitted standards and activities will be narrower in scope thus in turn generate more resource consent applications for activities that might otherwise be currently permitted. The effect is therefore considered high given the provisions will have immediate legal effect from the date of notification and apply district wide. Furthermore, the proposed plan provisions will support the ongoing efforts of some landowners with an interest in protecting biodiversity as expressed through the feedback from the informal consultation and engagement phase. A positive effect would be achieved through halting decline and encouraging restoration of the remaining indigenous biodiversity values. |
| Degree of risk and uncertainty | | ✓ | | <ul style="list-style-type: none"> Plan changes comprising new spatially defined overlay areas and introducing provisions to manage activities in these spaces are generally contentious because they represent a regulatory change. The risk or uncertainty of introducing such regulatory change is usually considered 'high'. However, the draft provisions have been further |

| Criteria | Scale/Significance | | | Comment |
|----------|--------------------|--------|------|--|
| | Low | Medium | High | |
| | | | | <p>amended following feedback from the draft consultation phase in 2021. The potential degree of the overall risk and uncertainty is considered to be reduced by;</p> <ul style="list-style-type: none"> ○ Undertaking a comprehensive engagement process operated at various contact levels within the community over the last three years; ○ The investment in an extensive and robust evidence base prepared by suitably qualified and experienced ecologists based on contemporary methodology combining regional policy criteria, established case law and industry best practice; and ○ A process of ongoing engagement with key stakeholders over the last three years to address emerging policy on biodiversity and developing a consistent approach with regional and national planning directions. |

Overall, the scale and significance of the proposed provisions are considered to be high for the following reasons:

- The existing provisions in the ODP do not meet the statutory requirements of the RMA and the RPS;
- The existing regulatory framework does not identify or protect all potential areas of significant indigenous biodiversity;
- The proposed district plan will introduce district wide provisions encompassing all relevant areas of land including privately owned land which is a substantial shift from the status quo;
- The provisions will have immediate legal effect from the date of notification so that the timing and duration is comparatively high;
- The proposed provisions will introduce a range of new regulatory controls, narrowing the scope of permitted activities currently enjoyed by private landowners for vegetation removal within SNA and generating an increased need for resource consent.

Consequently, a detailed evaluation of these provisions has been identified as appropriate for the purposes of this report.

Section 32(2)(b) requires that, where practicable, the benefits and costs of a proposal are to be quantified. Specific quantification of the benefits and costs beyond the information and evidence outlined in section 5.2 of this report is not readily available and is also limited by the methodology and range of complex variables involved. As such, a qualitative approach has been undertaken.

Notwithstanding this, reference is made to a high level economic impact assessment of potential property value effects which was prepared during the early public engagement stage.

Following the feedback on the draft district plan, a further peer review of that assessment has been undertaken¹⁰. The results of this evaluation have been used to inform the assessment of reasonably practicable options and associated policies, rules and other methods contained in section 10 of this report.

7. Overview of Proposal

The proposed provisions relevant to this topic are set out in detail in the ePlan and should be referenced in conjunction with this evaluation report.

7.1 Ecosystems and Indigenous Biodiversity Chapter – Proposed Provisions

In summary, the proposed provisions include:

| Ecosystems and Indigenous Biodiversity - ECO | |
|---|---|
| Objectives | <p>Four objectives addressing:</p> <ul style="list-style-type: none"> • ECO-O1 Subdivision, Use and Development in Significant Natural Areas identifies the protection of SNA from inappropriate activities and, where appropriate, restoration, as the intended outcome. • ECO-O2 Coastal Environment Significant Natural Areas identifies the protection of SNA within the coastal environment as the intended outcome. • ECO-O3 Plantation Forestry within Significant Natural Areas identifies the protection of SNA from the adverse effects of plantation forestry as the intended outcome. • ECO-O4 Kaitiakitanga of Significant Natural Areas identifies the maintenance and restoration of SNA by mana whenua as the intended outcome. |
| Policies | <p>Ten policies addressing:</p> <ul style="list-style-type: none"> • ECO-P1 Identification of Significant Natural Areas provides for the identification of significant natural areas. • ECO-P2 Protection of Significant Natural Areas provides for the protection of significant natural areas by requiring activities to apply the effects management hierarchy. • ECO-P3 Appropriate vegetation removal in Significant Natural Areas provides for the removal of vegetation within significant natural areas where the scale and nature will maintain the biodiversity values. This includes for maintaining roads, accesses and areas around existing development, pest control activities, natural hazards, wildfire risk and customary harvesting. |

¹⁰ Market Economics Memorandum - Darroch Report: Significant Natural Areas (SNA). Implementation by Wellington City Council and Impact on Property Owners – Review (April 2022).

| Ecosystems and Indigenous Biodiversity - ECO | |
|---|--|
| | <ul style="list-style-type: none"> • ECO-P4 Subdivision, Use and Development within Significant Natural Areas provides for activities within significant natural areas where the effects management hierarchy is applied together with an ecological assessment to ensure the effects on biodiversity values are appropriately managed. • ECO-P5 Development of Existing Vacant Lots provides for the development of existing vacant lots in the residential zones which were created prior to the identification of the significant natural area. • ECO-P6 Protection and Restoration Initiatives encourages restoration, maintenance and protection activities within significant natural areas providing for kaitiakitanga, Karori Sanctuary and community or landowner initiatives. • ECO-P7 Significant Natural Areas within the Coastal Environment provides for activities within the coastal environment where in accordance with the effects management hierarchy while avoiding effects on the most sensitive coastal SNA. • ECO-P8 New Plantation Forestry discourages new plantation forestry within significant natural area. • ECO-P9 Existing Plantation Forestry provides for the ongoing management of existing plantation forestry and associated activities where the biodiversity values are maintained. |
| Rules | <p>A rule framework that manages vegetation removal from within SNA as follows:</p> <ul style="list-style-type: none"> • ECO-R1 Trimming, Pruning or Removal of Vegetation within a Significant Natural Area permits trimming, pruning or removal of vegetation within SNA to maintain residential amenity, enable continued maintenance and access to property, undertake customary harvesting, repair or install service connections, undertaken flood mitigation works, and maintain public tracks. Trimming for maintaining sunlight access to residential private property is enabled. New access tracks for rural activities are provided for in the Rural Zone together with clearance for stock fences, maintaining farm drains and disposal fields, and firebreaks around dwellings. New public tracks are Controlled Activities, While activities that do not meet the permitted standards elevate to restricted discretionary and enable consideration of the effects through the effects management hierarchy steps and support of a site specific ecology report. Activities that are located within the coastal environment are restricted discretionary, but elevate to non-complying where the SNA includes matters identified in Policy 11(a) of the NZCPS. • ECO-R2 Removal of Non-Indigenous (Exotic) Vegetation within a Significant Natural Area Permits removal where the species is a defined pest plant and elevates to restricted discretionary if compliance with the standards is not met. • ECO-R3 Restoration and Maintenance of a Significant Natural Area permits works for the purpose of restoration through planting eco-sourced vegetation, undertaking pest plant and pest animal control activities, carrying out |

Ecosystems and Indigenous Biodiversity - ECO

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| | <p>activities in accordance with QEII covenants, reserve management plans and kaitiakitanga.</p> <ul style="list-style-type: none"> • ECO-R4 Vegetation clearance for construction of a residential building on a vacant allotment within a Significant Natural Area allows clearance within a SNA to position a new building on a vacant lot in the General Residential Zone and Medium Density Residential Zone if the lot existed prior to the notification of the plan. Elevates to restricted discretionary if standards are not met. • ECO-R5 New plantation within a Significant Natural Area identifies the establishment of new plantation forestry within a SNA as a non-complying activity. This is consistent with the NPS-PF regulations for imposing a more onerous activity status to protect significant natural areas. |
| <p>Standards</p> | <p>There are four standards supporting the rule framework addressing:</p> <ul style="list-style-type: none"> • ECO-S1 Vegetation Removal associated with private access paths standard for removal by private landowners to create paths up to 1.0m wide supporting rule ECO-R1.1.a • ECO-S2 Trimming, Pruning or Removal where there is the imminent threat to people or property standard permitted trimming, pruning or removal supporting rule ECO-R1.1.a. • ECO-S3 Vegetation removal associated with maintenance or repair of public walking and cycling tracks including Parks Maintenance and Repair standard for removal up to 2.5m wide supporting rule ECO-R1.1.a. • ECO-S4 Trimming or pruning maintain sunlight access standard for trimming and pruning (but not removal) to maintain sunlight access in residential zones up supporting rule ECO-R1.1.b. • ECO-S5 Vegetation removal associated with farm access tracks standard for removal to enable farm access on rural zoned properties for primary production purposes supporting rule ECO-R1.2. • ECO-S6 Vegetation removal associated with upgrading of existing and creation of new public walking and cycling tracks and associated buildings and structures standard for removal up to 2.5m wide for new tracks and up to 5m² for parks ancillary buildings on open space land supporting rule ECO-R1.3. |
| <p>Schedules & Appendices</p> | <p>There are three schedules:</p> <ul style="list-style-type: none"> • SCHED8 Significant Natural Areas comprising a list of every SNA with a summary of the biodiversity values. • SCHED9 Urban Environment Allotments comprising a list of all Urban Environment Allotments as defined by the RMA to address the section 76 requirements. • SCHED10 Indigenous tree sizes comprising a list of all indigenous tree and sizes as related to the permitted standards. |

Ecosystems and Indigenous Biodiversity - ECO

There are three appendices:

- **APP2: Biodiversity Offsetting**
sets out the principles to be applied and supports the effects management hierarchy policy and rules when resource consent is required.
- **APP3: Biodiversity Compensation**
sets out the principles to be applied if compensation is a suitable option. This supports the effects management hierarchy policy and rules when resource consent is required.
- **APP15: Ecological Assessments**
guidance on the key requirements to be included within the ecological report accompanying any resource consent application.

The proposed ECO chapter framework (policies and rules) directly incorporates the effects management hierarchy as outlined in section 4.6 of this evaluation report.

Effects Management Hierarchy

The effects management hierarchy enables assessment of a proposal to determine the scale of impact on the identified biodiversity values and how best to respond to achieve no net loss and preferably a net gain in biodiversity values.

The approach applies the sequence of steps to help guide the design of the proposal and demonstrate how the biodiversity values have been addressed through the proposal design. Consideration is given to the overall residual effect after applying the progressive measures of avoidance, minimising and remedying/restoration before moving to offsetting and compensation. This overall approach is summarised in the following illustration.

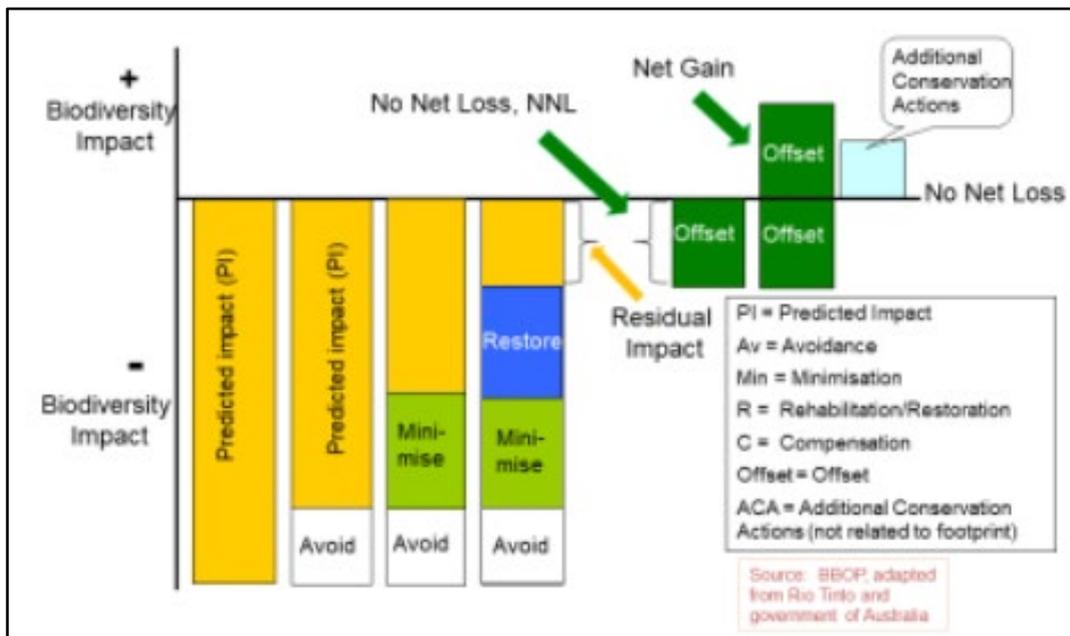


Illustration 1: Effects management hierarchy. BBOP (2012).

The ECO chapter provisions only apply to the mapped SNA overlays identified with significant indigenous biodiversity values (and recorded in Schedule 8).

The policy framework incorporates the effects management hierarchy to manage effects of subdivision, use and development on SNA through the following sequence of steps;

- Avoid adverse effects on biodiversity values where practicable;
- Minimise adverse effects on biodiversity values where avoidance is not practicable; and
- Remedy or restore adverse effects on the biodiversity values where they cannot be avoided or minimised; and
- Only consider biodiversity offsetting to address any remaining residual biodiversity effects in accordance with the principles of Biodiversity Offsetting; and
- Only consider biodiversity compensation after first considering biodiversity offsetting and where the principles of Biodiversity Compensation are met.

The policy and rule framework incorporates the concept of 'biodiversity offsetting' to enable consideration of whether any remaining residual effects (after applying the mitigation hierarchy) can be appropriately addressed outside the site. A schedule providing guidance to plan users and outlining what constitutes appropriate biodiversity offsetting is included as Appendix 2 (APP2) in the proposed district plan.

Recognition of 'biodiversity compensation' is also included within the policies and rules. This is the least preferred option and will not always be appropriate. As such, a schedule is included as Appendix 3 to the proposed district plan to provide guidance on what actions must be achieved to qualify as acceptable biodiversity compensation.

The rule framework generally focuses on the trimming or removal of indigenous vegetation as the trigger point for potential adverse effects on significant indigenous biodiversity, rather than the activity itself.

For this reason, most activities are identified as restricted discretionary status to enable consideration of the effect and application of the effects management hierarchy. This provides the ability to approve or refuse the activity depending on whether it is determined appropriate following assessment and also to impose conditions to achieve the design outcome.

Equally, some activities are recognised as having no discernible or long-term impact on biodiversity values, and accordingly these are identified as permitted activities subject to standards. Examples of such activities are found within rule ECO-R1, which recognises and provides for residential amenity on all zoned land and balances the uses on private land with the overall objective to protect remaining areas of indigenous biodiversity from inappropriate activities. The provisions include such permitted activities as:

- removal of vegetation within SNA to enable maintenance around existing residential units, outdoor amenity space;
- trimming or pruning of vegetation to maintain sunlight access to residential units;
- removal of vegetation associated with creation or maintenance of private access tracks or paths through SNA on private land;
- removal of vegetation to maintain existing accessways, driveways, or roads;
- removal of vegetation where there is a threat to people or property from dead or diseased vegetation; and

- removal of vegetation required to enable maintenance or repair of any services including telecommunication, electricity, stormwater, water supply or wastewater.

The provisions also enable vegetation removal where it is required as part of reducing flood hazard risk or to reduce wildfire risk in accordance with Fire and Emergency New Zealand compliance requirements. Customary harvesting is also provided for as a permitted activity across all zones.

Maintenance of existing public walking and cycling tracks is permitted, while new tracks are identified as a controlled activity. This reflects the need for public tracks through open space areas to meet minimum design standards in terms of width and gradient to cater for public accessibility and therefore benefits from carefully considering the impact via an ecological assessment.

Rural zone sites also benefit from additional permitted provisions that allow for removal of vegetation if associated with the construction of new fences for pest animal exclusion or stock control or the maintenance of existing farm drains, septic tank field or stormwater treatments. Removal is also permitted for firebreaks around existing rural dwellings in accordance with FENZ guidance and where associated with maintenance or creation of new access tracks for agricultural, pastoral or horticultural activities.

The permitted provisions include standards. Where not met, the activities generally elevate to a restricted discretionary activity status and require an ecological assessment to assist in the application of the effects mitigation hierarchy and to determine the scale of effect from the given proposal. Appendix 15 (APP15) provides specific guidance on what an ecological assessment is expected to include.

The removal of exotic vegetation from within a SNA is addressed through rule ECO-R2 and is limited to pest plant vegetation as a permitted activity. A definition identifying relevant pest plants is also included to support the proposed provisions. Retaining some exotics within SNA is recognised as contributing to the success and retention of significant indigenous biodiversity and therefore the removal of exotic species not identified as pest plants is considered as a restricted discretionary activity.

Restoration and maintenance activities are permitted in ECO-R3 recognising and supporting community initiatives, pest animal or plant control activities, registered protective covenants or reserve management plan requirements. All these activities are focused on an outcome of maintaining or restoring indigenous biodiversity values and therefore are encouraged. Equally the ability for mana whenua to exercise kaitiakitanga to restore indigenous biodiversity is supported.

