



Forest & Bird
TE REO O TE TAIAO | *Giving Nature a Voice*

Clause 6 of the First Schedule, Resource Management Act 1991

Submission on Proposed Lower Hutt District Plan 2025

2 May 2025

To: Chief Executive, Hutt City Council
district.plan@huttcity.govt.nz

From: Royal Forest and Bird Protection Society of New Zealand Inc.
(Forest & Bird)

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Forest & Bird could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that my submission relates to, my submission on those provisions, and the decisions I seek are shown in the below table. I also seek all further, alternative, necessary, or consequential relief as may be necessary to fully achieve the relief sought in this submission.

Forest & Bird wishes to be heard in support of this submission.

If others make a similar submission, Forest & Bird will consider presenting a joint case with them at the hearing.

INTRODUCTION

1. Forest & Bird is New Zealand's largest non-governmental conservation organisation. Forest & Bird's mission is to protect New Zealand's unique flora and fauna and its habitat. Key matters of concern therefore relate to the protection of ecological values, particularly the sustainable management of New Zealand's indigenous biodiversity, natural landscapes, coastal environment and freshwater resources including wetlands, rivers, and lakes.
2. Forest & Bird has a long history of conservation action in Lower Hutt. From the recloaking of Matiu-Somes Island in Wellington Harbour to the restoration and protection of wetlands and habitat at Manor Park and Waiū, Forest & Bird has a commitment to biodiversity protection in Lower Hutt and the wider Hutt Valley.
3. Forest & Bird commends Hutt City Council for notifying its second-generation district plan. We acknowledge the uncertainty in the current regulatory environment but would like to express

concern at the absence of explanation at the beginning of each chapter to give direction to plan users. Without thorough explanations, it is unclear what regulatory considerations are at the forefront of decision making, which, we submit, is critical at this time of huge regulatory churn nationally. We look forward to working with council on getting the best outcomes for biodiversity in the face of such uncertainty.

SUBMISSION

4. Forest & Birds submission is set out in two parts. Firstly, in the following key issues and then in table format setting out Forest & Bird's submission points on specific provisions. We also seek all consequential changes and alternative relief necessary to address this submission.

The national importance of the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna

5. Despite recent changes to the regulatory environment, protection of significant indigenous vegetation and habitats of indigenous fauna remains a s6(c) matter under the RMA to which Hutt City Council is still obliged to give effect to in its district plan. Direction for this is provided through the Wellington Regional Policy Statement and the National Policy Statement – Indigenous Biodiversity (NPS-IB).
6. Forest & Bird acknowledges the Resource Management (Freshwater and Other Matters) Amendment Act of 2024 (RMAA) which addresses the NPS-IB requirement to map and schedule Significant Natural Areas (SNAs) by inserting a new section 78 into the RMA. This amends the requirements set out in Clauses 2.2, 3.8(1), (6), (8), 3.9(1), (3) and Policy 6 of the NPS-IB.
7. Forest & Bird notes the Operative Lower Hutt District Plan's Significant Natural Resources scheduled in Appendix 14E have not been carried over into this proposed District Plan. While the RMAA may have suspended the obligation to identify SNAs for three years under the NPS-IB, that does not extend to SNAs already identified in a plan prior to the RMAA. This means that the Council can include the scheduled Significant Natural Resources in this proposed plan.
8. The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, required by s6(c) still stands. The RMAA new section 78 modifications to the NPS-IB do not affect functions or requirements for plans to give effect to a Regional Policy Statement (RPS),¹ or affect any area of significant indigenous vegetation and significant habitats of indigenous fauna already identified in an RPS or plan.² The RPS already includes criteria that identifies SNAs. The following Policies of the RPS are particularly relevant:
 - a. Policy 23 of the RPS (in force since 2013) requires district plans to "identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values" by applying the criteria set out in the Policy.
 - b. Policy 47 of the RPS states that determinations as to whether an activity may affect indigenous ecosystems and habitats with significant indigenous biodiversity values must also be made when district councils are considering applications for resource consents.
 - c. Policy 24 of the RPS requires district plans to include policies, rules and methods to protect indigenous ecosystems and habitats with significant indigenous biodiversity

¹ Clause 20, new section 78(4) of the RMAA 25 October 2024

² Clause 20, new section s78(6) of the RMAA 25 October 2024

values.

9. Those policies require district plans and the council in its decision-making role, to identify and protect SNAs. Implementing those policies is necessary to give effect to the RPS.
10. Forest & Bird is disappointed that the Council has not sought to identify areas meeting the RPS criteria in Policy 23 and to schedule or map those areas within the plan. This places significant weight on the consent process to ensure that areas meeting that criteria are protected. For this reason Forest & Bird considers that a greater precautionary response is needed when considering adverse effects on indigenous biodiversity.

Relief sought:

11. Include the schedule of Significant Natural Resources from Appendix 14E of the operative plan (see Appendix 1 below).
12. Amend the rules to ensure that new activities within Significant Natural Resource areas are at least classified as non-complying. Where there is certainty that an activity would not be appropriate within those areas include a prohibited activity classification.
13. Include policy direction to apply the RPS Policy 23 criteria when assessing consent applications for any activity that may affect indigenous biodiversity.
14. Include or amend policy and rules to ensure that areas meeting the RPS Policy 23 criteria are protected. This may include specific policy direction to avoid adverse effects such as fragmentation, loss of extent, connections and linkages between ecosystems or habitats of indigenous fauna or loss or reduction of rare or threatened indigenous species' populations or habitats.

The local importance of addressing the feral goat issue in the rural environment and Natural Open Space Zones

15. Feral goats are a major environmental issue within the rural area in Lower Hutt, particularly in relation to their impact on areas of indigenous vegetation zoned as Natural Open Space in the proposed Plan. For example, East Harbour Regional Park. Currently the proposed Plan is silent on the keeping of goats in Lower Hutt and this needs addressing. The Wellington and proposed Combined Wairarapa District Plans both manage the keeping of goats to protect biodiversity. Both plans have requirements for consent and a targeted fencing standard for goats.

Relief sought:

16. Introduce a definition for the Keeping of Goats, suggested wording: means the keeping or farming of one or more free-ranging domestic goats.
17. Introduce associated policy, rules and fencing standards in the rural environment or ECO and NOSZ to ensure that domestic goats are managed and do not contribute to the feral population in Lower Hutt. For example:

ECO-PX Keeping of goats

Restrict the keeping or farming of goats in rural zones and near Natural Open Space Zone to protect their natural values.

ECO-RX Keeping of goats (rule based on proposed Combined Wairarapa District Plan ECO-R3)

Activity status: Permitted

Where:

1. All goats shall be contained within goat-proof fenced areas³
2. the site(s) on which the goats are kept is not located within 2km of the Natural Open Space Zone.

Where compliance with 1 or 2 is not achieved the activity is RDIS. Matters of discretion to include effects on indigenous biodiversity.

³ a. wire post-and-batten fence with no internal or external stays and with a minimum of high tensile 2.5mm diameter galvanised steel, and either: i. nine wires, with the bottom wire placed no higher than 80mm above ground level and, above that, wires placed at the following intervals: 100, 100, 100, 110, 120, 135, 150, and 165mm. The top wire should be approximately 50mm below the top of the post; or ii. seven wires, with the bottom wire barbed, and no higher than 80mm above ground level and, above that, wires laced at the following intervals 100, 120, 140, 160, 210, and 250mm. The top wire should be approximately 50mm below the top of the post. An electric wire on an outrigger shall also extend for the full length of the fence.
 b. posts must be at the following intervals: i. less than 30 degrees ground slope: 5m; ii. 30 degrees to less than 45 degrees: 4m; and iii. 45 degrees or more: 3m;
 c. battens must be at 1m intervals; and
 d. fences across water bodies shall also require a floodgate to be constructed of H3 treated 100mm x 50mm timber suspended from an overhead wire or rail in such a way that the spacings will allow the passage of water but will not allow stock including goats to pass through. A cross-bar shall be positioned in the top third of the floodgate. Wire netting will not be used in floodgate construction. Flood gates across culverted watercourses shall be on the downstream side of the culvert.

Decisions Requested

18. Specific submission points in addition to our submissions above are included in the following table:

Note: This table is not exhaustive – changes to the specific provisions are also required to respond to the submission key topics discussed above.

#	Chapter	Provision	Position	Reasons	Relief sought
1.	General			See key issues above	Amendments relating to identification and protection of significant indigenous vegetation and significant habitats of indigenous fauna – see key issues above
2	General			See key issues above	Amendments relating to keeping of goats
	Definitions				
3		Biodiversity offsetting	Support in part	The definition is not consistent with that in the NPSIB	Amend to include reference to the Appendix 3 of the NPSIB within the definition.
4		Coastal environment	Oppose	The definition unclear and circular. The introduction in the CE chapter provides a better explanation which would improve the definition.	Seek amendment of definition to make it clearer for plan users: “Means, in relation to district council functions, the area where the extent and characteristics of land with natural character, where coastal processes (including coastal erosion), influences or qualities are significant in accordance with Policy 1 of the NZCPS and Policy 4 of the Wellington Regional Policy Statement, as identified on the planning maps as being located within the inland extent of the Coastal Environment .”
5	New definition	Habitats of indigenous fauna		Section 6 of the RMA requires protection of indigenous vegetation AND habitats of indigenous fauna. Protecting indigenous vegetation does not protect habitats which may be exotic.	Seek new definition: <u>Means habitats, including those of exotic composition, that are home to indigenous fauna.</u>

				The current focus of the provisions in the ECO chapter on indigenous vegetation fails to protect the habitats of indigenous fauna where this includes exotic vegetation.	
6		Indigenous vegetation	Support	It is appropriate to limit indigenous vegetation to that native to Lower Hutt. Some non-local indigenous plants are weeds in Lower Hutt e.g. <i>karo Pittosporum crassifolium</i> .	Retain.
7		Rural environment	Oppose	This definition only states what the rural environment isn't. This definition is unhelpful for plan users and should be structured like the one for urban environments, listing which zones apply to it.	Seek amendment for the definition to list all zones to which it applies.
	STRATEGIC DIRECTION				
8	Strategic direction	CCSD-O1 Carbon Neutral	Support in part	We support the intention of this objective but it needs to also consider the natural environment, for example the protection of indigenous biodiversity across the district, in achieving carbon neutrality.	Retain with amendment: The urban form, and built development <u>and carbon sequestering potential of indigenous biodiversity, including wetlands,</u> in Lower Hutt supports the transition of the city to be carbon neutral by 2050.
9		INFSD-06 Water sensitive design	Support in part	This strategic direction needs to consider redevelopment to give effect to the NPS-FM and Te Mana o te Wai.	Amend objective as follows: New development <u>and redevelopment</u> integrates <u>water sensitive design</u> to improve <u>freshwater</u> quality and avoid or mitigate the risks of flooding.
10		NESD-O1 Te Awakairangi/ Hutt River, And;	Oppose	We support the intention of protecting and restoring the Hutt River and significant water bodies, but these objectives fail to give effect to the NPS-FM by only focussing on a singular waterbody, or significant waterbodies. This ignores the Council's wider requirement to provide for Te Mana o Te Wai through	We seek either amendment to NESD-O1 and -O2 to provide for Te Mana o Te Wai and give effect to the NPS-FM or seek the drafting of a new objective to achieve this. For example, a new SD objective could read: <u>"Te Mana o te Wai is at the forefront of all decision making on the management of freshwater."</u>

		NESD-O2 Significant water bodies		integrated management ki uta ki tai from mountains to sea across the district at a strategic level. The strategic direction of this plan should recognise the interactions between fresh water, land, water bodies, ecosystems, and sensitive receiving environments. Water quality is not only threatened by future development; poor water quality has resulted from historic development and inadequate investment in infrastructure upgrades. The effects of which, need to be managed district-wide.	
11		NESD-O3 Natural Character, Natural Features and Landscapes, Ecosystems and Indigenous Biodiversity	Support in part	<p>This objective protects and maintain biodiversity values, in accordance with s6, s31 of the RMA and the RPS.</p> <p>However, it needs to include wetlands as they include terrestrial vegetation and habitat values for which the district council had responsibilities under s6, s7 and functions under s31(1)(b)(iii) of the RMA.</p>	<p>We seek amendment of the strategic objective to give effect to council's responsibilities and functions under the RMA:</p> <p>Protect and enhance the natural character, natural features and landscapes, ecosystems, <u>including wetlands</u>, and indigenous biodiversity, <u>indigenous vegetation and habitats of indigenous fauna</u> of the city.</p>
12		UDSD-O2 Outcomes for Well- Functioning Urban Environment s	Support in part	Support, but outcomes for Well-functioning Urban Environments should include indigenous vegetation. Clause e. should be redrafted to include greater direction on this.	<p>Amend objective as follows:</p> <p>Urban development supports the creation of liveable, <u>well-functioning urban environments</u> that are:</p> <ol style="list-style-type: none"> Safe and well-designed, Walkable and connected by public transport and sustainable travel choices, including micro-mobility modes, Serviced by the necessary <u>infrastructure</u> appropriate to the

					<p>intensity, scale and function of the development,</p> <p>d. Connected to open space and the natural environment,</p> <p>e. Ecologically sensitive <u>and respectful of, integrated with, and representative of the city's indigenous ecosystems, vegetation and habitats</u>,</p> <p>f. Close to employment opportunities,</p> <p>g. Resilient to the impacts of natural hazards and climate change,</p> <p>h. Respectful of, and integrated with, the city's historic heritage, and</p> <p>i. Adaptable over time and responsive to their evolving, more intensive surrounding context.</p>
13		UDSD-O9 City-Wide Network of Open Spaces	Support in part	Support, but the City-Wide Network of Open Spaces are an opportunity to maintain and enhance indigenous biodiversity consistent with the NPS-IB and section 7 of the RMA, including through valuing their connectivity between habitats and ecosystems, and ecosystem services.	<p>The objective should be amended to include this as shown below:</p> <p>A city-wide network of open spaces that are valued for their:</p> <ul style="list-style-type: none"> a. Active and passive recreation and community uses, b. Cultural, heritage and natural values, and c. Resilience role in emergencies, <u>and</u> d. <u>Indigenous biodiversity, ecological connectivity and ecosystem services</u>, <p>is maintained and enhanced.</p>
	ENERGY, INFRASTRUCTURE AND TRANSPORT				

14	REG – Renewable Energy Generation	Introduction	Support in part, oppose in part	<p>Support the acknowledgement that adverse effects can occur from REG and not just at the construction phase.</p> <p>We oppose that the activities provided for in this chapter are excluded from other rules in the plan. Oppose the wording “most rules” as this is uncertain. Need to be clear which rules.</p> <p>At a minimum the CE chapter needs to apply to this chapter as REG activities are not excluded from consideration in the NZCPS.</p> <p>The objectives and policies do not include direction for REG activities affecting indigenous vegetation and habitat and maintaining/improving environmental quality.</p> <p>Whilst we recognise the NPS-IB does not apply development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network assets and activities, sections 6(a) and section 6(c) of the Act are still relevant so these matters should be afforded greater weight in the REG policies. This needs clarification in the introduction.</p> <p>Forest & Bird is concerned that areas of indigenous vegetation and habitat are not expressly covered by the REG framework. We seek that the objectives of the relevant chapters, including Ecosystems and</p>	Seek amendment to address our concerns regarding which chapters and rules apply to REG and to ensure that the CE and ECO chapters apply to REG activities.
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				<p>Indigenous Biodiversity, Natural Character, Natural Features and Landscapes, and Coastal Environment apply to all Renewable Electricity Generation provisions. If that submission rejected, we seek amendment of objectives below to give effect to matters of national significance under s6(c) of the RMA.</p> <p>NB the key NPS policy is C2: 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.</p>	
15		REG-O1 Benefits of renewable electricity generation	Support	Reflects NPS-REG Policy A and, on the basis of amendments to REG-O2, is acceptable.	Retain
16		REG-O2 Providing for renewable electricity generation	Oppose	<p>See our comment in the Introduction to REG above.</p> <p>It is not clear whether the intent of this Objective is to give effect to Policy C1 in the NPS-REG. This Objective is uncertain and does not acknowledge the adverse effects of REG nor protect biodiversity.</p> <p>There needs to be an Objective that recognises the adverse effects of REG. We therefore suggest replacing this objective and</p>	<p>Rather than amending, we seek replacement with this provision:</p> <p><u>REG-O2 Adverse effects of renewable electricity generation activities</u></p> <p><u>The actual and potential adverse effects of construction and operation of renewable electricity generation activities on indigenous biodiversity, landscape, natural character and communities are avoided, remedied and mitigated, while recognising the functional and</u></p>