Recognition for existing residential sections that have not been developed yet and are located predominantly within an identified SNA is provided through ECO-R4 which provides for the removal of vegetation to enable the construction of a dwelling as a controlled activity. This is to balance the reasonable expectation to construct a residential dwelling in accordance with the underlying residential zone but acknowledging that the provisions would require this as a restricted discretionary activity for any vegetation removal. Controlled activities cannot be refused and therefore such 'transitional' sites would still retain some certainty on achieving resource consent while also enabling a consent process to confirm the proposal meet the required standards through consent conditions.

New plantation forestry is identified as a non-complying activity to reflect the significant impact this can have on existing indigenous biodiversity. Maintenance of existing plantation forestry would continue to be managed through the NES-PF regulations.

7.2 Infrastructure – Proposed Provisions relating to ECO

The provisions relating specifically to infrastructure within Significant Natural Areas are located within the Infrastructure – Ecosystems and Indigenous Biodiversity (INF-ECO) sub-chapter. The sub-chapter differentiates between general infrastructure and provisions for the National Grid (NG) and the Gas Transmission Pipeline Corridor (GTPC).

7.2.1 General Infrastructure

The ongoing operation, maintenance and repair of existing infrastructure is recognised as a necessary activity and as such is permitted within significant natural areas. Standards have been identified and where not met the activity would escalate to restricted discretionary to enable consideration of the effects on the identified biodiversity values and apply the effects management hierarchy.

While upgrading can have a greater potential effect it is still considered appropriate as long as the activity is undertaken in accordance with the effects management hierarchy to manage adverse effects. As such these activities are identified as restricted discretionary to enable consideration of potential impacts on biodiversity values.

New infrastructure has the potential to significantly impact biodiversity values of SNA due to the scale of associated development and disruption and therefore is identified as a discretionary activity.

7.2.2 National Grid and Gas Transmission Pipeline Corridor

The proposed provisions for the National Grid and the Gas Transmission Pipeline Corridor follow a similar approach and logic as the provisions for general infrastructure, but also take into consideration the provisions of the National Policy Statement for Electricity Transmission 2008 and the National Environmental Standards for Electricity Transmission Activities 2009.

Much like general infrastructure, the operation, maintenance and repair of NG and GTPC infrastructure are accepted as necessary activities and as such are permitted within SNA. This approach recognises the additional guidance provided by the NPS-ET and additional regulations included in the NES-ETA and incorporates these as standards.

While upgrading also relates to already existing and established NG structures it can have greater adverse effects on indigenous biodiversity values. It is therefore identified as a restricted discretionary activity which allows for the consideration of any adverse effects. The upgrading of GTPC infrastructure within a SNA is restricted discretionary where located underground or within an existing road reserve. All other upgrades are fully discretionary. This split approach for the NG and the GTPC recognises the additional guidance and regulation that applies to the NG and the lack of such regulation for the GTPC.

New NG and GTPC infrastructure within a SNA is a fully discretionary activity, which provides for the avoidance of significant adverse effects and the management of all other adverse effects. This approach also recognises that the NES-ETA does not apply to new NG infrastructure.

| Infrastructure – Ecosystems and Indigenous Biodiversity – INF-ECO | |
|---|---|
| Policies | Two policies relating to infrastructure activities that provide guidance regarding: <ul style="list-style-type: none">• INF-ECO-P32 Operation, maintenance and repair of existing infrastructure within a Significant Natural Area Provided for. |

| Infrastructure – Ecosystems and Indigenous Biodiversity – INF-ECO | |
|--|---|
| | <ul style="list-style-type: none"> • INF-ECO-P33 Upgrading of existing infrastructure and new infrastructure within a Significant Natural Area are allowed. <p>Three policies relating to National Grid and Gas Transmission Pipeline Corridor activities that provide guidance regarding:</p> <ul style="list-style-type: none"> • INF-ECO-P34 Operation, maintenance and repair of existing National Grid infrastructure within a Significant Natural Area • INF-ECO-P35 Upgrading of existing National Grid infrastructure within a Significant Natural Area • INF-ECO-P36 New development of National Grid infrastructure within a Significant Natural Area |
| Rules | <p>A rule framework that manages infrastructure activities and National Grid and Gas Transmission Pipeline Corridor activities as follows:</p> <p>Infrastructure activities</p> <ul style="list-style-type: none"> • INF-ECO-R42 Operation, maintenance and repair of existing infrastructure within a Significant Natural Area are permitted. • INF-ECO-R43 Upgrades of existing infrastructure within a Significant Natural Area are restricted discretionary activities to manage the potential impacts on the SNA. • INF-ECO-R44 New infrastructure within a Significant Natural Area are full discretionary activities. <p>National Grid and Gas Transmission Pipeline Corridor activities</p> <ul style="list-style-type: none"> • INF-ECO-R45 Operation, maintenance, repair of existing National Grid (NG) & Gas Transmission Pipeline Corridor (GTPC) infrastructure within a Significant Natural Area is permitted subject to standards consistent with the NES-ETA. • INF-ECO-R46 Upgrading of existing National Grid (NG) infrastructure within a Significant Natural Area is restricted discretionary. • INF-ECO-R47 Upgrading of existing Gas Transmission Pipeline Corridor (GTPC) infrastructure within a Significant Natural Area is restricted discretionary where located within the road reserve or underground and full discretionary in all other locations. • INF-ECO-R48 New National Grid (NG) & Gas Transmission Pipeline Corridor (GTPC) infrastructure within a Significant Natural Area is a discretionary activity. |
| Standards | <ul style="list-style-type: none"> • INF-ECO-S20 Trimming or removal of indigenous vegetation or trees within a Significant Natural Area • INF-ECO-S21 Earthworks within a Significant Natural Area |

7.3 Renewable Electricity Generation – Proposed Provisions Relating to ECO

These provisions are located within the Renewable Electricity Generation (REG) chapter. The REG chapter identifies four broad types of renewable electricity generation activities:

- investigation activities
- small scale renewable electricity generation,
- community scale renewable electricity generation; and
- large scale renewable electricity generation.

The chapter further differentiates between

- the operation, maintenance and repair of existing renewable electricity generation and
- the upgrading of existing and installation of new renewable electricity generation

The activity status then correlates to the different scale and types of renewable electricity generation activities and also takes into consideration whether the activity is located in a district wide overlay and the sensitivity of these overlays.

The operation, maintenance and repair of existing renewable generation infrastructure within a significant natural area is permitted given the effect of the renewable generation infrastructure is already established and the ongoing operation would have little impact on the identified biodiversity values.

The upgrading of existing and the establishment of new small scale renewable generation infrastructure and investigation activities are identified as restricted discretionary activities if located within a SNA overlay with the matters of discretion referencing the relevant policies of the REG chapter and the ECO chapter. This provides for consideration of the effects management hierarchy at the time of consent processing and allows applications to be either approved with conditions or declined if the adverse effects are significant and cannot be adequately managed or offset.

The upgrading of existing and the establishment of new community scale REG infrastructure is identified as a discretionary activity within a SNA. This allows consideration of all relevant matters and policies to assess the impact on the indigenous biodiversity values when determining a resource consent.

The upgrading of existing and the establishment of new large scale renewable generation activities within a SNA are identified as a non-complying activity. This signals that large scale activities are not anticipated within sensitive overlay areas and introduces the gateway test to the decision making process which includes the policy direction to avoid locating such activities within a SNA (REG-P9).

| | |
|-----------------|---|
| Policies | <p>References to significant natural areas are included the relevant policies that apply to overlays:</p> <ul style="list-style-type: none"> • REG-P3 Enabling existing renewable electricity generation activities - allows for operation, maintenance and repair of existing REG activities in all locations including SNA • REG-P6 Small-scale renewable electricity generation activities and investigation activities within Overlays and the coastal environment (new and upgrades) |
|-----------------|---|

| | |
|------------------|--|
| | <p>only allows for investigation, upgrading and new small scale REG within SNA where effects can be managed in accordance with the effects management hierarchy.</p> <ul style="list-style-type: none"> • REG-P9 Community-scale renewable electricity generation activities in other zones, locations and Overlays (new and upgrades) provides for upgrading and new community scale REG within a significant natural area where effects are managed in accordance with the effects management hierarchy. • REG-P12 Large-scale renewable electricity generation activities in other zones, locations and Overlays (new and upgrades) seeks to avoid any upgrades or new community scale REG within a significant natural area |
| Rules | <p>A rule framework that manages REG activities as follows:</p> <ul style="list-style-type: none"> • REG-R1 Operation, maintenance and repair, or removal of renewable electricity generation activities (including ancillary vehicle access tracks) are permitted subject to standards within SNA. • REG-R2 Renewable electricity generation investigation activities are restricted discretionary where located within SNA. • REG-R3 Small-scale renewable electricity generation activities (new and upgrades) are restricted discretionary where located within SNA. • REG-R4 Community-scale renewable electricity generation activities (new and upgrades) are discretionary where located within SNA. • REG-R5 Large-scale renewable electricity generation activities (new and upgrades) are non-complying where located within SNA. |
| Standards | <ul style="list-style-type: none"> • REG-S1 Trimming, pruning or removal of indigenous vegetation within a Significant Natural Area addresses maximum extent of trimming or removal around structures and accesses but exempts any works undertaken in accordance with electricity regulations or any removal required to maintain an existing access track. |

7.4 Subdivision – Proposed Provisions Relating to ECO

Subdivision provides additional development potential enabled by the permitted land use provisions of the underlying zone. This can result in adverse effects on identified SNA, introducing the need for vegetation clearance for building platforms, outdoor living areas, vehicle access and service installation. Subdivision creating new lots within a SNA is therefore identified as a restricted discretionary activity to allow assessment of the potential effects. The minimum allotment area for the underlying zone is not reduced, but the location of the future building platform must be identified and located outside of the SNA. Where the underlying zone requirements for buildings or the location of the building platform is not then the proposal elevates to a discretionary status.

| Subdivision - SUB | |
|-------------------|---|
| Policies | <p>Policies relating to subdivision that provide guidance:</p> <ul style="list-style-type: none"> • SUB-P15 Protection of Significant Natural Areas requires subdivision in SNA to apply the sequential steps of the effects management hierarchy. • SUB-P16 Subdivision in Significant Natural Areas only allows for subdivision where the effects management hierarchy is applied and it is demonstrated to be appropriate by taking into account the identified matters. |
| Rules | <p>A rule framework that manages subdivision within SNA as follows:</p> <ul style="list-style-type: none"> • SUB-R9 Subdivision of land within a significant natural area is a restricted discretionary activity where a future building platform is identified that complies with the underlying zone provisions and is located outside the SNA. Where the building platform is located within the SNA, then the proposal is identified as discretionary. |

7.5 Earthworks – Proposed Provisions Relating to ECO

Earthworks are permitted subject to standards across all zones within the PDP. However, there is potential for earthworks to adversely affect indigenous biodiversity values within SNA. As such, the following applies:

- Where earthworks exceed the more restrictive permitted standard, they are assessed as a restricted discretionary activity; and
- The matters of discretion are restricted to consideration of how the adverse effects on the indigenous biodiversity values are addressed via the effects management hierarchy.

| Earthworks - EW | |
|-----------------|---|
| Policies | <p>Policies relating to EW activities that provide guidance:</p> <ul style="list-style-type: none"> • EW-P9 Minor Earthworks within Significant Natural Areas enables earthworks within SNA where they are a minor scale that maintains biodiversity values. • EW-P10 Earthworks within Significant Natural Areas provides for earthworks where adverse effects on biodiversity values are managed in accordance with the effects management hierarchy. |
| Rules | <ul style="list-style-type: none"> • EW-R5 Earthworks within Significant Natural Areas permits earthworks where no vegetation is removed. Elevates to restricted discretionary to enable assessment of impact on biodiversity values in accordance with the effects management hierarchy. |

7.6 Definitions

The following definitions are particularly relevant to the ECO chapter:

| Definition | Purpose |
|--|---|
| <p>Biodiversity Compensation - means a measurable positive environmental outcome resulting from actions designed to redress the residual adverse effects on indigenous biodiversity arising from activities after appropriate avoidance, minimisation, remediation and biodiversity offsetting measures have been applied. The goal of biodiversity compensation is to achieve an outcome for indigenous biodiversity values that is disproportionately positive relative to the values lost.</p> | <p>Supports the provisions relating to the effects management hierarchy APP2.</p> |
| <p>Biodiversity Offsetting - Means a measurable positive environmental outcome resulting from actions designed to redress the residual adverse effects on biodiversity arising from activities after appropriate avoidance, minimisation, and remediation measures have been applied. The goal of a biodiversity offset is to achieve no net loss, and preferably a net gain, of indigenous biodiversity values.</p> | <p>Supports the provisions relating to the effects management hierarchy and APP3.</p> |
| <p>Customary Harvesting (Hauhake) - Means the harvesting of indigenous vegetation by mana whenua, in accordance with tikanga for traditional uses. This includes;</p> <ul style="list-style-type: none"> • Kohi kai (food gathering); • Whakairo (carving); • Rāranga (weaving); and • Rongoā (traditional medicine). | <p>Supports the provisions within the ECO chapter.</p> |
| <p>Eco-sourced local indigenous vegetation - Means the seeds (or other propagation materials) that are sourced from within the region and are species that would occur here naturally and from the same ecological district and included within the Wellington Regional Native Plant Guide (Revised edition 2010) by Greater Wellington Regional Council.</p> | <p>Supports the provisions within the ECO chapter.</p> |
| <p>Indigenous Vegetation - means vegetation or plant species, including trees, which are native to Wellington district. Indigenous Vegetation does not include "indigenous vegetation" as defined in and regulated by the NESPF.</p> | <p>Supports the provisions within the ECO chapter.</p> |
| <p>Pest - means any species of flora or fauna that is:</p> <ol style="list-style-type: none"> 1. A pest or unwanted organism as defined in the Biosecurity Act 1993, 2. Listed in the Greater Wellington Regional Pest Management Plan 2019-2039; or | <p>Supports the provisions within the ECO chapter.</p> |

| | |
|---|---|
| 3. Listed in Howell, C (2008) Consolidated List of Environmental Weeds in New Zealand, Science & Technical Publishing, New Zealand Department of Conservation. | |
| Restoration - Means the rehabilitation of sites, habitats or ecosystems to support indigenous flora and fauna, ecosystem functions and natural processes that would naturally occur in the ecosystem and locality. | Supports the provisions within the ECO chapter. |
| Significant Natural Area - Means an area of significant indigenous vegetation or significant habitat of indigenous fauna identified in Schedule A - significant natural areas. | Supports the provisions within the ECO chapter. |
| Tree - Tree(s) means a woody plant 3 metres or greater in height includes a Tree Fern, but excludes a vine with a stem diameter less than 50 mm. | Supports the provisions within the ECO chapter. |

7.7 Notification Clauses

No public or limited notification preclusion clauses have been applied to any of the ECO provisions.

8. Qualifying Matters

8.1 Residential Zones

In December 2021 the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (hereafter the 'Enabling Housing Supply Act') came into effect with sections 77G to 77M introducing intensification requirements in residential zones.

Section 77G outlines Council's duty to give effect to policy 3 in residential zones:

- (1) *Every relevant residential zone of a specified territorial authority must have the MDRS incorporated into that zone.*
- (2) *Every residential zone in an urban environment of a specified territorial authority must give effect to policy 3 or policy 5, as the case requires, in that zone.*
- (3) *When changing its district plan for the first time to incorporate the MDRS and to give effect to policy 3 or policy 5, as the case requires, and to meet its obligations in section 80F, a specified territorial authority must use an IPI and the ISPP.*
- (4) *In carrying out its functions under this section, a specified territorial authority may create new residential zones or amend existing residential zones.*
- (5) *A specified territorial authority—*
 - (a) *must include the objectives and policies set out in clause 6 of Schedule 3A:*
 - (b) *may include objectives and policies in addition to those set out in clause 6 of Schedule 3A, to—*
 - (i) *provide for matters of discretion to support the MDRS; and*

- (ii) *link to the incorporated density standards to reflect how the territorial authority has chosen to modify the MDRS in accordance with section 77H.*
- (6) *A specified territorial authority may make the requirements set out in Schedule 3A or policy 3 less enabling of development than provided for in that schedule or by policy 3, if authorised to do so under section 77I.* (emphasis added).

Section 77I identifies a list of qualifying matters that may be applied in residential zones to modify the requirements set out in Schedule 3A (the MDRS standards) and the relevant building height and density standards under policy 3, to be less enabling. Indigenous ecosystems and habitats with significant indigenous biodiversity values (SNA) are an identified qualifying matter under Section 77I (a) and (b).

Furthermore, Wellington City Council has spatially identified 177 qualifying SNA overlays as part of preparing to notify the district plan review. Of these, 169 groups of residential parcels have been identified within the SNA overlays. These are listed by individual property (address and legal description) in SCHED9 as 'Urban Environment Allotments' in accordance with the requirements of section 76 of the RMA.