				including alternative wording similar to that used in the proposed Wellington District Plan.	<u>operational need of renewable electricity generation activities and the potential national benefits.</u>
17		REG-P1 Benefits of renewable electricity generation	Support in part	<p>Given that the objectives and policies of the Natural Environment Values and Coastal Environment chapters are not intended to apply to this chapter, this policy needs to include clauses recognising that natural values need to be protected.</p> <p>Alternatively, amend the Plan so that the objectives and policies of the Natural Environment Values and Coastal Environment apply to this chapter.</p>	<p>Seek amendment:</p> <p>Recognise the benefits of renewable electricity generation, including:</p> <ol style="list-style-type: none"> 1. Maintenance and increase of electricity supply security, and diversifying the type and location of electricity generation, 2. Reduction in dependence on imported energy sources and use of finite resources, 3. Reduction in greenhouse gas emissions, 4. The reversibility of the adverse effects of some renewable electricity generation technologies, 5. <u>Opportunities to reduce discharges of contaminants improving water quality though change in land use,</u> 6. Supporting the local and national transition to renewable electricity, and 7. The contribution to the transition of the city to be carbon neutral by 2050.
18		REG-P2 Consideration of the adverse effects of renewable electricity generation activities	Support in part	<p>The policy should express likely adverse effects (e.g. noise, transport, earthworks, visual, indigenous vegetation and habitat). It should also better express how effects must be managed.</p> <p>Clause 2 of the policy should include position/area of structures and activities (earthworks, clearance of vegetation) included in the list.</p>	<p>The policy should be amended as follows:</p> <p>When considering the adverse effects of renewable electricity generation activities, including noise, transport, earthworks, visual, and indigenous biodiversity effects, on the environment, have regard to the following:</p> <ol style="list-style-type: none"> 1. The scale, intensity, duration and frequency of the activity's effects,

				<p>Clause 9 of the policy, as drafted, frames offset as avoiding adverse effects. This is not an appropriate framing. In addition, in some cases offsetting may not be appropriate and this should be recognised in the policy. Transitory effects are open for interpretation and should be removed from the policy or defined. Non-transitory (temporary) effects could be interpreted differently and may result in transitory (permanent) effects. Identified features and values may be specific to the site and zone where infrastructure is REG proposed, in addition to specified overlays. The policy should reflect this.</p>	<ol style="list-style-type: none"> 2. The size, <u>scale</u>, area and position of any <u>structures</u>, <u>earthworks</u>, <u>vegetation removal</u>, and other activities associated with the activity, 3. The design and <u>site</u> layout of the activity and its ability to internalise <u>effects</u>, including any blade or shadow flicker, 4. The degree of separation from <u>activities sensitive to noise</u>, 5. For <u>large-scale renewable electricity generation activities</u>, the degree of separation from <u>urban environments</u>, 6. The sufficiency of roading and <u>infrastructure</u> capacity to accommodate the activity, 7. Recognising that co-location of <u>renewable electricity generation activities</u> with existing <u>buildings</u> or <u>structures</u> provides opportunities for avoiding or minimising adverse <u>effects</u>, 8. Anticipated outcomes for the receiving <u>environment</u> and the degree to which past modifications have compromised the achievement of those outcomes, and 9. Where located in a <u>specified overlay</u>, the The degree to which the features or the identified values of the a <u>specified overlay</u> overlay, zone, <u>site</u> or area of significance identified in ECO-PX2 will be protected from adverse <u>effects</u> and preserved, including consideration of whether adverse <u>effects</u> on these values and features are avoided due to being: <ol style="list-style-type: none"> a. No more than minor or transitory, or b. <u>Avoided</u>, <u>Remedied</u>, mitigated or offset (<u>if appropriate</u>).
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19		REG-P3 Operating, maintaining and repairing renewable electricity generation activities	Oppose	We are concerned that this policy is too broad and does not specify what REG activities it pertains to, for example existing REG or proposed. It is not appropriate to have a blanket enabling policy for a REG activity that hasn't been consented yet.	Seek amendment: 1. Enable the maintenance and repair of <u>existing renewable electricity generation activities</u> . 2. Enable the operation of <u>existing renewable electricity generation activities</u> while avoiding, remedying or mitigating adverse effects , to the extent practicable.
20		REG-P4 Renewable electricity generation investigation activities	Support in part	Support the intent to avoid non-transitory however it is not clear whether or how any transitory adverse effects would be managed as it may still be appropriate to avoid, remedy or mitigate these. King Salmon found that it may not be necessary to "avoid" transitory effects however it did not conclude that would always be the case.	Amend to include provision for the avoidance, remediation and mitigation of transitory effects.
21		REG-P5 Upgrading and developing renewable electricity generation activities	Oppose in part	<p>Oppose the use of "Provide for" as it is too enabling when the policy does not explicitly outline where these activities could occur e.g. in an ONFL.</p> <p>The words "to the extent practicable" should not be included in clause 3. These words are open to interpretation and may mean different things to different people. It could mean that effects are not adequately avoided, remedied or mitigated.</p> <p>It is not clear that Clause 3 relates to activities under both clauses 1 and 2 of the policy. Clause 3 of the policy should better express</p>	<p>Seek amendment:</p> <p>Provide Consider providing for new or upgraded renewable electricity generation activities, while:</p> <p>And amendment to 3:</p> <p>3. For any other adverse effects on the environment associated with new or upgraded community-scale and large-scale renewable electricity generation activities, avoiding, remedying or mitigating adverse effects, including cumulative effects, to the extent practicable, including:</p> <p>a. Effects on landscape, visual and amenity values, b. Noise effects on activities sensitive to noise,</p>

				that it applies to both community and large-scale REG activities.	<p>c. Effects on the operation and capacity of infrastructure,</p> <p>d. Effects on natural hazard risk, and</p> <p>e. Effects on indigenous biodiversity and the intrinsic values of ecosystems.</p>
22		REG-P6 Upgrading and developing renewable electricity generation activities in natural hazard overlays	Oppose in part	<p>It is not clear how this policy gives effect to the NZCPS, particularly Policy 11.</p> <p>Acknowledge that other policies address coastal environment, but these natural hazard overlays also occur in the coastal environment therefore the NZCPS applies to this policy too.</p>	<p>Ensure that ECO chapter applies to REG activities</p> <p>Alternatively amend REG-P6 as follows:</p> <p>Provide for new or upgraded renewable electricity generation activities in natural hazard overlays where:</p> <ol style="list-style-type: none"> 1. There is a functional need or an operational need for the activity to be in that location, 2. Related buildings, structures or earthworks are of a scale and design that do not significantly increase natural hazard risk in High Flood Hazard Overlays and Medium Flood Hazard Overlays, and 3. Increases in natural hazard risk in identified High Natural Hazard Overlays are avoided. 4. <u>Adverse effects on indigenous biodiversity are avoided.</u>
23		REG-P7 Upgrading and developing renewable electricity generation activities in coastal margins and	Oppose	<p>This policy is too enabling when considered against the NZCPS.</p> <p>The policy should more clearly express relevant adverse effects such as effects on indigenous biodiversity.</p> <p>To preserve and protect margins, adverse effects should be avoided, remedied and</p>	<p>Ensure that ECO chapter applies to REG activities</p> <p>Alternatively amend REG-P7 as follows:</p> <p>Provide Consider providing for new or upgraded renewable electricity generation activities in coastal margins and riparian margins where:</p> <ol style="list-style-type: none"> 1. There is a functional need or an operational need for the activity to be in that location, and

		riparian margins		<p>mitigated not just minimised as per Policy 13 of the NZCPS.</p> <p>The NZCPS, NPS-FM and section 5 and 6 of the Act direct consideration of climate change. As the climate changes our coastal and riparian margins and the indigenous species that live within them are likely to change. The policy should reflect that.</p>	<ol style="list-style-type: none"> 2. Adverse effects on coastal margins and riparian margins are <u>avoided, remedied and mitigated, minimised.</u> 3. <u>Adverse effects on indigenous biodiversity are avoided.</u> 4. <u>The effects of climate change, in particular natural adjustments of freshwater and coastal processes, ecosystems, habitat and species are allowed for.</u>
24		REG-P8 Upgrading and developing renewable electricity generation activities , in coastal natural character areas	Support in part, oppose in part	<p>This policy is too enabling when considered against the NZCPS. Oppose the functional need because that does not promote the preservation of natural character as per Policy 13 of the NZCPS. Nor does Policy 13 consider matters of functional need etc.</p> <p>Support that it otherwise gives effect to the effects management of Policy 13.</p> <p>However, it does not give effect to Policy 11 and as the CE and ECO chapters don't apply then Policy 11 needs to be given explicit effect to throughout REG.</p>	<p>Ensure that ECO chapter applies to REG activities Alternatively amend REG-P8 as follows:</p> <p>Provide Consider providing for new or upgraded renewable electricity generation activities in High and Very Coastal Natural Character Areas and Outstanding Coastal Natural Character Areas where <u>natural character is preserved by:</u></p> <ol style="list-style-type: none"> 1. There is a functional need or an operational need for the activity to be in that location and there are no practicable alternative locations or solutions, 2. Adverse effects on the identified values of Outstanding Coastal Natural Character Areas are avoided, 3. Significant adverse effects on the identified values of High and Very High Coastal Natural Character Areas are avoided, 4. Other adverse effects on coastal natural character are avoided, remedied or mitigated, 5. <u>Adverse effects on indigenous biodiversity are avoided.</u>

25		REG-P9 Upgrading and developing renewable electricity generation activities , in Outstandi ng Natural Features and Outstanding Natural Landscapes	Support in part, Oppose in part	<p>This policy is too enabling when considered against the NZCPS. Oppose the functional need because that does not promote the protection of natural features and landscapes as per Policy 15 of the NZCPS.</p> <p>Support that it gives effect to the effects management of Policy 15. However, it does not give effect to Policy 11 and as the CE and ECO chapters don't apply then Policy 11 needs to be given explicit effect to throughout REG.</p>	<p>Ensure that ECO chapter applies to REG activities Alternatively amend REG-P9 as follows:</p> <p>Provide Consider providing for new or upgraded renewable electricity generation activities in Outstanding Natural Features and Outstanding Natural Landscapes where:</p> <ol style="list-style-type: none"> 1. There is a functional need or an operational need for the activity to be in that location and there are no practicable alternative locations or solutions, 2. Adverse effects on the identified values of Outstanding Natural Features are avoided, 3. Adverse effects on the identified values of Outstanding Natural Landscapes, where located within the Coastal Environment are avoided, 4. Significant adverse effects on the identified values of Outstanding Natural Landscapes, where located outside the Coastal Environment are avoided, and 5. Other adverse effects on Outstanding Natural Landscapes are avoided, remedied or mitigated., 6. Adverse effects on indigenous biodiversity are avoided.
26		REG-P10 Upgrading and developing renewable electricity generation activities , in	Support in part, Oppose in part	<p>This policy is too enabling when considered against the NZCPS. Oppose the functional need because that does not promote the protection of natural features and landscapes as per Policy 17 of the NZCPS.</p>	<p>Seek amendment:</p> <p>Provide Consider providing for new or upgraded renewable electricity generation activities in sites and areas of significance to Māori, and heritage areas and sites containing heritage buildings or heritage structures where:</p>

		sites and areas of significance to Māori, and heritage areas and sites containing heritage buildings or heritage structures			<ol style="list-style-type: none"> 1. There is a functional need or an operational need for the activity to be in that location and there are no practicable alternative locations or solutions; 2. Significant adverse effects on the particular heritage and/or cultural values of the site, area, item and/or feature are avoided, and 3. Other adverse effects on the particular heritage and/or cultural values of the site, area, item and/or feature are avoided, remedied or mitigated.
27		REG-R1 Maintenance and repair of renewable electricity generation activities	Oppose in part	This rule needs to be clearer that it applies to existing REG otherwise it does not consider effects of new or re-consented activities.	<p>Seek amendment:</p> <p>REG-R1 Maintenance and repair of <u>existing</u> renewable electricity generation activities</p>
28		REG-R2 Renewable electricity generation investigation activities	Support in part	<p>It is not clear whether earthworks are a consideration under this rule and the extent to which the earthworks chapter applies.</p> <p>Similarly, under matters of discretion under 2. it is unclear what adverse effects at 6. are pertaining to. This needs clarifying and we seek that this apply to adverse effects on indigenous biodiversity.</p> <p>Or, if that submission is rejected, seek additional matter of discretion to consider effects on indigenous biodiversity.</p>	<p>Seek inclusion of additional clause under matters of discretion. Suggested wording:</p> <p>6. The extent to which the duration of the activity and site rehabilitation will be effective in avoiding, or minimising <u>remedying or mitigating</u> adverse effects <u>on indigenous biodiversity</u>.</p>
29		REG-R3 Upgrading ,	Oppose in part	REG development, construction and operation and removal can have adverse impacts on	Limit the rule to solar panels on existing roofs only.

		developing and operating sm all-scale renewable electricity generation activities – Roof-mounted structures		<p>indigenous biodiversity, including fauna even in situations where indigenous vegetation removal does not occur.</p> <p>For example, there are no permitted standards to ensure that bats and birds are not present or potentially using the area.</p>	<p>Ensure that permitted rule does not apply to wind turbines.</p> <p>Make for small-scale renewable electricity generation wind turbines RDIS activity with matter of discretion to include adverse effects on indigenous biodiversity. Ensure that the ECO chapter provisions can be considered.</p>
30		REG-R4 Upgrading , developing and operating sm all-scale renewable electricity generation activities – Freestanding structures	Oppose in part	<p>REG development, construction and operation and removal can have adverse impacts on indigenous biodiversity, including fauna even in situations where indigenous vegetation removal does not occur.</p> <p>For example, there are no permitted standards to ensure that bats and birds are not present or potentially using the area.</p> <p>The restrictions in terms outstanding areas are not sufficient to protect the indigenous biodiversity of the coastal environment or other areas.</p>	<p>Add standards to the permitted rule for solar panels to ensure construction is not within bird breeding periods are not within or adjacent to any breeding areas, not within the coastal environment and not with natural open space zone.</p> <p>Make small-scale renewable electricity generation using wind turbines (up to three turbines) an RDIS activity with matter of discretion to include adverse effects on indigenous biodiversity. Ensure that the ECO chapter provisions can be considered.</p> <p>More than three turbines should be DIS or NC within the Coastal environment or natural open space zone.</p>
31		REG-R5 Upgrading , developing and operating community-scale renewable	Oppose in part	<p>Similar concerns as for REG-R3.</p> <p>Forest & Bird understands the intent of this rule, however, no consideration is given to the impacts on biodiversity of roof-mounted structures, specifically wind turbines. These turbines have the potential to impact birds and REG-S4 is silent on impacts to wildlife and</p>	<p>Limit the rule to solar panels on existing roofs only. Ensure that permitted rule does not apply to wind turbines.</p> <p>Make for small-scale renewable electricity generation wind turbines RDIS activity with matter of discretion to include adverse effects on indigenous biodiversity.</p>

		electricity generation activities – roof-mounted structures		there are no permitted standards to ensure that bats and birds are not present or potentially using the area.	Ensure that the ECO chapter provisions can be considered.
32		REG-R6 Community-scale renewable electricity generation activities not otherwise provided for	Oppose in part	Similar concerns as for REG-R4. Matters of discretion should provide scope for the consideration of policies in CE, ECO, NFL, NATC to ensure the effects on those matters can be assessed.	<p>Add standards to the permitted rule for solar panels to ensure construction is not within bird breeding periods are not within or adjacent to any breeding areas, not within the coastal environment and not with natural open space zone.</p> <p>Make community-scale renewable electricity generation using wind turbines (up to three turbines) an RDIS activity with matter of discretion to include adverse effects on indigenous biodiversity. Ensure that the ECO chapter provisions can be considered.</p> <p>More than three turbines should be DIS or NC within the Coastal environment or natural open space zone.</p>
33		REG-R7 Upgrading , developing and operating large-scale renewable electricity generation activities	Support in part	<p>Large-scale REG has the potential for significant adverse effects on biodiversity even when placed outside those areas avoided in the discretionary rule. For example, windfarms pose risk to critically endangered bittern numbers who travel widely across the landscape between breeding seasons.⁴</p> <p>Furthermore, the locations listed under 1.b. don't give effect to Policy 13(1)(b) of the</p>	<p>Add a further matter of discretion to include adverse effects on indigenous biodiversity and ensure that ECO chapter provisions can be considered.</p> <p>Ensure the rule gives better effect to the NZCPS.</p>

⁴ Williams, E.M. 2024. Conservation management of the critically endangered matuku-hūrepo / Australasian bittern A review of threats and preliminary management techniques. Science for Conservation 341. Department of Conservation, Wellington.