Section 77J outlines the requirements where a territorial authority is amending its district plan in accordance with section 77G and requires the additional evaluation matters in section 77J (3) and (4) to be included as part of the require section 32 evaluation:

- (1) *The evaluation report must, in relation to the proposed amendment to accommodate a qualifying matter,—*
 - (a) *demonstrate why the territorial authority considers—*
 - (i) *that the area is subject to a qualifying matter; and*
 - (ii) *that the qualifying matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 for that area; and*
 - (b) *assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity; and*
 - (c) *assess the costs and broader impacts of imposing those limits.*
- (2) *The evaluation report must include, in relation to the provisions implementing the MDRS,—*
 - (a) *a description of how the provisions of the district plan allow the same or a greater level of development than the MDRS:*
 - (b) *a description of how modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and, in particular, how they apply to any spatial layers relating to overlays, precincts, specific controls, and development areas, including—*
 - (i) *any operative district plan spatial layers; and*
 - (ii) *any new spatial layers proposed for the district plan.*

In this case, it is not proposed to make the Schedule 3A standards or the height and density requirements in Policy 3 less enabling within an SNA on a residential zoned site or to modify the MDRS standards. Instead, proposals on identified properties within SCHED9 – Urban Environment Allotments will continue to be assessed in accordance with the proposed draft provisions for the ECO chapter together with the underlying zone provisions. Accordingly, no further evaluation of the matters in 77J (3) and (4) is required as no change is proposed to those standards.

8.2 Non-Residential Zones

The approach outlined above has also been applied to intensification requirements in non-residential zones as required by sections 77N to 77R. The identified overlays are not proposed to be used as qualifying matters to reduce the intensification requirements under policy 3. As for residential zones, any proposals on affected sites will continue to be assessed in accordance with the underlying zone provisions together with the proposed draft provisions for the relevant overlay chapter and therefore no further evaluation of the matters is required.

9. Evaluation of Proposed Objective/s

9.1 Introduction

Section 32(1)(a) of the RMA requires that the evaluation report examine the extent to which the objectives of the proposal are the most appropriate way to promote the sustainable management of natural and physical resources.

An examination of the proposed objectives along with reasonable alternatives is included below, with the relative extent of their appropriateness based on an assessment against the following criteria:

1. Relevance (i.e. Is the objective related to addressing resource management issues and will it achieve one or more aspects of the purpose and principles of the RMA?)
2. Usefulness (i.e. Will the objective guide decision-making? Does it meet sound principles for writing objectives (i.e. does it clearly state the anticipated outcome?)
3. Reasonableness (i.e. What is the extent of the regulatory impact imposed on individuals, businesses or the wider community? Is it consistent with identified tangata whenua and community outcomes?)
4. Achievability (i.e. Can the objective be achieved with tools and resources available, or likely to be available, to the Council?)

9.2 Evaluation of Objectives for Ecosystems and Indigenous Biodiversity

While not specifically required under s32, it is appropriate to also consider alternative objectives to those currently included in the Proposed District Plan, so as to ensure that the proposed objectives are the most appropriate to achieve the purpose of the RMA.

For the purposes of this evaluation, the Council has considered two potential sets of objectives:

1. The proposed objective
2. The current most relevant objective - the status quo

| Evaluation of Objectives |
|--|
| Proposed objectives: |
| ECO-01 Subdivision, Use and Development in Significant Natural Areas Significant Natural Areas are protected from inappropriate subdivision, use and development and where appropriate, restored. |
| ECO-02 Coastal Environment Significant Natural Areas Significant Natural Areas within the coastal environment are protected. |
| ECO-03 Plantation Forestry within Significant Natural Areas Significant Natural Areas are protected from the adverse effects of plantation forestry activities. |
| ECO-04 Kaitiakitanga in Significant Natural Areas Significant Natural Areas are maintained or restored by mana whenua in accordance with kaitiakitanga. |
| General intent: |
| The proposed objectives intend to protect significant natural areas in the coastal environment and, in all other areas, protect them from inappropriate activities and adverse effects of plantation forestry, while also enabling restoration and maintenance by mana whenua. |
| Other potential objectives |
| Status quo: |
| District Plan Objectives: |
| 16.5.2 - To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington's natural environment. |

| Evaluation of Objectives | | |
|--|---|---|
| 18.2.1 - To maintain and enhance indigenous and part indigenous habitats and ecosystems, especially those classified as Conservation Sites, by protecting them from modification and loss. | | |
| | Preferred objective | Status quo |
| Relevance | | |
| Addresses a relevant resource management issue | Yes – addresses the relevant resource management issues for the remaining areas of significant indigenous ecosystems and habitats identified in section 5.3 above. | Partially – the status quo objectives are limited to essentially zone based provisions rather than district wide and predominantly focus on publicly administered land. They do not specifically provide for tangata whenua to exercise customary harvesting. |
| Assists the Council to undertake its functions under s31 RMA | Yes – consistent with s31(1)(b)(iii) as it establishes objectives that manage the effects of the use, development, or protection of land in order to maintain indigenous biological diversity. | Partially – the status quo objectives do not fully address the maintenance of indigenous biodiversity under section 31(1)(b)(iii). |
| Gives effect to higher level documents | Yes – gives effect to higher order documents, including section 6 of the RMA which requires the protection of areas of significant indigenous vegetation and habitats and RPS policies that require identification and protection of indigenous ecosystems and habitats with significant biodiversity values from inappropriate subdivision, use and development. | No - the status quo objectives do not meet the requirements of RPS policies 23 and 24 and do not fully align with the requirements of section 6 of the RMA. |
| Usefulness: | | |
| Guides decision-making | Yes – provides clear guidance for the protection of SNA. The intention for the level of protection is clear with recognition for coastal environment SNA and plantation forestry activities. The objectives also provide for kaitiakitanga by mana whenua. | Partially – the objectives are limited as they are zoned based rather than district wide and predominantly focus on public land rather than the protection of all qualifying areas of indigenous biodiversity value. Furthermore, the value of ecosystems is only referenced as one of the contributing components (alongside landscapes) that contribute to the wider 'natural environment'. |

| Evaluation of Objectives | | |
|---|---|--|
| Meets best practice for objectives | Yes – achieves best practice by providing clear direction on what the intended outcome is and by describing the desired end state. | No - the lack of objectives at a district wide scale relating to the protection of SNA does not meet best practice. |
| Reasonableness: | | |
| Will not impose unjustifiably high costs on the community/parts of the community | Yes – the objectives are balanced in order to avoid imposing unjustifiably high costs on the community. They avoid blunt ‘avoidance’ directions and will continue to enable appropriate subdivision, use and development. | Yes – the status quo may impose costs on the community due to uncertainty within the Open Space Zones and some parts of the Conservation Zone where privately owned. |
| Acceptable level of uncertainty and risk | Yes – the proposed objectives clearly describe the intention to protect areas of indigenous habitat and ecosystems with significant biodiversity and to provide for kaitiakitanga, thereby providing for greater certainty and reducing risk compared to the current provisions. The approach is well established and in line with best practice. | No - the status quo does not provide sufficient guidance and could result in uncertainty and risk. |
| Achievability: | | |
| Consistent with identified tangata whenua and community outcomes | Yes – the proposed objectives are consistent with identified tangata whenua and community outcomes. | No – the status quo is inconsistent with Council’s adopted strategic directions. |
| Realistically able to be achieved within the Council’s powers, skills and resources | Yes – the proposed objectives are achievable within Council’s powers, skills and resources by implementing the associated policies and rules that are proposed. | Yes - the status quo is currently being implemented within Council’s powers, skills and resources. |
| Summary | | |
| <p>The above analysis shows that the proposed objectives relating to the protection of indigenous ecosystems and habitats with significant biodiversity values are the most appropriate way to achieve the purpose of the RMA.</p> <p>The proposed objectives are in line with national best practice and implement national and regional guidance and statutory direction (s5, s6, s7, RPS) by protecting and providing for restoration of indigenous biodiversity at a district wide scale to maintain areas of indigenous ecosystems and habitat with significant biodiversity values. They provide greater certainty to decision makers and plan users regarding the desired outcomes.</p> <p>The existing objectives do not reflect or give full effect to higher level direction and do not provide certainty and guidance to decision makers and plan users.</p> | | |

10. Evaluation of Reasonably Practicable Options and Associated Provisions

10.1 Introduction

Under s32(1)(b) of the RMA, reasonably practicable options to achieve the objective/s associated with this proposal need to be identified and examined. This section of the report evaluates the proposed policies and rules, as they relate to the associated objective(s).

Along with the proposed provisions, the Council has also identified through the research, consultation, information gathering and analysis undertaken in relation to this topic a reasonably practicable alternative option to achieve the objectives.

The technical and consultation input used to inform this process is outlined in section 5 of this report.

10.2 Evaluation method

For each potential approach an evaluation has been undertaken relating to the costs, benefits and the certainty and sufficiency of information (as informed by section 5 of this report) in order to determine the effectiveness and efficiency of the approach, and whether it is the most appropriate way to achieve the relevant objectives.

This evaluation is contained in the following sections.

10.3 Provisions to achieve Objectives for Ecosystems and Indigenous Biodiversity

For the purpose of this evaluation, the Council has considered the following potential options:

1. The proposed provisions
2. The status quo
3. A reasonable alternative option where the proposed provisions are restricted to public land only with non-regulatory (voluntary) implementation on private land.

| Evaluation of Provisions to achieve Objectives ECO-01, ECO-02, ECO-03 and ECO-04 | | | | | |
|--|-----------------|-----------------|---|---|---|
| Objectives for Ecosystems and Indigenous Biodiversity: | | | | | |
| ECO-01 Subdivision, Use and Development in Significant Natural Areas | | | | | |
| Significant Natural Areas are protected from inappropriate subdivision, use and development and where appropriate, restored. | | | | | |
| ECO-02 Coastal Environment Significant Natural Areas | | | | | |
| Significant Natural Areas within the coastal environment are protected. | | | | | |
| ECO-03 Plantation Forestry within Significant Natural Areas | | | | | |
| Significant Natural Areas are protected from the adverse effects of plantation forestry activities. | | | | | |
| ECO-04 Kaitiakitanga in Significant Natural Areas | | | | | |
| Significant Natural Areas are maintained or restored by mana whenua in accordance with kaitiakitanga. | | | | | |
| Option 1: Proposed approach (recommended) | Costs | Benefits | Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions | | |
| <u>Ecosystems and Indigenous Biodiversity chapter:</u> ECO-01 <table border="1" style="width: 100%;"> <tr> <td>Policies</td> <td>Rules</td> </tr> </table> | Policies | Rules | Environmental <ul style="list-style-type: none"> • There will be little to no environmental cost as the provisions are focused on protecting areas of indigenous ecosystems and habitats with | Environmental <ul style="list-style-type: none"> • Areas of indigenous ecosystems and habitat with significant indigenous biodiversity values are identified spatially and protected from | It is considered that there is certain and sufficient information on which to assess the proposed provisions as they have been created in |
| Policies | Rules | | | | |

Evaluation of Provisions to achieve Objectives ECO-01, ECO-02, ECO-03 and ECO-04

| <table border="1"> <tr><td>ECO-P1</td><td>ECO-R1</td></tr> <tr><td>ECO-P2</td><td>ECO-R2</td></tr> <tr><td>ECO-P3</td><td>ECO-R3</td></tr> <tr><td>ECO-P4</td><td>ECO-R4</td></tr> <tr><td>ECO-P5</td><td>ECO-R5</td></tr> <tr><td>ECO-P6</td><td>ECO-R6</td></tr> </table> | ECO-P1 | ECO-R1 | ECO-P2 | ECO-R2 | ECO-P3 | ECO-R3 | ECO-P4 | ECO-R4 | ECO-P5 | ECO-R5 | ECO-P6 | ECO-R6 | <p>significant indigenous biodiversity values.</p> | <p>inappropriate subdivision, use or development.</p> <ul style="list-style-type: none"> • The effects mitigation hierarchy is embedded into the rule framework and introduces biodiversity offsetting and compensation to support no net loss of remaining indigenous biodiversity. • Restoration and maintenance initiatives are supported with permitted standards to encourage ongoing rehabilitation of remaining indigenous biodiversity. • Specific activities are identified that are appropriate and do not adversely affect biodiversity values and provided for with permitted standards. • Future generations will benefit from the retention of the remaining SNA and the halting further unchecked decline and loss. • Potentially inappropriate activities will be assessed through the resource consent process to ensure environmental effects on significant natural areas are appropriately managed through the application of the effects management hierarchy and site specific ecological assessments. | <p>response to higher order direction and supported with expert evidence.</p> <p>The proposed provisions have been consulted on with the general public and key stakeholders and the proposed approach has been refined to address key issues raised by the community.</p> |
|---|----------------------------------|--------|--------|----------------------------------|--------|-----------------------|--------|--------|--------|--------|--------|--------|--|---|--|
| ECO-P1 | ECO-R1 | | | | | | | | | | | | | | |
| ECO-P2 | ECO-R2 | | | | | | | | | | | | | | |
| ECO-P3 | ECO-R3 | | | | | | | | | | | | | | |
| ECO-P4 | ECO-R4 | | | | | | | | | | | | | | |
| ECO-P5 | ECO-R5 | | | | | | | | | | | | | | |
| ECO-P6 | ECO-R6 | | | | | | | | | | | | | | |
| <p><u>ECO-02</u></p> <table border="1"> <thead> <tr><th>Policies</th><th>Rules</th></tr> </thead> <tbody> <tr><td>ECO-P7</td><td>ECO-R1.4 ECO-R1.5 ECO-R1.6</td></tr> </tbody> </table> | Policies | Rules | ECO-P7 | ECO-R1.4 ECO-R1.5 ECO-R1.6 | | | | | | | | | | | |
| Policies | Rules | | | | | | | | | | | | | | |
| ECO-P7 | ECO-R1.4 ECO-R1.5 ECO-R1.6 | | | | | | | | | | | | | | |
| <p><u>ECO-03</u></p> <table border="1"> <thead> <tr><th>Policies</th><th>Rules</th></tr> </thead> <tbody> <tr><td>ECO-P8</td><td>ECO-R5</td></tr> <tr><td>ECO-P9</td><td>NPS-PF Regulations</td></tr> </tbody> </table> | Policies | Rules | ECO-P8 | ECO-R5 | ECO-P9 | NPS-PF Regulations | | | | | | | | | |
| Policies | Rules | | | | | | | | | | | | | | |
| ECO-P8 | ECO-R5 | | | | | | | | | | | | | | |
| ECO-P9 | NPS-PF Regulations | | | | | | | | | | | | | | |
| <p><u>ECO-04</u></p> <table border="1"> <thead> <tr><th>Policies</th><th>Rules</th></tr> </thead> <tbody> <tr><td>ECO-P3</td><td>ECO-R1</td></tr> <tr><td>ECO-P6</td><td>ECO-R3</td></tr> </tbody> </table> | Policies | Rules | ECO-P3 | ECO-R1 | ECO-P6 | ECO-R3 | | | | | | | | | |
| Policies | Rules | | | | | | | | | | | | | | |
| ECO-P3 | ECO-R1 | | | | | | | | | | | | | | |
| ECO-P6 | ECO-R3 | | | | | | | | | | | | | | |