				NZCPS which requires the avoidance of adverse effects on natural character in all other areas of the coastal environment.	
	NATURAL ENVIRONMENT VALUES				
34	ECO – Ecosystems and Indigenous Biodiversity	Introduction	Oppose	<p>The introduction fails to recognise the historical loss and current pressures on indigenous biodiversity in Lower Hutt which provides critical context for the protection and maintenance of indigenous biodiversity in the District.</p> <p>Furthermore, it fails to recognise the important role of the district plan in protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance, including areas meeting significance criteria under the RPS that are not mapped in the plan and to otherwise give effect to relevant provisions of the NPS-IB. Nor is it clear that this chapter is intended to provide for the protection of indigenous biodiversity within the coastal environment as required to give effect to Policy 11 of the NZCPS.</p> <p>Given that SNAs have not been mapped for the District, the limited controls on indigenous vegetation removal are inadequate for the</p>	<p>Amend Introduction as follows:</p> <p>“The Ecosystems and Indigenous Biodiversity chapter comprises provisions for the <u>protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna and management of ecosystems and indigenous biodiversity values in Lower Hutt</u>. The chapter includes provisions for the protection of indigenous biodiversity in the coastal environment to give effect to Policy 11 of the NZCPS.</p> <p>The objectives, policies, rules and methods set a framework for protecting, maintaining and restoring native habitats in Lower Hutt. These provisions apply district-wide, although provisions controlling vegetation removal apply only within the Natural Open Space Zone and residential zones.</p> <p>In addition to these provisions, Council will seek to work with Mana Whenua and community partners to restore indigenous biodiversity where practicable.</p> <p>The rules of the chapter apply in conjunction with the rules in zone chapters and other district-wide chapters.”</p>

				protection on significant indigenous biodiversity values and the maintenance of indigenous biodiversity.	
35		ECO-O1 Ecosystems and indigenous biodiversity	Support in part	<p>The objective appears to generally align with Council's obligation to maintain biodiversity under s31(1)(b)(iii).</p> <p>However, it is not clear in terms of indigenous vegetation and habitats which are to be protected in accordance with s6(c).</p> <p>Habitats could include exotic vegetation, for example macrocarpa shelterbelts are increasingly important roosting habitat for native bats.</p> <p>We oppose the use of 'enhance' as it is uncertain as to what outcome is to be achieved. Restoration is a more appropriate term.</p>	<p>Retain with amendment or add an additional objective for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:</p> <p><u>Areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected and indigenous biodiversity in Lower Hutt is maintained, and where practicable, restored or enhanced.</u></p>
36		ECO-P1 Protecting indigenous biodiversity in rural environments	Oppose	<p>This policy is misleading, it suggests that indigenous biodiversity will be protected in rural environments but is then limited to controls within the Natural Open Space zone. The Rural Lifestyle Zone and General Rural zone are excluded from this policy, despite these areas including highly diverse regenerating shrublands and the potential for nature-based solutions to restore biodiverse and resilient agroecosystems⁵ not to mention</p>	<p>Amend or replace this policy, for example as follows:</p> <p>"Protect indigenous biodiversity in rural environments by:</p> <p>i) <u>ensuring adverse effects of activities on significant indigenous vegetation and the significant habitats of indigenous fauna are no more than minor; and</u></p> <p>ii) <u>restricting controlling the removal of indigenous vegetation in the Natural Open Space Zone.</u></p>

⁵ Case et al. 2023. Towards a framework for targeting national-scale, native revegetation in Aotearoa New Zealand's agroecosystems. New Zealand Journal of Ecology 47(1): 3504.

				<p>contributing to the achievement of the Strategic Direction of this plan.</p> <p>Other zones including the Quarry zones may also hold important indigenous biodiversity values which could adversely affected by vegetation removal.</p> <p>See also our comment on the definition of rural environments.</p> <p>Nor is it clear how this policy would protect indigenous biodiversity beyond impacts of vegetation removal. For example, lighting, noise, the presence of people and animals can all have adverse effects on indigenous biodiversity values. The threat to indigenous biodiversity from pests is a significant issue, however there is no mention of the need to control pests in this chapter.</p>	
37		ECO-P2 Protecting indigenous biodiversity in urban environments	Oppose	<p>Same issues as for Policy ECO-P1 above.</p> <p>Other zones including Industrial zones may also hold important indigenous biodiversity values which could adversely affected by vegetation removal.</p> <p>The word “Controlling” suggests controlled activity rules which may not be adequate to protect biodiversity values or manage removal of indigenous vegetation.</p>	<p>Amend or replace this policy submission, for example as follows.</p> <p>“Protect indigenous biodiversity in urban environments by:</p> <p>i) <u>ensuring adverse effects of activities on significant indigenous vegetation and the significant habitats of indigenous fauna are no more than minor</u>; and</p> <p>ii) controlling <u>restricting</u> the removal of indigenous vegetation in residential zones.</p>
38		ECO-P3 Indigenous vegetation removal in the	Oppose in part, support in part	This policy should not start from a point of enabling or be limited to only Natural open space and residential zones, see also submissions on Policy ECO-P1 and P2 above.	Combine Policies ECO-3 and 4 and amend as follows:

		<p>Natural Open Space Zone and residential zones</p>	<p>We are concerned that there is no consideration of adverse effects or direction to ensure protection of s6(c) biodiversity. Permitted activity rules ECO-R1 and R2 fail to include standards or limits necessary to ensure that adverse effects are no more than minor. Our concerns with the rules are set out below.</p> <p>It may be clearer if ECO-P3 and 4 are combined as the activities under ECO-P3 should also be in the context of managing adverse effects.</p> <p>There needs to be an effects management approach to manage effects on indigenous biodiversity, not just vegetation, because activities beyond vegetation clearance can have adverse effects on indigenous biodiversity. For example, noise, lighting, introduction of domestic animals which can predate native species and other general disturbance.</p> <p>Under ECO-P4 as proposed the plan fails to avoid adverse effects in accordance with Policy 11 of the NZCPS and clause 3.10 (2) of the NPSIB.</p> <p>The policy also fails to manage adverse effects that are less than significant, making the effects management hierarchy uncertain and inadequate (s5(2)(c)).</p>	<p><u>“ECO-P3 Managing adverse effects on Indigenous biodiversity-vegetation removal in the Natural Open Space Zone and residential zones</u></p> <p><u>A. Consider providing for</u> Allow <u>the removal of indigenous vegetation in the Natural Open Space Zone and residential zones where it is activities are of a scale and nature that maintains the indigenous biodiversity values, for the following purposes:</u></p> <ol style="list-style-type: none"> 1. Maintenance around existing legally established buildings, 2. The removal of vegetation which was established to provide residential amenity or screening, <u>and is no longer required for that purpose,</u> 3. The removal of trees on Urban Environment Allotments, 4. The protection of people and property from an imminent threat represented by deadwood, diseased or dying vegetation, 5. The control of plant pathogens and diseases, 6. The safe operation and maintenance of <u>existing legally established roads</u>, tracks and access ways, 7. The reduction of wildfire risk through the removal of highly flammable vegetation near existing residential units, 8. The maintenance, operation, repair and decommissioning of existing <u>legally established infrastructure</u>, and 9. Mana whenua to exercise customary harvesting practices. <p><u>B. Where resource consent is required for indigenous vegetation removal, manage the adverse effects on ecosystems and indigenous biodiversity values by:</u></p>
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					<p>1. <u>avoiding adverse effects on indigenous biodiversity in accordance with Policy 11 of the NZCPS in the coastal environment;</u></p> <p>2. avoiding the following adverse effects on any significant indigenous vegetation or significant habitats of indigenous fauna:</p> <ul style="list-style-type: none"> i. <u>Loss of ecosystem representation and extent;</u> ii. <u>Disruption to sequences, mosaics or ecosystem function;</u> iii. <u>Fragmentation or loss of buffering or connectivity within SNAs and between other indigenous habitats and ecosystems; and</u> iv. <u>A reduction in population size or occupancy of threatened species using the SNA for any part of their life cycle; and</u> <p>2. <u>Managing significant other adverse effects in accordance with the following effects management hierarchy:</u></p> <ul style="list-style-type: none"> a. Avoiding adverse effects where practicable, then b. Where adverse effects cannot be avoided, minimising where practicable, then c. Where adverse cannot be minimised, remedying where practicable, then d. Where more than minor residual adverse effects cannot be avoided, minimised, or remedied, providing biodiversity offsetting (<u>in accordance with the principles in Appendix ECO-App2</u>) where possible, then e. Where biodiversity offsetting of more than minor residual adverse effects is not possible, providing biodiversity compensation, then
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					<p>f. If biodiversity compensation (in accordance with the principles in Appendix ECO-App3) is not appropriate, avoiding the activity itself.</p> <p>2. Managing all other adverse effects to achieve no overall loss in indigenous biodiversity within Lower Hutt.</p>
39		ECO-P4 Managing the adverse effects from indigenous vegetation removal	Oppose	<p>The effects management hierarchy in ECO-P4 only requires for avoidance of effects where practicable. This does not give effect to Policy 11 of the NZCPS or clause 3.10(2) of the NPSIB. Nor does it ensure that significant indigenous biodiversity values of the Hutt district will be protected and maintained.</p> <p>Offsetting and compensation need to meet the principles in Appendix ECO-App2 and Appendix ECO-App3.</p>	Incorporate effects management into ECO-P3 as sought above. As a result, delete ECO-P4.
40		Seek new policy for the maintenance of indigenous biodiversity		<p>The Plan does not give effect to the Council's obligation to maintain indigenous biodiversity under the NPS-IB and the RPS. Support for restoration by way of third parties in ECO-P5 is not sufficient. Policy 61 of the RPS outlines how maintenance should be done in district plans.</p> <p>As such we seek a new policy to more explicitly provide for this.</p> <p>We also seek that the relevant rules, including those that provide for vegetation clearance/modification and/or earthworks in other chapters, are within limits that implement this policy (for example to ensure</p>	<p>Seek new policy:</p> <p><u>ECO-PX1 Maintenance of indigenous biodiversity</u></p> <p><u>1. To have regard to the following potential adverse effects in considering subdivision, land use and development that may adversely affect indigenous ecosystems and habitats with indigenous biodiversity values:</u></p> <p><u>a. Fragmentation of, or reduction in the extent of, indigenous vegetation or habitats of indigenous fauna;</u></p> <p><u>b. Fragmentation or disruption of connections and linkages between ecosystems or habitats of indigenous fauna;</u></p>

				<p>adverse effects would be no more than minor) and include matters of discretion with scope to apply the ECO policies.</p> <p>In addition to providing direction with respect to effects of vegetation removal under the rules in this chapter, this policy is intended to provide direction for the consideration of activities managed under other chapters of plan with respect to effects on indigenous biodiversity.</p>	<p><u>c. Loss of, or damage to, buffering of ecosystems or habitats of indigenous fauna; and</u></p> <p><u>d. Loss or reduction of rare or threatened indigenous species' populations or habitats.</u></p>
41		Seek new policy aimed at identification of significant indigenous biodiversity		<p>As per our submission points (paragraphs 5-14) at the beginning, it is necessary for the Plan to include a policy aimed at identification and protection of SNAs in Lower Hutt. This is important for assessing the potential for adverse effects on significant indigenous biodiversity as part of consenting processes and to guide future district wide surveys.</p> <p>While we accept that the council cannot "map" SNAs within the District Plan under the NPSIB for three years, policy direction on identification is appropriate to apply during consent processes to provide for protection required by s6(c) and would give effect to the RPS. It needs to be clear that the identification meets the criteria for significance as identified in Policy 23 of the RPS.</p>	<p><u>ECO-PX2 Identify significant biodiversity values in Lower Hutt</u></p> <p><u>"Identify those areas that are habitats comprising significant indigenous vegetation or significant habitats of indigenous fauna in Lower Hutt as significant natural areas by applying the significance criteria in Policy 23 of the RPS, including through resource consent processes."</u></p>
42		ECO-P5 Restoring and increasing	Support	See our comments on our new Policy ECO-PX1.	Add: "considering the need for pest control to address impacts of land use change, including where residential areas are near or adjacent to the CE or indigenous

		indigenous biodiversity		<p>Forest & Bird does not oppose this policy so long council does not consider this to be the sole way biodiversity should be maintained in the district.</p> <p>For example, pest control should be considered to address adverse effects of change in land use and for restoration.</p> <p>It is not clear how this policy relates to ECO-M1.</p>	<p>biodiversity meeting the Policy 23 RPS significance criteria.”</p> <p>Retain with amendment to include how this policy and ECO-M1 interact.</p>
43		ECO-R1 Exotic vegetation removal	Oppose	<p>A rule permitting exotic vegetation clearance would potentially conflict with rules restricting indigenous vegetation clearance and protecting indigenous biodiversity. This is because exotic vegetation can be integral to the ecological community of indigenous vegetation and can provide habitat for significant fauna. For example, kiwi in Orongorongo have spread as far north as the exotic pine forests in Upper Hutt.</p> <p>In our view it is better for the plan not to specifically control exotic vegetation removal. That way where rules restrict activities so that indigenous biodiversity values can be considered and protected, the values of any exotic vegetation for habitat or ecological function can be considered without potential conflict or permitted baseline applying.</p>	Delete ECO-R1.
44		ECO-R2 Indigenous	Oppose	This rule does not achieve the ECO objective or policy direction of the proposed District Plan. Nor does it give effect to Policy 61 of the	Seek amendment of the rule to give effect to concerns raised about this rule needing to achieve ECO-O1 etc.

		vegetation removal		<p>RPS or s31 of the RMA. This rule is more lenient than Rule 4F 4.1.11 Vegetation Removal inserted into the operative Hutt District Plan by the Environment Court.</p> <p>Seek deletion of 1. because it does not protect indigenous biodiversity, is not subject to any standards, does not achieve ECO-O1 and is not compliant with the RMA or the RPS.</p> <p>Seek merging of 2. and 3. to ensure matters are addressed adequately and that this applies to All Zones.</p> <p>Seek non-complying activity status for All Zones where compliance not achieved with the merged 2. and 3. And where the activity is not within the Significant Natural Resources we attach at Appendix 1.</p>	
45	New rule	Seek new rule that considers the protection of biodiversity in subdivision		<p>The proposed District Plan is silent on s6(c) matters with regard to subdivision in Lower Hutt. We seek a new rule to ensure that this is not overlooked.</p>	<p>New rule for All Zones</p> <p><u>ECO-R3 Protection of indigenous biodiversity when subdividing</u></p> <p><u>1. Activity status: controlled</u> <u>Where:</u></p> <p>a. <u>A future building platform to contain a residential unit including areas for access to the building platform are identified for each new undeveloped allotment that:</u></p> <p>i. <u>The area does not include indigenous biodiversity that meets significance criteria of the RPS.</u></p>

					<p><u>2. Activity status: restricted discretionary</u></p> <p><u>Matters of discretion:</u></p> <p>1. <u>Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna</u></p>
46	NATC - Natural Character - Coastal Margins and Riparian Margins	Introduction	Support in part	<p>The introduction is very uncertain. The scope of this chapter is very unclear particularly regarding wetlands. Furthermore, the introduction is silent on how NES-F and NRP regulations that manage vegetation removal, earthworks, natural hazards works, infrastructure and public access structures within 10 metres of natural wetlands as well as earthworks within 5 metres of surface water bodies are managed in areas of natural character in the Plan. We suggest NES-F and NRP regulations should be given effect to through the NATC policies to ensure integration of the policy direction across the Plan.</p>	<p>Seek amendment to clarify this chapter regarding NES-F and NRP.</p>
47		NATC-O1 Natural character of coastal margins and riparian margins	Support in part	<p>It is not clear what elements of natural character the plan is trying to preserve. This needs to be clear to ensure consistency with Policy 13 of the NZCPS.</p> <p>Natural character within riparian margins should also be focussed on maintaining or enhancing the ecological functions of riparian margins to give effect to policy 43 of the RPS but also to contribute to flood management</p>	<p>Seek amendment:</p> <p>The <u>natural characteristics and qualities that contribute to the natural character of coastal margins and riparian margins</u> is preserved and protected from inappropriate <u>subdivision</u>, use and development, and the <u>ecological functions of riparian margins</u> enhanced.</p> <p><u>Recognise that natural character includes matters such as</u> <u>(a) natural elements, processes and patterns;</u></p>