Evaluation of Provisions to achieve Objectives ECO-01, ECO-02, ECO-03 and ECO-04

| <p>Provisions in other chapters:</p> <p>Infrastructure (INF-ECO)</p> <table border="1"> <thead> <tr> <th>Policies</th> <th>Rules</th> </tr> </thead> <tbody> <tr> <td>INF-ECO-P32</td> <td>INF-ECO-R42</td> </tr> <tr> <td>INF-ECO-P33</td> <td>INF-ECO-R43</td> </tr> <tr> <td>INF-ECO-P34</td> <td>INF-ECO-R44</td> </tr> <tr> <td>INF-ECO-P35</td> <td>INF-ECO-R45</td> </tr> <tr> <td>INF-ECO-P36</td> <td>INF-ECO-R46</td> </tr> <tr> <td></td> <td>INF-ECO-R47</td> </tr> <tr> <td></td> <td>INF-ECO-R48</td> </tr> </tbody> </table> <p>Renewable Electricity Generation (REG)</p> <table border="1"> <thead> <tr> <th>Policies</th> <th>Rules</th> </tr> </thead> <tbody> <tr> <td>REG-P3</td> <td>REG-R1</td> </tr> <tr> <td>REG-P6</td> <td>REG-R2</td> </tr> <tr> <td>REG-P9</td> <td>REG-R3</td> </tr> <tr> <td>REG-P12</td> <td>REG-R4</td> </tr> <tr> <td></td> <td>REG-R5</td> </tr> </tbody> </table> <p>Subdivision (SUB)</p> <table border="1"> <thead> <tr> <th>Policies</th> <th>Rules</th> </tr> </thead> <tbody> <tr> <td>SUB-P15</td> <td>SUB-R9</td> </tr> <tr> <td>SUB-P16</td> <td></td> </tr> </tbody> </table> | | Policies | Rules | INF-ECO-P32 | INF-ECO-R42 | INF-ECO-P33 | INF-ECO-R43 | INF-ECO-P34 | INF-ECO-R44 | INF-ECO-P35 | INF-ECO-R45 | INF-ECO-P36 | INF-ECO-R46 | | INF-ECO-R47 | | INF-ECO-R48 | Policies | Rules | REG-P3 | REG-R1 | REG-P6 | REG-R2 | REG-P9 | REG-R3 | REG-P12 | REG-R4 | | REG-R5 | Policies | Rules | SUB-P15 | SUB-R9 | SUB-P16 | | <ul style="list-style-type: none"> Significant natural areas are protected from the adverse effects of new plantation forestry. | <p>Economic</p> <ul style="list-style-type: none"> A discernible increase in the consenting and development design costs associated with the provisions managing subdivision, use and development within SNA. Particularly by those seeking to develop land located within SNA. Some landowners are likely to experience an opportunity cost where a development expectation will be reduced due to SNA overlay constraints. This include some landowners with existing serviced residential zoned land that is undeveloped. Additional costs for new track development within SNA will be experienced on publicly administered land, although only where proposed within a SNA and will be tempered somewhat by permitted maintenance of existing tracks and the controlled activity status. Rural landowners will be exposed to a regulatory cost for any vegetation | <p>Economic</p> <ul style="list-style-type: none"> Improves certainty of consenting requirements and costs for land owners and decision makers through the identification of specific areas and associated provisions. Avoidance of unnecessary consenting costs on landowners for undertaking minor trimming, pruning or removal within private property including rural properties. The standards recognise and provide for ongoing maintenance of residential amenity. Investment certainty to private landowners with undeveloped, vacant residential lots predominantly covered by SNA. The provisions provide a relatively minor development cost yet establish certainty with a controlled activity status to ensure reasonable development expectations are maintained. Retaining the existing NPSPF regulations for existing plantation forestry to provide economic certainty. |
|--|-------------|----------|-------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--|-------------|--|-------------|----------|-------|--------|--------|--------|--------|--------|--------|---------|--------|--|--------|----------|-------|---------|--------|---------|--|--|---|---|
| Policies | Rules | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| INF-ECO-P32 | INF-ECO-R42 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| INF-ECO-P33 | INF-ECO-R43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| INF-ECO-P34 | INF-ECO-R44 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| INF-ECO-P35 | INF-ECO-R45 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| INF-ECO-P36 | INF-ECO-R46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | INF-ECO-R47 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | INF-ECO-R48 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Policies | Rules | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REG-P3 | REG-R1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REG-P6 | REG-R2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REG-P9 | REG-R3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REG-P12 | REG-R4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | REG-R5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Policies | Rules | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SUB-P15 | SUB-R9 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SUB-P16 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Evaluation of Provisions to achieve Objectives ECO-01, ECO-02, ECO-03 and ECO-04

| <p>Earthworks (EW)</p> <table border="1" data-bbox="159 272 535 403"> <thead> <tr> <th>Policies</th> <th>Rules</th> </tr> </thead> <tbody> <tr> <td>EW-P9</td> <td>EW-R5</td> </tr> <tr> <td>EW-P10</td> <td></td> </tr> </tbody> </table> <p>Other Methods:</p> <ul style="list-style-type: none"> • Spatially identified SNA overlays on Planning Maps • Schedule 8: Significant Natural Areas; • Schedule 9: Urban Environment Allotments; • Appendix 2: Biodiversity Offsetting principles; • Appendix 3: Biodiversity Compensation principles; • Appendix 15: Ecological Assessment guidance; • Non-regulatory measures include biodiversity funding for community groups and access to ecological specialists. | Policies | Rules | EW-P9 | EW-R5 | EW-P10 | | <p>removal with a SNA where not expressly permitted in the proposed standards.</p> <ul style="list-style-type: none"> • Upgrading existing and developing new infrastructure within SNA will experience additional consenting and project costs. | <ul style="list-style-type: none"> • Operation and maintenance of existing infrastructure is recognised and provided for through permitted vegetation clearance provisions which avoids additional costs. | |
|---|--|---|-------|-------|--------|--|---|--|--|
| Policies | Rules | | | | | | | | |
| EW-P9 | EW-R5 | | | | | | | | |
| EW-P10 | | | | | | | | | |
| | <p>Social</p> <ul style="list-style-type: none"> • It is unlikely the provisions will result in any discernible social cost given the provisions are focused on protecting the remaining areas of indigenous biodiversity which was a commonly agreed objective across all public feedback submissions, regardless of submitters position on the draft provisions. | <p>Social</p> <ul style="list-style-type: none"> • Development and subdivision will incorporate SNA into future layout and design, resulting in improved access to indigenous biodiversity and social enjoyment of these spaces. • Existing public open space areas with indigenous biodiversity values will continue to be protected and access to these areas maintained which supports social benefits. | | | | | | | |
| | <p>Cultural</p> <ul style="list-style-type: none"> • The proposed provisions may result in additional consenting costs and constrain the extent of development where Māori owned land is located within a significant natural area. | <p>Cultural</p> <ul style="list-style-type: none"> • Natural resources and areas of significant biodiversity values recognised as taonga to tangata whenua will be recognised and protected. • The principles of the Treaty of Waitangi are incorporated into the provisions through the principles of kaitiakitanga | | | | | | | |

| Evaluation of Provisions to achieve Objectives ECO-01, ECO-02, ECO-03 and ECO-04 | | | |
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| | | <p>and recording of tangata whenua values in the identification of SNA.</p> <ul style="list-style-type: none"> The relationship of tangata whenua and traditional cultural practices associated with indigenous biodiversity are recognised and provided for through permissive standards for customary harvesting (hauhake). | |
| <u>Effectiveness and efficiency</u> | <p>Effectiveness</p> <p>The proposed provisions are the most appropriate method of meeting the objectives for the ecosystems and indigenous biodiversity chapter.</p> <p>The objectives are focused on protecting indigenous ecosystems and habitats with significant indigenous biodiversity values from inappropriate subdivision, use and development while providing for restoration, maintenance and protection initiatives of remaining areas of indigenous biodiversity by the community and private landowners. The provisions protect sensitive coastal biodiversity values, while enabling tangata whenua to exercise kaitiakitanga and manage customary harvesting.</p> <p>The objectives give clear direction on the anticipated outcomes and the proposed policies and rules provide a practical and balanced framework to achieve these outcomes by providing stronger protection for sensitive areas and values, while still enabling appropriate subdivision, use and activities.</p> | <p>Efficiency</p> <p>The proposed provisions are the most efficient method of meeting the objectives for indigenous biodiversity values by avoiding broad regulatory controls and instead focusing on activities within the identified overlay areas. As identified above the benefits outweigh the costs.</p> | |
| <u>Overall evaluation</u> | <p>This option is the most appropriate way to achieve the preferred objectives by representing regulatory certainty and an effective provision of social and economic well-being.</p> | | |

| Evaluation of Provisions to achieve Objectives ECO-01, ECO-02, ECO-03 and ECO-04 | | | |
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| | <p>The proposed provisions are the most appropriate way to achieve the objectives because they are effective and efficient. They achieve regulatory certainty and enable people and communities to provide for their social, economic, and cultural well-being.</p> <p>It is considered that this option will achieve the objectives because:</p> <ul style="list-style-type: none"> • The proposed provisions ensure that ecosystems and habitats with significant indigenous biodiversity values will be; <ul style="list-style-type: none"> ○ <i>clearly identified and protected from inappropriate subdivision, use and development by considering proposals impacts through the effects management hierarchy approach;</i> ○ <i>maintained and where appropriate restored;</i> ○ <i>protected within sensitive coastal environment locations and managed where appropriate;</i> ○ <i>managed by tangata whenua through exercising kiatiakitanga and customary harvesting.</i> • The framework enables appropriate activities, manages potentially inappropriate activities and avoids inappropriate activities. <p>The proposed provisions align with and give effect to higher order documents and legislation.</p> | | |
| Option 2: Status Quo | Costs | Benefits | Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions |
| <p><u>Policies and rules as outlined in section 5.2.1 of this report which apply within the following chapters:</u></p> <ul style="list-style-type: none"> • Residential Area • Rural Area • Open Space Zone • Conservation Sites | <p><i>Environmental</i></p> <ul style="list-style-type: none"> • The current provisions do not identify all of the qualifying significant natural areas in accordance with the RPS. Accordingly there is insufficient protection of indigenous biodiversity values at a district wide scale. • The operative provisions only apply to some zones with inconsistent policy directions relating to the protection of indigenous biodiversity. The rules are | <p><i>Environmental</i></p> <ul style="list-style-type: none"> • The current provisions provide for limited protection of conservation sites, noting these areas experience a very limited degree of pressure in any case given the underlying purpose of the Open Space zone. • Consideration of effects on ecology and vegetation clearance are included in the matters of discretion for some activities in the rural zone. | <p>It is considered that there is certain and sufficient information on which to assess the status quo provisions as they have been operative for a long time and the effectiveness of the provisions has been established through implementation and consent monitoring over this time.</p> |

Evaluation of Provisions to achieve Objectives ECO-01, ECO-02, ECO-03 and ECO-04

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| | <p>limited in scope and generally only apply to public land.</p> <ul style="list-style-type: none"> The lack of consistent district wide identification and implementation of provisions focused on protecting indigenous biodiversity risks continuing further loss and degradation of these areas which would be a significant environmental cost. | | |
| | <p>Economic</p> <ul style="list-style-type: none"> Limited costs to private landowners due to provisions generally not applying to urban zoned land. | <p>Economic</p> <ul style="list-style-type: none"> Development of privately owned urban land is not constrained by the operative provisions enabling more opportunity for development. Landowners and infrastructure providers are significantly less exposed to the need for resource consents or processing costs. | |
| | <p>Social</p> <ul style="list-style-type: none"> Loss of identified significant natural areas could continue at a cost to the community. The lack of protection for identified values through focused provisions at a district wide scale risks ongoing decline of the remaining indigenous biodiversity values. The provisions would not prevent the cumulative permitted removal of | <p>Social</p> <ul style="list-style-type: none"> The current provisions provide for some limited protection within publicly administered land which results in the retention of those areas for the community and future generations. | |

| Evaluation of Provisions to achieve Objectives ECO-01, ECO-02, ECO-03 and ECO-04 | | | |
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| | indigenous biodiversity within the suburban zoned areas. | | |
| | <p>Cultural</p> <ul style="list-style-type: none"> • Potential for ongoing loss of identified taonga through lack of identified significant natural areas. | <p>Cultural</p> <ul style="list-style-type: none"> • No cultural benefits have been identified. | |
| <u>Effectiveness and efficiency</u> | <p>Effectiveness</p> <p>The status quo provisions would not achieve the objectives because they do not identify the qualifying significant natural areas at a district wide scale across all zones. Instead, the provisions are limited to predominantly public administered land that inherently has limited development potential. The rules and standards do not control vegetation removal on urban zoned land.</p> <p>The current district plan provisions lack a dedicated chapter comprising identified significant natural area overlays with supporting provisions. Instead the limited range of indirect rules are spread throughout the various zone based chapters.</p> | <p>Efficiency</p> <p>The current provisions are inefficient as they do not provide sufficient identification and protection of qualifying significant natural areas. At the same time they may result in unnecessary consenting costs for activities that are supported by the proposed objectives (e.g. restoration of indigenous biodiversity or customary harvesting) or for activities that have a functional or operational need to locate in significant natural areas.</p> | |
| <u>Overall evaluation</u> | <p>The existing provisions (policies and rules) are not considered effective in achieving the objectives because:</p> <ul style="list-style-type: none"> • They do not provide the required level of protection for significant natural areas by failing to identify all qualifying areas with significant indigenous biodiversity values; • They are not applying provisions in a district wide manner and lack focus on biodiversity values, so that some provisions address amenity rather than biodiversity; • Policies in urban zones generally acknowledge the importance of biodiversity but these are generally limited to only “encouraging” retention of existing vegetation; | | |

| Evaluation of Provisions to achieve Objectives ECO-01, ECO-02, ECO-03 and ECO-04 | | | |
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| | <ul style="list-style-type: none"> • They may result in further decline or permanent loss of the remaining areas of indigenous biodiversity values. • They do not provide for restoration activities, kaitiakitanga or customary harvesting within significant natural areas. <p>The current provisions are therefore not the most efficient and effective way of achieving the objectives and do not give effect to higher order documents and legislation.</p> | | |
| Option 3: Alternative approach to provisions | Costs | Benefits | Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions |
| <p><u>A hybrid approach which:</u></p> <ul style="list-style-type: none"> • applies the proposed option 1 provisions; but • only applies them to public administered land, similar to option 2. <p>Note: It is debatable whether this can even be considered a valid option to achieving the objectives given caselaw and the clear direction of higher order documents which do not distinguish private and public land when identifying qualifying significant natural areas. However, this approach was requested by many landowners in the feedback process, and</p> | <p><i>Environmental</i></p> <ul style="list-style-type: none"> • The provisions would only protect SNA on publicly administered land which represent approximately 60% of all remaining areas of significant indigenous biodiversity. • The balance of the identified qualifying areas (some 1800 hectares) of significant indigenous biodiversity would not be protected and could be removed at the discretion of the individual land owner. That risk is compounded by: <ul style="list-style-type: none"> ○ the urban value of land motivating removal for development; ○ the MDRS standards for greater permitted infill development; and | <p><i>Environmental</i></p> <ul style="list-style-type: none"> • Improved regulatory provisions introduced to protect significant indigenous biodiversity, but only on public land. The benefit would be marginal given public land has a lower risk of vegetation removal due to its inherently low development potential as controlled by the purpose of the underlying zone. | <p>It is considered that there is certain and sufficient information on which to assess the hybrid approach because:</p> <ul style="list-style-type: none"> • the draft provisions have been created in response to higher order direction and supported with expert evidence. • the partial application to public only land has been applied in a similar form through the operative district plan which provides an indication of effectiveness via changes in land use over this time. |

Evaluation of Provisions to achieve Objectives ECO-01, ECO-02, ECO-03 and ECO-04

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| <p>therefore it is included here for further examination.</p> | <ul style="list-style-type: none"> ○ the high rate of individualised ownership related to the urban area. • The lack of regulatory provisions to protect qualifying areas of significant indigenous biodiversity would not meet the Wellington City Council's statutory requirements to protect the remaining areas of indigenous biodiversity, which does not distinguish indigenous biodiversity on public land from that on private land. • This approach would continue the current observed decline in remaining areas of significant indigenous biodiversity; the majority of which has taken place on private land. | | |
| | <p>Economic</p> <ul style="list-style-type: none"> • The regulatory costs would be carried solely by the relevant council asset managers and funded through annual plan budgets. | <p>Economic</p> <ul style="list-style-type: none"> • No additional regulatory cost to private landowners due to provisions only applying to public administered land. | |
| | <p>Social</p> <ul style="list-style-type: none"> • The provisions would not prevent the cumulative permitted removal of indigenous biodiversity on privately owned land which includes rural and residential zoned land. | <p>Social</p> <ul style="list-style-type: none"> • Existing public open space areas with indigenous biodiversity values will continue to be protected supporting social benefits. | |

| Evaluation of Provisions to achieve Objectives ECO-01, ECO-02, ECO-03 and ECO-04 | | | |
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| | <ul style="list-style-type: none"> Continued declining trend of identified significant natural areas on privately owned land at an overall cost to the community. The lack of specific identification or protection through focused provisions at a district wide scale risks ongoing decline of the remaining indigenous biodiversity values. Development and subdivision on private land would not be required to consider effects on identified SNA or incorporate such areas into future layout and design risking loss of social enjoyment of these spaces. | | |
| | <p>Cultural</p> <ul style="list-style-type: none"> The provisions would not recognise or incorporate tangata whenua values on the qualifying areas on private land. | <p>Cultural</p> <ul style="list-style-type: none"> The tangata whenua values associated with significant indigenous biodiversity areas would be recognised and protected on public land only. The principles of the Treaty of Waitangi are incorporated into the provisions through the principles of kaitiakitanga and recording of tangata whenua values in the identification of SNA on public land. | |
| Effectiveness and efficiency | Effectiveness | Efficiency | |

| Evaluation of Provisions to achieve Objectives ECO-01, ECO-02, ECO-03 and ECO-04 | | |
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| | <p>The hybrid approach would not achieve the objectives because:</p> <ul style="list-style-type: none"> • It does not identify the qualifying significant natural areas at a district wide scale across all zones. Instead, the provisions are limited to public administered land that inherently has limited development potential; • The provisions would not control vegetation removal on urban zoned land; • Overall, a substantial area representing a third of all identified SNA would not be protected; • The Council would not be meeting its statutory requirements to identify and protect all qualifying areas of significant indigenous biodiversity; • The approach would continue the current risk of decline for the remaining areas of indigenous biodiversity by leaving protection at a non-regulatory or voluntary level, subject to the discretion of each individual land owner which has contributed to the general trend of decline in these remaining areas over time. | <p>The hybrid provisions are considered inefficient as they do not provide sufficient identification and protection of all qualifying significant natural areas and would not enable council to meet its statutory responsibilities. Excluding private land is likely to result in inefficiencies with some landowners maintaining indigenous biodiversity or even investing in restoration which could be subsequently removed following a change of ownership.</p> |
| <p>Overall evaluation</p> | <p>The provisions (policies and rules) are not considered effective or efficient in achieving the objectives because they:</p> <ul style="list-style-type: none"> • do not provide the required level of protection for significant natural areas by failing to identify all qualifying areas with significant indigenous biodiversity values; • arbitrarily exclude indigenous biodiversity on private land and leave protection at a voluntary (non-regulatory) level at the discretion of each individual landowner, which risks continuing decline, inconsistent decision making at a parcel level and inefficiencies due to changing land ownership; | |

Evaluation of Provisions to achieve Objectives ECO-01, ECO-02, ECO-03 and ECO-04

- may result in further decline or permanent loss of a substantial area (up to a third) of all identified areas of indigenous biodiversity values.
- The hybrid approach is therefore not the most efficient and effective way of achieving the objectives and does not give effect to higher order documents and legislation.