				and improve water quality to give effect to the NPS-FM and provide for Te Mana o Te Wai.	<u>(b) biophysical, ecological, geological and geomorphological aspects;</u> <u>(c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;</u> <u>(d) the natural movement of water and sediment;</u> <u>(e) the natural darkness of the night sky;</u> <u>(f) places or areas that are wild or scenic;</u> <u>(g) a range of natural character from pristine to modified; and</u> <u>(h) experiential attributes, including the sounds and smell of the sea; and their context or setting.</u>
48		NATC-P1 Customary harvesting within coastal margins and riparian margins	Support	Retain.	
49		NATC-P2 Restoration and enhancement within coastal margins and riparian margins	Support in part	It is important to replant margins with indigenous vegetation as per the definition in the Plan. See our comment on non-local indigenous species in the comment on the definition.	Seek amendment: Provide for: 1. The restoration and enhancement of natural character within coastal margins and riparian margins including: a. The replanting of coastal margins and riparian margins with indigenous <u>vegetation species</u> , and b. The removal of pest plant and animal species. 2. The restoration or rehabilitation of natural character within coastal margins and riparian margins undertaken by Mana Whenua exercising

					their role as kaitiaki to protect, restore, and maintain the natural character of coastal margins and riparian margins .
50		NATC-P3 Indigenous vegetation removal within coastal margins and riparian margins	Oppose	<p>This policy does not maintain indigenous vegetation and does not give effect to council's obligations under s31 or s6(a).</p> <p>This policy does not recognise the importance of other matters that contribute to natural character under Policy 13 of the NZCPS, nor does it give effect to the directive avoid clause at Policy 13(1)(b).</p> <p>There is no definition for rehabilitation planting which makes the policy uncertain and could lead to the introduction of weed species.</p> <p>Indigenous vegetation according to the definition cannot be pest plants if they are native to Lower Hutt. Therefore 2c. makes no sense.</p> <p>Coastal and riparian margins have some of the most endangered habitat in the Hutt Valley and removal of indigenous vegetation will compromise what values do remain. It is not appropriate to have a policy that provides for removal of indigenous vegetation.</p>	Seek deletion of this policy.
51		NATC-P4 Appropriate use and development	Oppose in part	Activities within riparian margins should be provisional on meeting these policy requirements, to ensure their natural character values and ecological functions are	Seek amendment:

		within coastal margins and riparian margins		<p>maintained and to ensure the policy gives effect to s6(a) of the RMA.</p> <p>Furthermore, this does not give effect to Policy 6 of the NZCPS.</p>	<p>Consider providing Provide for the use and development of land within coastal margins and riparian margins where:</p> <ol style="list-style-type: none"> 1. The use and development is of a scale, form, and nature that does not detract from <u>preserves</u> the natural character of the coastal margin or riparian margin, or and 2. The use and development: <ol style="list-style-type: none"> a. Has a functional need or operational need to be located within the coastal margin or riparian margin and no alternative locations are practicable, and b. Has been designed and located to minimise <u>avoid</u> adverse effects on the natural character of coastal margins and riparian margins, and c. <u>It maintains or enhances the ecological functions of the coastal margin and riparian margin.</u>
52		NATC-P5 Inappropriate use and development within coastal margins and riparian margins	Oppose	<p>The use of 'unless' in this Policy does not achieve s6(a).</p> <p>Delete the clauses at 1. and 2. as it is covered in our amendments to NATC-P4. Where it is not provided for in P4 it is not allowed by the Plan.</p>	<p>Seek deletion or if it is retained, the exception is not appropriate and must be deleted:</p> <p>Avoid all other use and development of land within coastal margins and riparian margins not provided for through NATC-P1, NATC-P2, NATC-P3, and NATC-P4, unless:</p> <ol style="list-style-type: none"> 1. The use and development: <ol style="list-style-type: none"> a. Will not have any adverse effects on the natural character and amenity values of the coast, water bodies, and their margins, or 2. The use and development:

					<p>a. Has a <u>functional need</u> or <u>operational need</u> to be located within the <u>coastal margin</u> or <u>riparian margin</u> and no alternative locations are practicable, and</p> <p>b. Has been designed and located to minimise adverse <u>effects</u> on the natural character of <u>coastal margins</u> and <u>riparian margins</u>.</p>
53		NATC-R1 <u>Customary harvesting</u> by <u>Mana Whenua</u> within <u>coastal margins</u> and <u>riparian margins</u>	Support		Retain
54		NATC-R2 <u>Restoration</u> and enhancement activities within <u>coastal margins</u> and <u>riparian margins</u>	Support in part	We question whether restoration activities would ever not achieve compliance with NATC-R2.1a. and therefore suggest RDIS is not needed in this rule.	Seek deletion of RDIS at 2.
55		NATC-R3 <u>Indigenous vegetation</u> removal within <u>coastal margins</u>	Support	We support the matters for consideration under this rule.	Retain.

		margins and riparian margins			
56		NATC-R4 Activities within coastal margins and riparian margins not otherwise provided for	Support	We support the matters for consideration under this rule.	Retain.
57		NATC-R5 Repairs, maintenance, alterations , and demolition of buildings and structures within coastal margins and riparian margins	Support		Retain.
58		NATC-R6 Construction of farming fences within coastal margins and riparian margins	Oppose in part	We have concerns regarding the permitted activity as new fences could result in clearance of vegetation or habitat for indigenous fauna. Seek additional matters for consideration to ensure no adverse effects on indigenous biodiversity.	Seek matters added under 1.a. to enable the consideration of effects on biodiversity.

59		NATC-R7 Construction of buildings and structures and additions to existing buildings and structures within coastal margins and riparian margins	Support		Retain.
60	NFL – Natural Features and Landscapes	Introduction	Support in part	<p>We support any provisions in the Plan that would ensure the values of ONFLs are maintained and enhanced and would not enable modification of their outstanding values. We also support the identification and protection of Special Amenity Landscapes which we note hasn't been done in the Plan.</p> <p>It is not clear how this chapter relates to ECO in the Plan. We seek to ensure provisions in the NFL chapter adequately protect the ONFLs and SALs in Lower Hutt and are well integrated in the ECO chapter to ensure no-net-loss of biodiversity.</p>	Seek amendment to clarify how this chapter relates to ECO regarding the protection of indigenous biodiversity and giving effect to the NPS-IB and Policy 15 of the NZCPS.
61		NFL-O1 Outstanding Natural Features and Landscapes	Support	This objective is consistent with the RPS and RMA. Retain as written.	

62		NFL-P1 Identification of Outstanding Natural Features and Landscapes	Support in part	This policy could be better aligned with Policy 25 of the RPS. Policy 25 requires district plans to identify ONFLs not to 'identify' their landscape values. Instead it directs a landscape evaluation process, through which ONFLs can then be scheduled.	Seek amendment: Identify and map Outstanding Natural Features and Landscapes and describe their identified landscape values in SCHED4 - Outstanding Natural Features and Landscapes .
63		NFL-P2 Customary harvesting in Outstanding Natural Features and Landscapes	Support		Retain.
64		NFL-P3 Restoration and enhancement in Outstanding Natural Features and Landscapes	Support	This policy is fine but could align with s6(c) of the RMA better. It is also unclear how this policy interacts with ECO regarding identification of significant natural areas and the maintenance of biodiversity in the district.	Retain.
65		NFL-P4 Indigenous vegetation removal in Outstanding Natural Features and Landscapes	Oppose	It is inappropriate to have such an enabling policy for clearance of indigenous vegetation in ONFLs. Particularly in light of our comments on ECO and in paragraphs 5-15 of our submission. This policy does not give effect to Policy 26 of the RPS which requires ONFLs to be protected from inappropriate subdivision, use and development.	Delete

				<p>Clearance of vegetation “allowed” under this policy is an inappropriate activity in ONFLs as it does not protect them from inappropriate use and compromises the natural science values identified within the landscape or natural feature that give them their outstanding value.</p> <p>Finally, Clause 3 is counter to Policy 15 of the NZCPS which requires avoidance of effects, it is not limited to “landscape values”. There is also potential to conflict with Policy 11 of the NZCPS, as the ONFLs identified in SCHED4 all have outstanding biodiversity values and the measures under a. and b. are uncertain as they are not qualified by any reference to ECO policies (ECO-PX2 sought by Forest & Bird) that ensure appropriate assessment of biodiversity values.</p>	
66		NFL-P5 Existing use and development in Outstanding Natural Features and Landscapes	Support		Retain.
67		NFL-P6 New use and development in Outstanding Natural	Oppose in part	<p>This policy repeats itself at 1. and 3. then again at 2. and 4. The redundant clauses need deleting.</p> <p>It’s not clear how this policy gives consideration to s6(c) of the RMA and s31</p>	<p>Seek amendment:</p> <p>New land use activities, buildings and structures (including additions to existing buildings and structures) in Outstanding Natural Features and Landscapes are managed as follows:</p>