11. Conclusion

This evaluation has been undertaken in accordance with section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as it:

- Best gives effect to higher order documents, including the section 6 of the RMA, the New Zealand Coastal Policy Statement, Regional Policy Statement and the National Planning Standards;
- Is the most effective and efficient way to achieve the purpose of the Act and the PDP's strategic objectives; and
- Addresses the identified issues.

Appendix 1: Feedback on Draft District Plan 2021

| ECO | | |
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| Who | Feedback Received | Response |
| Martyn Reynolds | <p>ECO R1.1</p> <p>Maintenance around washing lines, road reserve and pest plant control.</p> | <p>Accept</p> <p>Increase to permitted activity standards for residential land, provides removal and trimming in Significant Natural Areas on residential properties.</p> |
| Jeffrey Jones | <p>ECO-R1</p> <p>Submitter requests this rule is amended to enable the owner to “lightly groom and trim trees that have historically been trimmed”</p> | <p>Reject in part</p> <p>Further changes and increased flexibility to provide for residential amenity has been introduced which will address this point. The test for permitted standards requires standards to be clear and certain for interpretation and monitoring.</p> |
| Eamon Sweeney | <p>ECO-R1</p> <p>Submitter raises the following points in opposition:</p> <ul style="list-style-type: none"> • Onerous to require Resource Consent and ecology report to cut down a single tree as part of residential use of site • No fees if Resource Consent is required • Do not include residential zoned properties in Significant Natural Areas • Amend permitted rule to remove any trees blocking sunlight • Compensation should be given to private landowners | <p>Accept in part</p> <p>Updates to the provisions for permitted vegetation trimming and removal for maintaining residential amenity have been implemented. Greater permitted allowance without need for resource consent provides for residential amenity. Criteria for qualifying SNA sites does not distinguish between public and private land.</p> |
| Anthony Kitchner | <p>Submitter supports and has property in Significant Natural Areas.</p> | <p>No change requested</p> |
| | <p>ECO-R2</p> <p>Submitter supports and seeks inclusion of “non-indigenous” vegetation as they support Significant Natural Areas.</p> | <p>Accept</p> <p>The provisions recognise contribution of non-natives as supporting SNA biodiversity values.</p> |
| | <p>ECO-P3</p> <p>Submitter supports and questions what will be in place to manage native species that outgrow other natives (eg. Karaka)</p> | <p>No change requested</p> |

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| Who | Feedback Received | Response |
| | <p>ECO-P3</p> <p>Submitter suggests a subsidy from Wellington City Council is in place for landowners who require ecologist/advice</p> | <p>Reject</p> <p>Non-regulatory support functions is a matter for the Long Term Plan budget to determine. Access to ecological advice at council is been investigated.</p> |
| Tanera Gully Restoration Project | <p>ECO-R3</p> <p>Include cat curfew at night to reduce predation on natural birds and lizards</p> | <p>Reject in part</p> <p>This is better addressed as guidance or education rather than via regulatory provisions.</p> |
| | <p>WC133</p> <p>Rename to Waimapihi Reserve</p> | <p>Accept</p> <p>If consistent with Wellington City Council naming updates.</p> |
| Sky Sigal | <p>ECO-P4</p> <p>Submitter opposes private property rights being removed</p> | <p>Reject</p> <p>ECO-P4 does not remove private property rights.</p> |
| | <p>ECO-P5</p> <p>Submitter opposes</p> | <p>No change requested</p> <p>ECO-P5 is an enabling policy.</p> |
| | <p>ECO-R1</p> <p>Submitter opposes as contrary to FENZ advice.</p> | <p>Accept in part</p> <p>Quoted reference is for Rural properties, not suburban areas. Provisions updated by including allowance for firebreaks as permitted activity and a new policy to support in order to reduce wildfire risk. In accordance with FENZ advice.</p> |
| | <p>ECO-R1</p> <p>Submitter opposes requirement for ecologist reports for Resource Consents in Significant Natural Areas</p> | <p>Reject</p> <p>Without assessment, the effects cannot be determined, restricting decision making process.</p> |
| | <p>ECO-R2</p> <p>Submitter supports</p> | <p>No changes requested</p> |
| | <p>ECO-R4</p> <p>Submitter questions why rural zone is not included.</p> | <p>No changes requested</p> |

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| Who | Feedback Received | Response |
| | <p>ECO-S1.2</p> <p>Submitter raises concern that 2m is only to trunk, thus allowing vermin to jump fences</p> | <p>Reject</p> <p>The standard provides for the installation of stock exclusion fences.</p> |
| | <p>ECO-S3</p> <p>Submitter seeks wider right of way (6m) instead of 2.5m and allowances for turning.</p> | <p>Accept in part</p> <p>Standard increased to 5m width to provide adequate width for majority of farm vehicles.</p> |
| | <p>ECO-S3</p> <p>Submitter seeks further permitted removal for wider tracks, passing areas, and turning circles</p> | <p>Accept in part</p> <p>No evidence this is a significant issue for rural access on private land and that turning areas could not be achieved outside the SNA.</p> |
| | <p>ECO-01</p> <p>Submitter seeks removal of subdivision from O1 as 'only a legal instrument'</p> | <p>Reject</p> <p>Subdivision provides further opportunity and expectation for increased land use activities and thus it is appropriate to consider potential impact of subdivision on Significant Natural Area values. It is not just a 'legal instrument'. In accordance with RPS (Regional Policy Statement).</p> |
| Graham Symes | <p>Submitter opposes on the basis that there is a Resource Consent granted in 2018 and the Significant Natural Areas will devalue the land, make finance difficult to obtain and disrupt the granted Resource Consent at 166 Raroa Road.</p> | <p>Reject</p> <p>Significant Natural Areas will not void the granted Resource Consent which is still valid to 2023 and beyond once implemented.</p> |
| John Hill | <p>ECO-R4</p> <p>Submitter wants to develop vacant property</p> | <p>Reject</p> <p>ECO-R4 provides for development of vacant lots</p> |
| <p>Logan Beaumont</p> <p>Steve West</p> <p>A O-Sullivan</p> <p>Ross Weston</p> <p>Lim Leong</p> <p>Pui Yan Chan</p> <p>John Trotter</p> <p>Anja Martell</p> | <p>Schedule 8</p> <p>Submitters opposed on the following basis:</p> <ul style="list-style-type: none"> • Exclude private land. • Allow voluntary inclusion. • Greater trimming and removal. • seek compensation and that Wellington City Council should purchase the land • Reference made to land grab | <p>Some changes requested</p> <ul style="list-style-type: none"> • The criteria for qualifying Significant Natural Areas does not distinguish between public and private land. • Provisions provide for paths enable pest control/trapping. • Compensation is a non-regulatory matter. • Non-regulatory decision method on landowner cost impact |

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| Who | Feedback Received | Response |
| Brent Layton Phil Springford Rob Murray Sumukh Paranjpe Diane Taylor Jane Hurley Mary McSkimming Susan Wilton Barbara McKenzie Peter Goodricke Arnold Wong Grant Griffiths Mengxuan He Shelly Best Kim Bowen Su-Wuen Ong Duncan McDonald Amanda Wilkinson Kerry McDonald Russell Taylor Ross Murdock Asare Munro Barbara McKenzie Bill Chee Lisa Snow Johnsonville Community Association John Bryce | <ul style="list-style-type: none"> • Side stepping Reserves Act requirements to acquire land through Significant Natural Areas process. • Property value is a retirement plan, and this is compromised • Conflicts with MDRS (Medium Density Residential Standards) • Private Significant Natural Areas do not contribute to wildlife • Inviting lawsuits • Consider the impact of the residential amenity impact on urban properties of having to retain Significant Natural Areas • Does not meet Policy 23 • No consultation with Tangata Whenua | <ul style="list-style-type: none"> • The Council is not converting land to Reserve via SNAs. The SNA overlay recognises the biodiversity values but the the Reserve Act is not implemented so therefore is not a reserve. • The provisions have been amended to provide greater flexibility to maintain residential amenity through permitted vegetation removal and trimming on residential properties. • Property values concern noted. Further advice sought on that matter. • Tangata whenua have been consulted. • Policy 23 criteria have been directly incorporated within the methodology for identifying qualifying SNA areas. |

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| Who | Feedback Received | Response |
| Ian Sutton Will and Karen Ferris Slater | | |
| Karepa Dell Development Susan Davidson Andrew Scott Ali Abdolahirad Catherine McConnell Graeme Parker Vicki Anderson Tim Edmonds ORCA Onslow Griggs Campbell Gillett Rhonda Lutton Emma Burgh Paddy Hanna | <p>Submitters opposed on the following basis:</p> <ul style="list-style-type: none"> • Seeks property to be removed from Significant Natural Areas • Exclude private land. • Allow voluntary inclusion. • Greater trimming and removal. • seek compensation and that Wellington City Council should purchase the land • Reference made to land grab • Side stepping Reserves Act requirements to acquire land through Significant Natural Areas process. • DOC (Department of Conservation) will have access to property • Insurance implications from trees falling on property | <p>Reject in part</p> <ul style="list-style-type: none"> • Qualifying criteria within Policy 23 (RPS) has been included in the methodology. • Criteria does not distinguish private from public land. • Voluntary inclusion would not meet the statutory requirements. • Greater trimming and removal has been provided for within the permitted activity standards to allow for maintenance of residential amenity. • Council is identifying the qualifying areas by spatial overlays - it is not taking land. • Not side-stepping Reserves Act. SNAs are not reserves. • Private land owner rights are not changed regarding concern on access from any third party. • Permitted removal standards are included for tree fall. |
| Jim Hartshome | <p>Submitter is concerned how Significant Natural Areas are located on boundaries and on identification of Significant Natural Areas and feral goats.</p> | <p>Reject</p> <p>No change requested.</p> |
| Dinesh Sukha | <p>Schedule 9 WC135</p> <p>Submitter opposes and seeks removal of SNA from 37 Ashton Fichett as this is a LLRZ zoned site which has limited ability to develop within the zone.</p> | <p>A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. A minor amendment completed to this property.</p> |
| Sergey Korban | <p>Submitter opposed as already have covenants on property and views this is not in accordance with RMA (Resource</p> | <p>Reject</p> |

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| Who | Feedback Received | Response |
| | Management Act), Pol 23 or NPSIB – not on private land | <ul style="list-style-type: none"> Criteria does not distinguish between public and private land. SNAs recognise and provide for ongoing requirements of any covenants. The ECO chapter has been drafted in accordance with the statutory requirements of the RMA and RPS. |
| Kerry Hines | Submitter opposed (raising the following issues): - Private lateral pipe replacement issue, property value and compensation, non-regulated support for pest control, rebates, resource consent waivers, land grab for public good | <p>Accept in part</p> <p>Non-regulatory support is being considered around fees/rebates policies and maintenance pipes/upgrades. These matters are addressed under the LTP.</p> |
| Randall McDonnell | Submitter opposes and seeks removal of property at Horokiwi Road from Significant Natural Areas – siting provisions for private land, land grab. Illegal, compensation and private property rights removal. | <p>Reject</p> <ul style="list-style-type: none"> Qualifying criteria within Policy 23 (RPS) has been included in the methodology. Criteria does not distinguish private from public land. Council is identifying the qualifying areas by spatial overlays - it is not taking land. Private land owner rights are not changed. Compensation is a non-regulatory matter. The provisions have been amended to provide greater flexibility to maintain residential amenity through permitted vegetation removal and trimming on residential properties. |
| Shannon Andrews Darryl Lundy Lisa Meredith Andrew Bryce Gajan Shivanandan Bruce Richards Land Matters | <p>Schedule 8</p> <p>Submitters opposed – should exclude private land to protect future value and development, better provision for trimming trees for views and sunlight, compensation.</p> | <p>Reject</p> <ul style="list-style-type: none"> Qualifying criteria within Policy 23 (RPS) has been included in the methodology. Criteria does not distinguish private from public land. Greater trimming and removal has been provided for within the permitted activity standards to allow for maintenance of residential amenity. |

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| Who | Feedback Received | Response |
| Joanna Neville Annaliese Wilson Marilyn Richards Sandra Allan William Allen Adel Whittai Aimee Gulliver John Whittai Brenda Gibson Nikoo Hazaveh Ngaio Crofton Downs Residents Association | | <ul style="list-style-type: none"> Private land owner rights are not changed regarding concern on access from any third party. Compensation is a non-regulatory matter. |
| Helen & Mark Limacher Helen Coats Patricia Ward Liz Smaill Andrew Smaill Margaret Kilmenko Kelvin Cooper | Schedule 8 Submitters opposed – should exclude private land and make voluntary; protect future development; compensation from Council– necessary to identify appropriate species; rates relief. | Reject <ul style="list-style-type: none"> Qualifying criteria within Policy 23 (RPS) has been included in the methodology. Criteria does not distinguish private from public land. Council is identifying the qualifying areas by spatial overlays - it is not taking land. Private land owner rights are not changed. Compensation is a non-regulatory matter. The provisions have been amended to provide greater flexibility to maintain residential amenity through permitted vegetation removal and trimming on residential properties. |
| Russell Taylor | Submitter opposed – Exclude private as it affects future value, loss of development and requires compensation | Reject <ul style="list-style-type: none"> Qualifying criteria within Policy 23 (RPS) has been included in the methodology. Criteria does not distinguish private from public land. Council is identifying the qualifying areas by spatial overlays - it is not taking land. |

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| Who | Feedback Received | Response |
| | | <ul style="list-style-type: none"> • Private land owner rights are not changed. • Compensation is a non-regulatory matter. • The provisions have been amended to provide greater flexibility to maintain residential amenity through permitted vegetation removal and trimming on residential properties. |
| John Hume | Submitter question's ability to "retain and expand" land that is Significant Natural Areas | <p>Reject</p> <p>Unclear the point being made or raised.</p> |
| Deb West | Submitter opposed – Better provision for removing and trimming trees on residential property – potential to discourage planting natives that could expand Resource Consent restrictions | <p>Accept in part</p> <ul style="list-style-type: none"> • The provisions have been amended to provide greater flexibility to maintain residential amenity through permitted vegetation removal and trimming on residential properties. |
| Duan van Dorp | <p>Submitter opposed</p> <p>Exclude private land and make voluntary; protect future development; compensation from Council</p> | <p>No changes requested</p> <ul style="list-style-type: none"> • Qualifying criteria within Policy 23 (RPS) has been included in the methodology. • Criteria does not distinguish private from public land. • Council is identifying the qualifying areas by spatial overlays - it is not taking land. • Private land owner rights are not changed. • Compensation is a non-regulatory matter. • The provisions have been amended to provide greater flexibility to maintain residential amenity through permitted vegetation removal and trimming on residential properties. |
| James McGee | There was no information on the Land Information Memorandum about draft Significant Natural Areas on recently purchased land. | <p>Reject</p> <p>The draft SNA overlays do not have any legal effect until notified.</p> |

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| Who | Feedback Received | Response |
| David Edmonds | <p>ECO-R4</p> <p>Submitter has concerns about development potential on vacant section which is 'un-serviced' and requests that specific private property be excluded from the SNA.</p> | <p>Accept in part</p> <p>The draft provisions recognise undeveloped residential zoned land and provide a specific pathway to enable construction on the site.</p> |
| Liqiu Huang | <p>Schedule 8</p> <p>Submitters opposed – Exclude private land</p> | <ul style="list-style-type: none"> • A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |
| Esther Newman | <p>Significant Natural Areas boundary adjustment</p> <p>Submitter seeks two options for realigned overlay boundary</p> | <ul style="list-style-type: none"> • A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |
| | <p>Schedule 8</p> <p>Concern not all information included in Schedule</p> | <ul style="list-style-type: none"> • A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |
| Paul Thomas | <p>Schedule 8</p> <p>States does not meet p23 criteria (Tawa)</p> | <p>Accept in part</p> <ul style="list-style-type: none"> • Qualifying criteria within Policy 23 (RPS) has been included in the methodology. • A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |
| John Morrison | <p>Schedule 8</p> | <ul style="list-style-type: none"> • A review of the Significant Natural Areas overlays has been completed |

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| Who | Feedback Received | Response |
| | Requests removal of Upper Stebbings land from Significant Natural Areas | by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |
| John Bryce | Schedule 8 Requests removal of 93 Holloway Road as per Boffa Miskell report 2021. | <ul style="list-style-type: none"> A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |
| Marguerite Beere | Schedule 8 – WC061 Seeking removal of Significant Natural Areas on basis only Tangata Whenua value – not ecological and requests change to notable trees instead | <ul style="list-style-type: none"> A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |
| Horokiwi Quarries | Amend Significant Natural Areas overlays on some areas of quarry. Independent ecological report for the site provided. | <ul style="list-style-type: none"> A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |
| | ECO-P3 Add “recognition of existing activities on the site” | Reject Amendment made to |
| | ECO-P4 Delete 1 and 2.a | Reject in part ECO-P4 has been revised and updated. |
| | ECO-P7 Insert “where practicable” Opposed to “avoid” direction | Reject NZCPS requires an “Avoid” approach within the Coastal Environment where Policy 11(a) criteria apply. |

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| Who | Feedback Received | Response |
| | <p>ECO-R1</p> <p>Concern with NCA status for proposes in Coastal Environment – Remove or change to Discretionary Activity status</p> | <p>Accept in part</p> <p>Change to Policy ECO-P7 and associated rule ECO R1.4, 1.5 & 1.6</p> |
| Adam Rossitor | Submitter opposes Significant Natural Areas – WC035 and requests site visit. | <ul style="list-style-type: none"> A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |
| Richard Taylor | Submitter notes that the highest quality redwood grove bush is already protected and it's not clear where the "large site and three other small sites" are? | <ul style="list-style-type: none"> A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |
| Mark O'Grady | <p>ECO-R1</p> <p>Submitter is in general support but seeks clarity on provisions as would like the ability to create paths, conduct tree maintenance/removal and thin prolific mahoe and coprosma and remove meuhlenbeckia</p> | <ul style="list-style-type: none"> The provisions have been amended to provide greater flexibility to maintain residential amenity through permitted vegetation removal and trimming on residential properties including to create private residential paths and for pest control activities. |
| Charmaine Rob Scott | <p>ECO-R1</p> <p>Submitter supports 'in principle' – need to recognise pipes and lateral services within Significant Natural Areas and need to maintain. Seeks SV to 7 Sovereign Point.</p> | <p>Accept</p> <ul style="list-style-type: none"> The provisions have been amended to provide greater flexibility to maintain residential amenity through permitted vegetation removal and trimming on residential properties including for installation, maintenance or repair of services and lateral connections. |
| Astra Davidson-Powell | Submitter opposes and seeks removal of Significant Natural Areas from 93 Holloway Road | <ul style="list-style-type: none"> A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the |

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| Who | Feedback Received | Response |
| | | boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |
| Ruth Paul | <p>ECO-P1</p> <p>Submitter supports subject to comments:</p> <ul style="list-style-type: none"> • Requests additional wording included to prevent future changes to Significant Natural Areas without landowner consent. • Concerned that public access could be provided for in the future and this should be prevented. • Seeks removal of 403 Makara Road from identified area on Significant Natural Areas map | <p>Reject</p> <ul style="list-style-type: none"> • No change to ECO-P1 is required as this is addressed by Schedule 1 process. The rules cannot be changed without a public plan change process. • Private land owner rights are not changed. Does not provide for public access. • Qualifying criteria within Policy 23 (RPS) has been included in the methodology. • Criteria does not distinguish private from public land. |
| Geoff Swainson | Submitter seeks removal of Significant Natural Areas from private land at 5 Sovereign Point and sites poor outcomes, negative effect on natural environment and illegal as reasons. | <p>Reject</p> <ul style="list-style-type: none"> • Qualifying criteria within Policy 23 (RPS) has been included in the methodology. • Criteria does not distinguish private from public land. • A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |
| Greg Harford | Submitter opposes based on unconstitutional, illegal, land grab, impacting on property rights and seeks removal of Significant Natural Areas and stream corridor. | <p>Reject</p> <ul style="list-style-type: none"> • Qualifying criteria within Policy 23 (RPS) has been included in the methodology. • Criteria does not distinguish private from public land. • A review of the Significant Natural Areas overlays has been completed by the Councils ecologists |

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| Who | Feedback Received | Response |
| | | <p>(Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap.</p> <ul style="list-style-type: none"> • Council is identifying the qualifying areas by spatial overlays - it is not taking land. |
| Bruce Harding | <p>WO68</p> <p>Submitter is opposed and seeks a review of the identified Significant Natural Areas on 21, 25 and 27 Meadowcroft Grove, Johnsonville</p> | <ul style="list-style-type: none"> • A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |
| Trudy Geoghegan | <p>Submitter opposed and seeks that the Significant Natural Areas is amended at 9a Caldwell Street to align with existing covenant – questions ability for retaining walls, garden, trimming trees for sunlight and private laterals</p> | <ul style="list-style-type: none"> • A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |
| Mark Albon | <p>Submitter opposed and seeks removal of 19 Carey Street from the Significant Natural Areas</p> | <ul style="list-style-type: none"> • A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |
| Ken and Norma Bryant | <p>Submitted opposed and seeks removal of property from Significant Natural Areas</p> | <ul style="list-style-type: none"> • A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |
| John Paul Etheridge | <p>Submitter opposes based on 2016 Significant Natural Area assessment and contrary to RMA and RPS policy 23 – 11 Wentworth Street</p> | <p>Reject</p> <ul style="list-style-type: none"> • Qualifying criteria within Policy 23 (RPS) has been included in the methodology. |

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| Who | Feedback Received | Response |
| | | <ul style="list-style-type: none"> A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |
| Lincolnshire Farm (Rod Halliday) | Submitter seeks refining to the location of Significant Natural Areas in the Churton Park area, particularly Reedy Block at 28 Westchester Drive, that has been approved for subdivision by Wellington City Council | <ul style="list-style-type: none"> A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |
| Craig and Kim McKendry | Submitter opposes and seeks removal of all Significant Natural Areas provisions on private urban land. | <p>Accept in part</p> <ul style="list-style-type: none"> Qualifying criteria within Policy 23 (RPS) has been included in the methodology. The draft ECO chapter and qualifying SNA overlays are in accordance with the RMA and RPS. Criteria does not distinguish private from public land. The provisions have been amended to provide greater flexibility to maintain residential amenity through permitted vegetation removal and trimming on residential properties. |
| Boston Estate Real | Submitter opposes for property at 62 Kaiwharawhara Road and notes: <ul style="list-style-type: none"> Darroch report 2019 is out of date – significant changes since it was completed Wildlands 2016 report is out of date – Desktop limited Contest the assumptions made in the Wildlands report | <p>Reject</p> <ul style="list-style-type: none"> The Darroch report has been reviewed to consider property value assumptions. Wildlands have completed and update memo summarising the changes since the original 2016 draft assessment of potential SNA sites. A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the |

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| Who | Feedback Received | Response |
| | | boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |
| Karepa Dell Developments | <p>Submitter opposes for 11 Makamako Road and notes:</p> <ul style="list-style-type: none"> • Darroch report 2019 is out of date – significant changes since it was completed • Wildlands 2016 report is out of date – Desktop limited • Contest the assumptions made in the Wildlands report • Requests changes to MDRZ zone | <p>Reject</p> <ul style="list-style-type: none"> • The Darroch report has been reviewed to consider property value assumptions. • Wildlands have completed and update memo summarising the changes since the original 2016 draft assessment of potential SNA sites. • A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |
| Vital Healthcare Property Trust | <p>Submitter opposes and seeks removal of Bowen Hospital site from the Significant Natural Areas or provide evidence that it meets the criteria</p> | <p>Accept in part</p> <ul style="list-style-type: none"> • Qualifying criteria within Policy 23 (RPS) has been included in the methodology. • The draft ECO chapter and qualifying SNA overlays are in accordance with the RMA and RPS. • A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |
| Vanessa James | <p>Submitter requests property at 300A Mitchell Street is removed from the Significant Natural Areas as does not meet the criteria.</p> | <ul style="list-style-type: none"> • A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |

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| Who | Feedback Received | Response |
| Ruth Burdekin | <p>WC129</p> <p>Submitter states that the Significant Natural Area does not meet criteria on their property and requests comprehensive management plans for Significant Natural Areas – the framework only protects but does not promote how these areas will be maintained.</p> <p>Seeks non-reg support through Wellington City Council through:</p> <ul style="list-style-type: none"> • Rates rebate/relief • Reduced Resource Consent fees • Providing pest and weed management services • Building fences • Advice on how to maintain Significant Natural Areas • Discounted native plants • Consideration on where and when exotic plantings provide value to native flora and fauna | <p>Agree in part</p> <ul style="list-style-type: none"> • Protection of identified Significant Natural Areas is the first step within the framework – Maintenance is voluntary rather than required. • Compensation including rate relief and resource consent fee waiver is a non-regulatory matter. • Council is exploring ways to provide support or access to ecological advice to assist landowners that want to maintain SNAs. |
| Barbara Fill | <p>Schedule 8 and 11</p> <p>Submitter seeks amendment to include Oku Reserve and Te Raehaihou Point Headland as they are significant and adjacent to proposed Significant Natural Areas areas WC148 and WC150</p> | <ul style="list-style-type: none"> • A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap. |
| Jon Thompson | <p>Submitter seeks rezoning of land to residential but notes the minor Significant Natural Areas is not an issue and can be designed around at 200 Parkvale Road</p> | <p>No changes requested</p> <ul style="list-style-type: none"> • Submission seeks rezoning – no concern with Significant Natural Areas. |
| Amanda Wilkinson | <p>ECO-R1</p> <p>Maintenance of private laterals – assumes 'unused' land.</p> | <p>Accept in part</p> <ul style="list-style-type: none"> • Updates to provide for installation, maintenance and repair of private laterals and service connections has been included. |
| | <p>ECO-P6</p> <p>Seeks voluntary support from Landowners</p> | <p>Reject</p> <ul style="list-style-type: none"> • Voluntary support does not meet the statutory requirement to protect Significant Natural Areas. |

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| Who | Feedback Received | Response |
| | <p>ECO-P4</p> <p>Remove Significant Natural Areas from private land – land grab and costs unfair</p> | <p>Reject in part</p> <ul style="list-style-type: none"> • Qualifying criteria within Policy 23 (RPS) has been included in the methodology. • Criteria does not distinguish private from public land. • Council is identifying the qualifying areas by spatial overlays - it is not taking land. • Private land owner rights are not changed. |
| | <p>Opposes Significant Natural Areas on private land</p> | <p>Reject</p> <p>As above.</p> |
| | <p>Submission tools poor</p> | <p>No change requested</p> |
| WCC Environment Group | <p>APP2 Offsetting</p> <p>Submitter seeks additional clarification around taxa included and suggests the minimum time frame is 10 years for 1c.</p> | <p>A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap.</p> |
| | <p>APP3 Compensation</p> <p>Submitted seeks addition of compensation MP</p> | <p>Accept in part</p> <p>The criertia are based on regional plan direction for consistency.</p> |
| Helen Ritchie | <p>Submitter seeks to add that part of 494 Ohariu Valley Road which is road reserve as a Significant Natural Areas</p> | <p>A review of the Significant Natural Areas overlays has been completed by the Councils ecologists (Wildlands) and amendments to the boundaries of the SNA overlays has been completed. The revised draft SNA overlays are available on the Councils webmap.</p> |
| Thomas Kay | <p>Support</p> <p>Aro Valley</p> | <p>No change requested</p> |
| Tyers Stream Reserve Group | <p>Support</p> | <p>No change requested</p> |
| Peter Kelly | <p>ECO-S3</p> <p>170 Parkvale Road, Karori – 8 specific points to address.</p> | <p>Accept in part:</p> <ul style="list-style-type: none"> • Current access routes addressed through permitted standards. |

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| Who | Feedback Received | Response |
| | | <ul style="list-style-type: none"> • Areas checked by Wildlands are reviewed on basis of whether they qualify. • Ridgeline and hilltops overlay is to be removed from the residential zone. • The zone has been changed. • The permitted access width has been increased. • Wildlands advised on tree species diameter. |
| Rutgar Kuyper | <p>SUB-R9</p> <p>Opposed to restricted provision – conflict with NPS-UD (National Policy Statement on Urban Development)</p> <p>NCA rule for subdivision with building platform in the Significant Natural Areas.</p> | <p>Reject</p> <p>Creation of new vacant lots in an SNA does not conflict with NPS-UD. New lots create ability to apply permitted land use provisions within them. NPS-UD does not rely on subdivision first.</p> |
| | <p>EW-R5</p> <p>Opposed to restricted provision – conflict with NPS-UD</p> <p>RDIS rule for EW in Significant Natural Areas requires EMH consideration</p> | <p>Reject</p> <p>RDIS status provides a consent pathway to consider scope and scale of future activities.</p> |
| | <p>ECO-R1.5</p> <p>Opposed to restricted provision – conflict with NPS-UD</p> <p>NCA rule for trimming removing Significant Natural Areas in Coastal Environment (in all zones)</p> | <p>Accept</p> <p>The activity status has been updated to recognise Residential Zoned Coastal Environment areas.</p> <p>Updated to resolve the Significant Natural Areas vs Coastal Environment issue which did not distinguish between the 11(a) and 11(b) directions.</p> |
| | <p>Schedule 9</p> <p>Opposed to restricted provision – conflict with NPS-UD</p> <p>Removal of trees planned so request removal from schedule for 78 Homebush Road</p> | <p>Reject</p> <p>Unable to remove if current area meets criteria based on owner intention.</p> |
| Hugh Rennie | POLICY 23 | Reject |

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| Who | Feedback Received | Response |
| | General question - Significant Natural Areas not on Submitters' land – “Is Wellington City Council correctly implementing Policy 23?” | WCC legal advice sought on Policy 23 and confirmed WCC are correctly implementing. |
| Alice Hartley | ECO-O1 Submitter opposes on residential land that restricts and prevents infill housing opportunities. | Reject Higher Order recognises the remaining Significant Natural Areas need to be protected to halt decline and thus central government direction recognises these areas as Qualifying Matters. |
| | ECO-P2 Submitter opposes and indicates that the method to identify Significant Natural Areas is inaccurate and unacceptable. | Reject |
| | ECO-P3 Submitter opposes and indicates this will prevent residential maintenance and landowner requests compensation | Reject Residential Amenity updates my address |
| Maria Jones | More information requested as not sure what this means for landowners | No change requested |
| Gillian Press | Nonspecific reference to Significant Natural Areas | No change requested |
| James Munro | Submitter opposes and seeks removal of Significant Natural Areas from his two properties | Reject The Significant Natural Areas is not on either of Mr Munro's properties. |
| Transpower | ECO-P2 Seeks amendment to “seek to avoid” | Reject Relates to cross reference |
| | Biodiversity Offsetting Submitter supports | No change requested |
| | INF ECO-P34, INF ECO P35 and INF ECO-P36 Submitter opposes and is concerned these policies are not consistent with or give effect to the NPSET: 1. The direction to not “adversely affect significant biodiversity values” through Operation, Maintenance and | Accept in part These policies address OMR, UPGRADING & NEW infrastructure. The relevant NPS (National Policy Statements) policy context for this is: • The NPSET objective requires “... managing the adverse effects of the network....” |

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| Who | Feedback Received | Response |
| | <p>Repair of existing NG infrastructure is inconsistent with the NPSET. It is also noted that although the National Grid is recognised as infrastructure of national significance within the NPSET (being a higher order policy document). Transpower seeks an amended policy framework specific to the National Grid that gives effect to the NPSET.</p> | <ul style="list-style-type: none"> • Policy 4 requires decision makers to have regard to the extent of adverse effects and how they are avoided, remedied, or mitigated • Policy 8 requires transmission standards to ‘seek to avoid’ adverse effects on “Outstanding Natural Landscapes, areas of high natural character...”. • The NESETA regulations provide further direction on how this is to be achieved with activity status ranging from permitted to restricted discretionary with the matters of control & discretion including “visual, landscape, and ecological effects...” See following Regulations: 31(2)(b), 32(2)(d) & 34(2)(d). The NES (National Environmental Standards) does not apply to NEW. <p>2. Policy 8 provides for seek to avoid (new NG) and Policy 4 (upgrading) requires regard to Avoid, Remedy or Mitigate.</p> <p>P34 – OMR of existing – can be differentiated (from P32 and ‘other ‘INF) by recognising NPSET and amending perception of the wording sounding restrictive. (it supports a permitted rule) which is consistent with NESETA which addresses existing NG INF. Keep same but amend last line to “maintains biodiversity values”. As this is not only permitted but restricted discretionary rule.</p> <p>P35 – Upgrading existing – Remove “ECO-P10” reference. Cross reference to EMH on ECO chapter.</p> <p>P36 – No change to effects management hierarchy for consistency.</p> |
| | <p>INF ECO R45 and INF ECO R46</p> <p>Submitter seeks deletion</p> | <p>Accept</p> <p>R45 - Potential duplication –Earthworks provisions in NESTA are permitted and elevate to CON (REG 34) if permitted standards not met. Agree elevation should be amended to CON for non-permitted Earthworks. Agree SNA (Significant Natural Areas) reference (not ONFL (Outstanding</p> |

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| Who | Feedback Received | Response |
| | | <p>Natural Features and Landscapes)). The elevation is correct for Vege removal (see REG 32). Leaves question of duplication. Necessary?</p> <p>R46 – Upgrading is controlled by NESETA regs. Mostly controlled with MoC including ecological effects.</p> <p>The provisions are retained – they provide an updated clarity of what “ecological effects” should be considered by plan users which is consistent with NES and rest of the PDP.</p> |
| | <p>INF ECO-R48 Submitter supports</p> | <p>Accepts Support is consistent with NESETA</p> |
| | <p>INF ECO-S21 Submitter seeks deletion as MoD do not reflect those in the NESETA</p> | <p>Accept INF ECO S21 is a standard supporting R45 (PER EW) consider together with R45 and delete is deleting both. – Appears deletion may be, ok?</p> |
| | <p>ECO-01 Submitter supports</p> | <p>No changes requested</p> |
| | <p>INF ECO P35 and INF ECO P36 Submitter seeks deletion to cross reference to ECO-P2 with “seek to avoid” and delete cross reference to ECO-P4</p> | <p>Accept in part Consider change</p> |
| Meridian | Submitter seeks alignment of definitions for Biodiversity Offsetting, Compensation and Mitigation with recent Consent Order on PNRP for consistency. | <p>Accept in part Definitions – The Appendices clearly articulate the purpose for each, thus not relying solely on the definition. Notwithstanding Biodiversity Offsetting is the same. Compensation is marginally different, and Biodiversity Mitigation is not used within the ECO chapter.</p> |
| Sally Abernethy | Submitter refers to Significant Natural Areas in passing – non-specific | No changes requested |
| Paul Blaschke | Submitter in support of all policies and suggests better recognition of linkages/corridors to support the | Accept |

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| Who | Feedback Received | Response |
| | Significant Natural Areas in the introduction | Consider reference to linkages in the introduction of the ECO Chapter. |
| | NE-01 supported as this gives rise to Significant Natural Areas | No changes requested |
| Glenside Progressive Association | Submitter supports Significant Natural Areas and seeks to extend to include all of 395 Middleton Road | Reject Criteria defines Significant Natural Areas extent |
| Sky | SUB-P16 Submitter opposes and seeks removal of Significant Natural Area references in subdivision policy on basis that subdivision will have no impact on Significant Natural Areas as its just a 'financial and legal' consideration at a specific transaction time. Submitter further states that it is 'common sense' that subdivision of a small percentage area of a Significant Natural Area by definition has no material effect. | Reject Disagree that subdivision is "only a legal and financial" consideration – this ignores the permitted standards in the land use provisions which apply at a property parcel level that do have a material impact. Notwithstanding the expansion of more permissive land use standards sought by the submitter. Defining ecological impact is not as simple and using 'percentages' hence the need to assess the site characteristics to determine the scale of effect is the best way forward. |
| Aggregate & Quarry Association | Seeks flexibility for quarries in relation to Significant Natural Areas | Reject |
| Tawa Community Board | Submitter supports the proposed Significant Natural Areas | No changes requested |
| Grace Carr | Submitter supports the Significant Natural Areas | No changes requested |
| Wellington Botanical Society | Submitter supports the Significant Natural Areas | No changes requested |
| Wellington City Youth Council | Submitter supports the Significant Natural Areas | No change requested |
| Rowan Wright | Submitter supports the Significant Natural Areas but does not want to hand control to the Wellington City Council. | No changes requested |
| KiwiRail | INF-ECO-P32 Submitter supports | No changes requested |

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| Who | Feedback Received | Response |
| Wellington Electricity | INF ECO-P33 Submitter seeks to add “avoided where practicable” | Accept |
| | INF ECO-S20 Submitter supports | No changes requested |
| David Chester | Submitter indicates a view on several issues, including land grab, private property and land value impacts, and mapping is inaccurate, and this would be contrary to EC decision on PC61 for development of site | Reject |
| Holly Carrington Anna Grant | Submitter supports Important to protect remaining Significant Natural Areas before lost – more so on private land where risk is greatest (Tawa) | No changes requested |
| Lyn Cadenhead | Submitter supports all provisions provided some edits made to revise how permissive the provisions are. | Agree Some points of clarity have been updated. |
| Ross Weenick | Submitter opposes and seeks removal of all Significant Natural Areas provisions from 25 Hauraki Street, Karori – considers this an illegal land grab without compensation and imposing on private property rights | Reject |
| | ECO-P6 Supports and would like education support added | Accept Review and consider insertion of education support to P6 direction |
| Carolyn Shivananda | ECO-P3 Submitter supports landowners being able to develop pathways on land, trim trees for light and views (with limits) and install vegetable gardens (with limits) – Ngaio | Accept Recognise wider removal of residential zoned land in ECO-P3 and ECO-R1 identify those with limits set in the ECO-S1 standards. In line with the ability to undertake domestic residential use of property with minor impact of the Significant Natural Areas. Private Significant Natural Areas represent less than 3% of the district. While providing for residential amenity, sunlight, and sustainability. |

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| Who | Feedback Received | Response |
| Tony Hurst | ECO-R1 Submitter seeks amendment to allow pathway creation or maintenance for private tracks and for pest control. | Accept ECO-R1 – Enable private tracks for pest control but set maximum percentage for any removal – needs to balance pest control benefit with access while recognising private property rights. |
| Alan Phillips | ECO-R1 Submitter seeks amendment to ECO-R1 permissive removal and provided an extensive list of additions to permitted activities | Accept in part Changes made to ECO-R1 permitted standards provide for greater removal in order to maintain residential amenity. |
| Coral Aldridge | WC156, Schedule 9, ECO-P3, ECO-R3, ECO-S1, Maps Submitter opposes on the basis that the Significant Natural Areas prohibits reasonable use of land at 109 Breaker Bay including but not limited to the planting of a vegetable garden, fruit trees or shading control. | Reject Non-reg support such as free plants are a council decision via LTP funding. |
| Graham Parker | Submitter opposes and seeks removal of 69 Pembroke Road from Significant Natural Areas and seeks provision to allow development while maintaining a significant amount of natural bush on the land. | Accept Consider portion of Significant Natural Areas removed for landowner development as part of residential amenity update. |
| Purdie | Submitter opposes and indicates that some of the property is a Significant Natural Areas but not all at 19 Thatcher Crescent. Would like to see more Significant Natural Areas on Outer Green Belt area and enhanced rather than on private residential land. | Accept in part Some changes to tracks, residential activities, and balance of reserves versus private land – balance of future Significant Natural Areas to offset increased private Significant Natural Areas flexibility. |
| A Bramley | Submitter seeks clarity on what happens if trees encroach on private property or power lines. | No changes requested Electricity line trimming is provided for as permitted. |
| Lesley Aabryn | Submitter recommends <ul style="list-style-type: none"> Ongoing ecologist advice and significant values to private Significant Natural Areas | Accept in part Non-reg Ecologist support Vegetation determines the extent of the Significant Natural Areas. Indicative overlay. |

| ECO | | |
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| Who | Feedback Received | Response |
| | <ul style="list-style-type: none"> Wellington City Council to assist in removing non-indigenous vegetation from Significant Natural Areas Compensation for private Significant Natural Areas land Unable to determine where the boundary of the Significant Natural Areas is on private property | |
| Nick Lambretcsten | Recommends landowners should be recognised for retention of Significant Natural Areas to date | |
| K Murray | <p>Submitter concerned:</p> <ul style="list-style-type: none"> Significant Natural Area criteria are vague Mapping identification is imprecise Significant Natural Areas include all Indigenous which is blunt Failure to work with landowners – penalises landowners | <p>No changes requested</p> <p>Criteria are set by the RPS</p> <p>Mapping and Significant Natural Areas inclusion is broad and refined via Resource Consent process where necessary</p> <p>Backyard taonga and DDP process</p> |
| Eleonora Sparagna | <p>Submitter seeks more permitted activity in the rural zone:</p> <ul style="list-style-type: none"> Pest control and associated tracks should be permitted Beekeeping should be permitted Allow machinery to be used in associated activities Clarify fencing is permitted Enable flood protection to address weather events and slips | <p>Reject</p> <p>These are generally permitted. Providing for flood protection and slips would require specific standards to be permitted. The submitted has not identified what scope they mean to include.</p> |
| GWRC | <p>ECO-R2</p> <p>Submitter seeks update definition of pet species</p> | <p>Accept</p> <p>Update “pest” definition</p> |
| | <p>INF-ECO-P32, INF-ECO-P34, INF-ECO-S20, INF-ECO-S21, INF-ECO-S22, REG-S1, ECO-P3, ECO-P2</p> <p>Submitter Remove “identified”</p> | <p>Accept</p> <p>Delete “identified”</p> <p>Allows specific onsite values identified via the required assessment to be addressed – rather than limiting to Schedule 8 values.</p> |

| ECO | | |
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| Who | Feedback Received | Response |
| | ECO-02 Submitter requests that this is the same as ECO-01 | Reject NZCPS places stronger direction for Significant Natural Areas in Coastal Environments. |
| | ECO-04 Submitter seeks replacement of “maintain” with “protect” | Accept Consistent with object wording and ECO-P6 |
| | Submitter seeks new objective for wetlands to protect waterways and wetlands | Reject Not required as wetlands jurisdiction falls within NPS-FW and Greater Wellington Regional Council jurisdiction. |
| | Submitter seeks new objective – Broader to protect outside Significant Natural Areas | Reject NPS-FW and RPS direct protection of Significant Natural Areas with support for indigenous vegetation via non-reg methods and NPS-IB non-statutory status. |
| | ECO-P2 Submitter seeks amendment to be consistent with NPS-IB by adding extra “avoid step” and remove “where practicable” | Reject The draft NPS-IB has no weight and is being revised with informal advice that the extra step is removed. Furthermore, the recent PNRP does not include this step. “Where practicable” is consistent with Higher Order direction including PNRP and NRP-FW. |
| | EMH – make this consistent between chapters. E.g., INF-ECO-P36, ECO-P2 and SUB-P15 Submitters seeks addition to MoD “where relevant the ability to offset or compensate biodiversity impacts” | Accept Check for consistency – no need to change MoD as this is addressed through the ECO-P2 EMH and the references APPs |
| | ECO-P4 Submitter seeks to define “minimise” and check if consistent with EMH | Reject Dictionary meaning does not conflict with EMH which is referred at the top and district to these criteria. |
| | ECO-P5 | Accept |

| ECO | | |
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| Who | Feedback Received | Response |
| | Submitted seeks to remove “highest” qualifier in clause 2 | |
| | Submitter seeks new policy to address waterways and natural wetlands | Reject Regional jurisdiction – NESFW and PNRP manage this. |
| | Submitter seeks new policy to require protection of indigenous biodiversity outside of Significant Natural Areas | Reject RPS directs protection of Significant Natural Areas with support for indigenous vegetation via non-reg methods. |
| | ECO-R1 Submitter opposes permitted 2.5m wide walking tracks – should be a controlled activity. | Accept Provides process to confirm assessment and site-specific approach. |
| | ECO-R2 Submitter seeks to delete ability to remove non-indigenous plants as they contribute to Significant Natural Areas. | Accept |

Appendix 2: NZCPS - Relevant Objectives and Policies

| NZCPS – Objectives and Policies | |
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| Objective 1 | <p><i>To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:</i></p> <ul style="list-style-type: none"> • <i>maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;</i> • <i>protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand’s indigenous coastal flora and fauna; and</i> • <i>maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity</i> |
| Objective 3 | <p><i>To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:</i></p> <ul style="list-style-type: none"> • <i>recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;</i> • <i>promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;</i> • <i>incorporating mātauranga Māori into sustainable management practices; and</i> • <i>recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.</i> |
| Objective 6 | <p><i>To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:</i></p> <ul style="list-style-type: none"> • <i>the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;</i> • <i>some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;</i> • <i>functionally some uses and developments can only be located on the coast or in the coastal marine area;</i> • <i>the coastal environment contains renewable energy resources of significant value;</i> • <i>the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;</i> • <i>the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;</i> |

| NZCPS – Objectives and Policies | |
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| | <ul style="list-style-type: none"> • <i>the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and</i> • <i>historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.</i> |
| <p>Policy 1</p> <p>Extent and characteristics of the Coastal Environment</p> | <p>(1) <i>Recognise that the extent and characteristics of the Coastal Environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.</i></p> <p>(2) <i>Recognise that the Coastal Environment includes:</i></p> <ol style="list-style-type: none"> a. <i>the coastal marine area;</i> b. <i>islands within the coastal marine area;</i> c. <i>areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;</i> d. <i>areas at risk from coastal hazards;</i> e. <i>coastal vegetation and the habitat of indigenous coastal species including migratory birds;</i> f. <i>elements and features that contribute to the natural character, landscape, visual qualities or amenity values;</i> g. <i>items of cultural and historic heritage in the coastal marine area or on the coast;</i> h. <i>inter-related coastal marine and terrestrial systems, including the intertidal zone; and</i> i. <i>physical resources and built facilities, including infrastructure, that have modified the Coastal Environment.</i> |
| <p>Policy 2</p> <p>The Treaty of Waitangi, tangata whenua and Māori heritage</p> | <p><i>In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the Coastal Environment:</i></p> <ol style="list-style-type: none"> a. <i>recognise that tangata whenua have traditional and continuing cultural relationships with areas of the Coastal Environment, including places where they have lived and fished for generations;</i> b. <i>involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori;</i> c. <i>with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori¹¹ in regional policy statements, in plans, and in the consideration of applications for</i> |

¹¹ defined as: Māori customary knowledge, traditional knowledge or intergenerational knowledge.

NZCPS – Objectives and Policies

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| | <p>resource consents, notices of requirement for designation and private plan changes;</p> <p>d. provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga¹², may have knowledge not otherwise available;</p> <p>e. take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and</p> <p>i. where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and</p> <p>ii. consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans;</p> <p>f. provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the Coastal Environment through such measures as:</p> <p>i. bringing cultural understanding to monitoring of natural resources;</p> <p>ii. providing appropriate methods for the management, maintenance and protection of the taonga of tangata whenua;</p> <p>iii. having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mahinga mātaimai or other non-commercial Māori customary fishing; and</p> <p>g. in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the right to choose not to identify places or values of historic, cultural or spiritual significance or special value:</p> <p>i. recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and cultural impact assessments; and</p> <p>ii. provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.</p> |
| <p>Policy 3</p> | <p>(1) Adopt a precautionary approach towards proposed activities whose effects on the Coastal Environment are uncertain, unknown, or little understood, but potentially significantly adverse.</p> |

¹² defined as: A person skilled or versed in the customary and traditional knowledge, tikanga, arts, histories and genealogies of a particular iwi or hapū.

| NZCPS – Objectives and Policies | |
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| Precautionary approach | <p>(2) <i>In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that:</i></p> <ul style="list-style-type: none"> a. <i>avoidable social and economic loss and harm to communities does not occur;</i> b. <i>natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and</i> c. <i>the natural character, public access, amenity and other values of the Coastal Environment meet the needs of future generations.</i> |
| Policy 6 Activities in the Coastal Environment | <p>(1) <i>In relation to the Coastal Environment:</i></p> <ul style="list-style-type: none"> a. <i>recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;</i> b. <i>consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the Coastal Environment;</i> c. <i>encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;</i> d. <i>recognise tangata whenua needs for papakāinga¹³, marae and associated developments and make appropriate provision for them;</i> e. <i>consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;</i> f. <i>take into account the potential of renewable resources in the Coastal Environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;</i> g. <i>consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;</i> h. <i>set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the Coastal Environment; and</i> i. <i>where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.</i> <p>(2) <i>Additionally, in relation to the coastal marine area:</i></p> |

¹³ Defined as: Development of a communal nature on ancestral land owned by Māori

| NZCPS – Objectives and Policies | |
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| | <ul style="list-style-type: none"> a. <i>recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations:</i> b. <i>recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;</i> c. <i>recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;</i> d. <i>recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and</i> e. <i>promote the efficient use of occupied space, including by:</i> <ul style="list-style-type: none"> i. <i>requiring that structures be made available for public or multiple use wherever reasonable and practicable;</i> ii. <i>requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and</i> iii. <i>considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.</i> |
| <p>Policy 11</p> <p>Indigenous biological diversity (biodiversity)</p> | <p><i>To protect indigenous biological diversity in the Coastal Environment:</i></p> <ul style="list-style-type: none"> c. <i>avoid adverse effects of activities on:</i> <ul style="list-style-type: none"> vii. <i>indigenous taxa¹⁴ that are listed as threatened or at risk in the New Zealand Threat Classification System lists;</i> viii. <i>taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;</i> ix. <i>indigenous ecosystems and vegetation types that are threatened in the Coastal Environment, or are naturally rare¹⁵;</i> x. <i>habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;</i> xi. <i>areas containing nationally significant examples of indigenous community types; and</i> xii. <i>areas set aside for full or partial protection of indigenous biological diversity under other legislation; and</i> d. <i>avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:</i> <ul style="list-style-type: none"> vii. <i>areas of predominantly indigenous vegetation in the Coastal Environment;</i> |

¹⁴ Defined as: Named biological classification units assigned to individuals or sets of species (e.g. species, subspecies, genus, order, variety).

¹⁵ Defined as: Originally rare: rare before the arrival of humans in New Zealand

| NZCPS – Objectives and Policies | |
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| | <ul style="list-style-type: none"> viii. <i>habitats in the Coastal Environment that are important during the vulnerable life stages of indigenous species;</i> ix. <i>indigenous ecosystems and habitats that are only found in the Coastal Environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;</i> x. <i>habitats of indigenous species in the Coastal Environment that are important for recreational, commercial, traditional or cultural purposes;</i> xi. <i>habitats, including areas and routes, important to migratory species; and</i> xii. <i>ecological corridors, and areas important for linking or maintaining biological values identified under this policy</i> |
| Policy 14 Restoration of natural character | <p><i>Promote restoration or rehabilitation of the natural character of the Coastal Environment, including by:</i></p> <ul style="list-style-type: none"> a. <i>identifying areas and opportunities for restoration or rehabilitation;</i> b. <i>providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements, and plans;</i> c. <i>where practicable, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and recognising that where degraded areas of the Coastal Environment require restoration or rehabilitation, possible approaches include:</i> <ul style="list-style-type: none"> i. <i>restoring indigenous habitats and ecosystems, using local genetic stock where practicable; or</i> ii. <i>encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; or</i> iii. <i>creating or enhancing habitat for indigenous species; or</i> iv. <i>rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarsh; or</i> v. <i>restoring and protecting riparian and intertidal margins; or</i> vi. <i>reducing or eliminating discharges of contaminants; or</i> vii. <i>removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or</i> viii. <i>restoring cultural landscape features; or</i> ix. <i>redesign of structures that interfere with ecosystem processes; or</i> x. <i>decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area.</i> |

Appendix 3: Full Wording of PNRP Relevant Objectives and Policies

| PNRP | |
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| Objective O1* <i>Ki uta ki tai: mountains to the sea</i> | <i>Air, land, fresh water bodies and the coastal marine area are managed as integrated and connected resources; ki uta ki tai – mountains to the sea.</i> |
| Objective O2 <i>Ki uta ki tai: mountains to the sea</i> | <i>The importance and contribution of air, land, water and ecosystems to the social, economic and cultural well-being and health of people and the community are recognised in the management of those resources.</i> |
| Objective O12 <i>Beneficial use and development</i> | <i>The social, economic, cultural and environmental benefits of regionally significant infrastructure, renewable energy generation activities and the utilisation of mineral resources are recognised.</i> |
| Objective O25* <i>Biodiversity, aquatic ecosystem health and mahinga kai</i> | <i>Biodiversity, aquatic ecosystem health and mahinga kai in fresh water bodies and the coastal marine area are safeguarded such that:</i> <i>(a) water quality, flows, water levels and aquatic and coastal habitats are managed to maintain biodiversity, aquatic ecosystem health mahinga kai, and</i> <i>(b) where an objective in Tables 3.4, 3.5, 3.6, 3.7 or 3.8 is not met, a fresh water body or coastal marine area is improved over time to meet that objective.</i> |
| Objective O35 <i>Sites with significant values</i> | <i>Ecosystems and habitats with significant indigenous biodiversity values are protected from the adverse effects of use and development, and where appropriate restored to a healthy and functioning state including as defined by Tables 3.4, 3.5, 3.6, 3.7 and 3.8.</i> |
| Policy P8 <i>Beneficial activities</i> | <i>The following activities are recognised as beneficial and generally appropriate:</i> <i>(a) activities for the purpose of restoring natural character, aquatic ecosystem health, mahinga kai, outstanding water bodies, sites with significant mana whenua values, and sites with significant indigenous biodiversity values, and</i> <i>(b) activities that restore natural features such as beaches, dunes or wetlands that can buffer development from natural hazards, and</i> <i>(c) day-lighting of piped streams, and</i> <i>(d) removal of aquatic weeds, and pest plants and animal pests, and</i> <i>(e) the establishment of river crossings (culverts and bridges) or fences and fence structures that will result in the exclusion of regular livestock access from a water body, and</i> <i>(f) the retirement, fencing and planting and management of riparian margins, and</i> <i>(g) the retirement of erosion prone land from livestock access, and</i> <i>(h) maintenance, and use and upgrade of existing structures in the coastal marine area, natural wetlands and the beds of rivers and lakes (noting that Policy P35 will apply with respect to fish passage), and</i> <i>(i) removal of dangerous or derelict structures in the coastal marine area, natural wetlands and beds of lakes and rivers, and</i> |

| PNRP | |
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| | <ul style="list-style-type: none"> (j) structures necessary to provide for monitoring resource use or the state of the environment in the coastal marine area, natural wetlands and beds of lakes and rivers, and (k) activities necessary to maintain safe navigation, and (l) artworks that support and enhance public open space. |
| <p><i>Policy P12</i> Benefits of regionally significant infrastructure and renewable electricity generation facilities</p> | <p><i>When considering proposals that relate to the provision of regionally significant infrastructure, or renewable energy generation activities, particular regard will be given to the benefits of those activities.</i></p> |
| <p><i>Policy P13</i> Providing for regionally significant infrastructure and renewable electricity generation activities</p> | <p><i>The use, development, operation, maintenance, and upgrade of regionally significant infrastructure and renewable energy generation activities are provided for, in appropriate places and ways. This includes by having particular regard to:</i></p> <ul style="list-style-type: none"> (a) the strategic integration of infrastructure and land use, and (b) the location of existing infrastructure and structures, and (c) the need for renewable energy generation activities to locate where the renewable energy resources exist, and (d) the functional need and operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure and renewable energy generation activities. |
| <p><i>Policy P13A</i> The National Grid</p> | <ul style="list-style-type: none"> 1) Recognise and provide for the benefits of the National Grid. 2) Enable the operation, maintenance or upgrade of existing National Grid assets. 3) Where the National Grid has a functional need or operational requirement to locate in the coastal environment, lakes, rivers or wetlands, manage the adverse effects of its activities on natural character, natural features and natural landscapes, and indigenous biodiversity by: <ul style="list-style-type: none"> (a) Seeking to avoid adverse effects of new development or major upgrades on values of: <ul style="list-style-type: none"> (i) outstanding natural character, (ii) natural attributes and characteristics of outstanding natural features and landscapes, (iii) indigenous biodiversity values of the aquatic ecosystems, habitats, species and areas listed in Policy P39A(a). (b) Seeking to avoid significant adverse effects of new development or major upgrades on: <ul style="list-style-type: none"> (i) other areas of natural character in the coastal environment, (ii) natural attributes and characteristics of other natural features and landscapes in the coastal environment, |

| PNRP | |
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| | <p>(iii) <i>indigenous biodiversity values that meet the criteria in Policy P11(b) of the NZCPS.</i></p> <p>(c) <i>Having regard to the extent to which adverse effects have been avoided, remedied or mitigated:</i></p> <p>(i) <i>through the route, site and method selection process, and</i></p> <p>(ii) <i>given the constraints imposed by the activity's operational requirements.</i></p> <p>(d) <i>Recognising there may be some areas in the coastal environment where:</i></p> <p>(i) <i>avoidance of adverse effects is required to protect the values, natural attributes and characteristics identified within 3(a) (i), (ii) and (iii) above.</i></p> <p>(ii) <i>avoidance of significant adverse effects is required to protect the values, natural attributes and characteristics identified within 3(b) (i), (ii) and (iii) above.</i></p> <p>4) <i>Remedy or mitigate any adverse effects from the operation, maintenance, upgrade, major upgrade or development of the National Grid which cannot be avoided. In the event of any conflict with any other objectives and policies in the Plan relating to indigenous biodiversity within Policy P39A, natural character, and natural features and natural landscapes, Policy P13A takes precedence.</i></p> |
| <p><i>Policy P31 Biodiversity, aquatic ecosystem health and mahinga kai</i></p> | <p><i>Manage the adverse effects of use and development on biodiversity, aquatic ecosystem health and mahinga kai to:</i></p> <p><i>Hydrology</i></p> <p>(a) <i>maintain or where practicable restore natural flow characteristics and hydrodynamic processes and the natural pattern and range of water level fluctuations in rivers, lakes and natural wetlands</i></p> <p><i>Water quality</i></p> <p>(b) <i>maintain or improve water quality , and including to assist with achieving objectives in Tables 3.4, 3.5, 3.6, 3.7 and 3.8 of Objective O25, and</i></p> <p><i>Aquatic habitat diversity and quality</i></p> <p>(c) <i>maintain or where practicable the restore aquatic habitat diversity and quality, including</i></p> <p>(i) <i>the form, frequency rivers, and</i></p> <p>(ii) <i>and pattern of pools, runs, and riffles in the natural form of rivers, lakes, marine area, and</i></p> <p>(d) <i>where practicable natural wetlands and the coastal restore the connections between fragmented aquatic habitats, and</i></p> <p><i>Critical habitat for indigenous aquatic species and indigenous birds</i></p> <p>(e) <i>maintain or where practicable restore habitats that are important to the life cycle and survival of indigenous aquatic species and the habitats of indigenous birds in the coastal marine area, natural wetlands and the beds of lakes and rivers and their margins that are used for breeding, roosting, feeding, and migration, and</i></p> |

| PNRP | |
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| | <p><i>Critical life cycle periods</i></p> <p>(f) <i>avoid, minimise or remedy adverse effects on aquatic species at times which will most affect the breeding, spawning, and dispersal or migration of those species, including timing the activity, or the adverse effects of the activity, to avoid times of the year when adverse effects may be more significant, and</i></p> <p><i>Riparian habitats</i></p> <p>(g) <i>maintain or, where practicable restore riparian habitats, and</i></p> <p><i>Pests</i></p> <p>(h) <i>avoid the introduction, and restrict the spread, of aquatic pest plants and animals</i></p> |
| <p><i>Policy P39A Indigenous biodiversity values within the coastal environment</i></p> | <p><i>To protect the indigenous biodiversity values, use and development within the coastal environment shall:</i></p> <p>(a) <i>avoid adverse effects on indigenous biodiversity values that meet the criteria in Policy 11(a) of the New Zealand Coastal Policy Statement (NZCPS) namely:</i></p> <p>(i) <i>indigenous taxa listed as threatened or at risk in the NZ Threat classification system lists or as threatened by the International Union for Conservation of Nature and Natural Resources, and</i></p> <p>(ii) <i>indigenous ecosystems and vegetation types in the coastal environment that are threatened or are naturally rare, and</i></p> <p>(iii) <i>habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare, and</i></p> <p>(iv) <i>areas in the coastal environment containing nationally significant examples of indigenous community types, and</i></p> <p>(v) <i>areas set aside for full or partial protection of indigenous biological diversity under other legislation, and</i></p> <p>(b) <i>avoid significant adverse effects, on indigenous biodiversity values that meet the criteria in Policy 11(b) (i) – (vi) of the NZCPS, and</i></p> <p>(c) <i>manage non-significant adverse effects of activities on indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS by:</i></p> <p>(i) <i>avoiding adverse effects where practicable, and</i></p> <p>(ii) <i>where adverse effects cannot be avoided, minimising them where practicable, and</i></p> <p>(iii) <i>where adverse effects cannot be minimised they are remedied where practicable, and</i></p> <p>(iv) <i>where residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where possible, and</i></p> <p>(v) <i>if biodiversity offsetting of residual adverse effects is not possible, the activity itself is avoided unless the activity is regionally significant infrastructure then biodiversity compensation is provided, and</i></p> |

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| | <p>(vi) the activity itself is avoided if biodiversity compensation cannot be undertaken in a way that is appropriate as set out in Schedule G3, including Clause 2 of that schedule, and</p> <p>(d) for all other sites within the coastal environment not meeting Policy 11(a) or (b) of the NZCPS, manage significant adverse effects on indigenous biodiversity values using the effects management hierarchy set out in (b) to (g) of Policy P32.</p> |
| <p>Policy P39B Existing regionally significant infrastructure and renewable energy generation activities within a site that meets any of the criteria in Policy P39A(a)(i) (v) or (b) or included in Schedule F5</p> | <p>Consider providing for the operation, maintenance, upgrade and extension of existing regionally significant infrastructure and renewable energy generation activities within a site in the coastal environment that meets any of the criteria in Policy P39A(a)(i) (v) or (b) or included in Schedule F5 where:</p> <p>(a) there is a functional need or operational requirement for the activity to locate in that area, and</p> <p>(b) there is no practicable alternative on land or elsewhere in the coastal environment for the activity to be located, and</p> <p>(c) the activity provides for the maintenance and, where practicable, the enhancement or restoration of the affected significant indigenous biodiversity values and attributes at, and in proximity to, the affected area, taking into account any consultation with the Wellington Regional Council, the Department of Conservation and mana whenua</p> |
| <p>Policy P39C Kaiwharawhara Stream Estuary</p> | <p>When considering the effects of port related activities in the Kaiwharawhara Stream Estuary in Schedule F4 (which includes aquatic ecosystems, habitats, species and areas listed in Policy P39A(a)(i) (v) or (b)) or included in Schedule F5 recognise:</p> <p>(a) that the estuary is located within a working port that needs to provide for efficient and safe operations, the development of capacity for shipping and take account of connections to other transport modes, and</p> <p>(b) that there must be a functional need or operational requirement for the activity to locate in that area and there is no practicable alternative on land or elsewhere in the coastal marine area for the activity to be located, and</p> <p>(c) the extent to which the significant indigenous biodiversity values and attributes at and in proximity to the estuary, are enhanced or restored as part of a biodiversity management plan that sets out how the significant indigenous biodiversity values and attributes will be affected by the activity, and</p> <p>(d) the matters in Policy P39B</p> |
| <p>Policy P40 Ecosystems and habitats with significant indigenous biodiversity values</p> | <p>Protect in accordance with Policy P32 and Policies P39A-D and where appropriate restore the following ecosystems and habitats with significant indigenous biodiversity values:</p> <p>(a) the rivers and lakes with significant indigenous ecosystems identified in Schedule F1 (rivers/lakes), and</p> <p>(b) the habitats for indigenous birds identified in Schedule F2 (bird habitats), and</p> <p>(c) natural wetlands, including the natural wetlands identified in Schedule F3 (identified natural wetlands), and</p> |

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| | <p>(d) <i>the ecosystems and habitat-types with significant indigenous biodiversity values in the coastal marine area identified in Schedule F4 (coastal sites) and Schedule F5 (coastal habitats).</i></p> <p><i>Note All natural wetlands in the Wellington Region are considered to be ecosystems and habitats with significant indigenous biodiversity values as they meet at least two of the criteria listed in Policy 23 of the Regional Policy Statement 2013 for identifying indigenous ecosystems and habitats with significant indigenous biodiversity values; being representativeness and rarity.</i></p> |
| <p><i>Policy P42 Managing effects on ecosystems and habitats with significant indigenous biodiversity values from activities outside these ecosystems and habitats</i></p> | <p><i>In order to protect the ecosystems and habitats with significant indigenous biodiversity values in accordance with Policy P40, particular regard shall be given to managing the adverse effects of use and development in areas outside of these ecosystems and habitats on physical, chemical and biological processes to:</i></p> <p>(a) <i>maintain ecological connections within and between these habitats, or</i></p> <p>(b) <i>provide for the enhancement of ecological connectivity between fragmented habitats through biodiversity offsets, and</i></p> <p>(c) <i>provide adequate buffers around ecosystems and habitats with significant indigenous biodiversity values, and</i></p> <p>(d) <i>avoid cumulative adverse effects on, and the incremental loss of significant indigenous biodiversity values.</i></p> |
| <i>Rule R99A</i> | <i>Construction of a new farm track – Permitted Activity</i> |
| <i>Rule R99B</i> | <i>Construction of a new farm track - Controlled Activity</i> |
| <i>Rule R100</i> | <i>Vegetation clearance on erosion prone land – permitted activity</i> |
| <i>Rule R104</i> | <i>Existing structures in natural wetlands – permitted activity</i> |
| <i>Rule R105</i> | <i>Planting and pest control in natural wetlands and outstanding natural wetlands – permitted activity</i> |
| <i>Rule R105A</i> | <i>Removal of wetland plants for Māori customary use or the use of an individual – permitted activity</i> |
| <i>Rule 106</i> | <i>Restoration of natural wetlands and outstanding natural wetlands – controlled activity</i> |
| <i>Rule 107</i> | <i>Activities in natural wetlands – discretionary activity</i> |
| <i>Rule 108</i> | <i>Activities in natural wetlands – non-complying activity</i> |
| <i>Rule 109</i> | <i>Activities in outstanding natural wetlands – discretionary activity</i> |
| <i>Rule 110</i> | <i>Activities in outstanding natural wetlands – non-complying activity</i> |
| <i>Rule 111</i> | <i>Reclamation or drainage of outstanding natural wetlands – prohibited activity</i> |