		Features and Landscapes	<p>responsibilities as well. Allowing activities in ONFLs outside the coastal environment should not be solely on the basis of this policy. Other considerations should also apply, such as policies from ECO chapter. This policy needs to be worded to ensure other considerations, such as significant biodiversity values, are also taken into account. There needs to be cross-reference with ECO provisions to ensure biodiversity values are also considered when assessing appropriate activities.</p> <p>Seek amendment of 4. To give better effect to Policy 15 of the NZCPS which does not limit adverse effects to landscape values.</p> <p>Furthermore, we oppose the list in 5. because they do not give effect to s6(b).</p>	<ol style="list-style-type: none"> 1. Allow for new land use activities, buildings and structures in Outstanding Natural Landscapes outside the coastal environment where they are of a scale and nature that protects the landscape values of the Outstanding Natural Landscape identified in SCHED4. 2. Provide for new land use activities, buildings and structures in Outstanding Natural Landscapes within the coastal environment where any adverse effects on the landscape values of the Outstanding Natural Landscape identified in SCHED4 are avoided. 3. <u>Only consider</u> Provideing for new land use activities, buildings and structures in Outstanding Natural Features outside the coastal environment where they are of a scale and nature that protects the landscape values of the Outstanding Natural Feature identified in SCHED4. 4. <u>Only consider allowing</u> for new land use activities, buildings and structures in Outstanding Natural Features within the coastal environment where they avoid any adverse effects on the landscape values of the Outstanding Natural Feature identified in SCHED4. 5. Require all new land use activities, buildings and structures in Outstanding Natural Features and Landscapes to demonstrate that they are appropriate by taking into account:
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					<p>a. Measures to protect the landscape values of the Outstanding Natural Feature or Landscape identified in SCHED4,</p> <p>b. The capacity of the feature or landscape to absorb change,</p> <p>c. The scale of modification and its effect on the landscape values of the Outstanding Natural Feature or Landscape identified in SCHED4,</p> <p>d. Measures to avoid or minimise the removal of indigenous vegetation and to protect the dominant natural components over the influence of human activity, for example, through the clustering of development,</p> <p>e. The extent to which the proposed activity recognises and provides for tangata whenua cultural and spiritual values and practices, and</p> <p>f. Whether there is a functional need or operational need for the building or structure to be located in an Outstanding Natural Feature or Landscape in the Coastal Environment.</p>
68		NFL-P7 Mining activities, quarrying activities and commercial forestry in Outstanding Natural	Support in part, oppose in part	<p>We do not support the blanket provision for existing activities in 1., as this suggests their effects would not need to be considered if they require reconsenting.</p> <p>We are concerned with the consideration of effects within this policy being limited to “landscape values” as this may inappropriately restrict the consideration of values that contribute to the ONFL being outstanding. For</p>	<p>Seek amendment:</p> <p>Mining and quarrying activities and commercial forestry in Outstanding Natural Features and Landscapes are managed as follows:</p> <p>1. Consider providing Provide for established plantation forestry and ongoing management of existing plantation forestry within Outstanding Natural Features and Landscapes where:</p>

		Features and Landscapes	<p>example, Policy 25 of the RPS uses nuanced categories for identifying the values that make ONFLs outstanding for example “tangata whenua values” which would not be captured by a simple “landscape values” approach to considering effects.</p> <p>Reference to SCHED5 in this Policy is an error and needs to be amended to SCHED4.</p> <p>We support the provisions in 2. and 3.</p>	<ul style="list-style-type: none"> a. If located outside the coastal environment: <ul style="list-style-type: none"> i. Any significant adverse effects on the landscape values key values listed in SCHED4 of the Outstanding Natural Feature or Landscape identified in SCHED5 are avoided, and ii. Any other adverse effects on the landscape values key values listed in SCHED4 of the Outstanding Natural Feature or Landscape identified in SCHED5 are avoided, remedied or mitigated, or b. If located within the coastal environment: <ul style="list-style-type: none"> i. any adverse effects on the landscape values key values listed in SCHED4 of the Outstanding Natural Feature or Landscape identified in SCHED5 are avoided. <p>2. Avoid the establishment of new commercial forestry and new mining and quarrying activities in Outstanding Natural Features and Landscapes outside the Coastal Environment unless:</p> <ul style="list-style-type: none"> a. Any adverse effects on the landscape values of the Outstanding Natural Feature or Landscape identified in SCHED5 can be avoided, b. There is a functional or operational need for the activity to locate in the area, and c. There are no reasonably practical alternative locations outside of the Coastal Environment.
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					3. Avoid the establishment of new commercial forestry and new mining and quarrying activities in Outstanding Natural Features and Landscapes within the Coastal Environment .
69		NFL-R1 Customary harvesting by Mana Whenua in Outstanding Natural Features and Landscapes	Support		Retain.
70		NFL-R2 Restoration and enhancement activities in Outstanding Natural Features and Landscapes	Support in part	We question whether restoration activities would ever not achieve compliance with NFL-R2.1a. and therefore suggest RDIS is not needed in this rule.	Seek deletion of RDIS at 2.
71		NFL-R3 Indigenous vegetation removal in Outstanding Natural Features and Landscapes	Oppose	This rule does not protect ONFLs from inappropriate use and development as it is too permissive. Suggest there should not be any differentiation between ONFLs inside and outside the coastal environment because they are all outstanding and the values that make them so are in both the coastal environment and outside it.	Seek merging of 1. and 2. to apply to all ONFLs and seek merging of 3. and 4. for the same reason.
72		NFL-R4 New land use	Support		Retain

		activities in Outstanding Natural Features and Landscapes			
73		NFL-R5 New Quarrying activities , Mining activities, and Commercial forestry in Outstanding Natural Features and Landscapes	Support	Support non-complying and prohibited status of new quarrying and mining activities in ONFLS.	Retain.
74		NFL-R6 Maintenance repair, alteration or demolition of existing buildings and structures in Outstanding Natural Features and Landscapes	Support		Retain.
		NFL-R7 New farming fences	Oppose in part	We have concerns regarding the permitted activity as new fences could result in clearance of vegetation or habitat for indigenous fauna.	Seek matters added under 1. to enable the consideration of effects on biodiversity.

		in Outstanding Natural Features and Landscapes		Seek additional matters for consideration to ensure no adverse effects on indigenous biodiversity.	
75		NFL-R8 Additions to existing buildings and structures in Outstanding Natural Features and Landscapes	Oppose in part	<p>The permitted activity should also be subject to NFL-S1 to ensure clearance of vegetation is managed with alterations.</p> <p>Or, if that's not supported, then we seek additional matters for consideration under 1. to ensure effects on indigenous biodiversity are considered to ensure compliance with s6(b) of the RMA.</p>	Seek amendment to permitted activity to ensure effects on indigenous biodiversity are considered.
76		NFL-R9 New building s and structures in Outstanding Natural Features and Landscapes	Oppose in part	Same concerns as above	Seek amendment to permitted activity to ensure effects on indigenous biodiversity are considered.
77		NFL-S1 Indigenous vegetation removal in Outstanding Natural Features and Landscapes	Oppose	<p>This standard is far too lenient and does not consider effects on habitat for indigenous fauna. Seek a much-reduced exceedance limit because of the cumulative effects of successive clearance at the limits suggested could lead to effects that are more than minor.</p> <p>It is unnecessary to differentiate between ONFLs inside and outside the CE because they are all Outstanding, therefore, one strong</p>	<p>Seek amendment to give effect to our concerns as follows:</p> <p><u>1. Removal of indigenous vegetation must not exceed, in total area:</u></p> <p>a. 50m² within any five-year continuous period per site within an Outstanding Natural Features or Outstanding Natural Landscape;</p> <p><u>The matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>1. The scale of the vegetation removal;</u> <u>2. The maintenance of indigenous biodiversity; and</u>

				standard should apply to all of them. This was done in Porirua.	3. The effect of the vegetation removal the on landscape values of the Outstanding Natural Feature or Landscape identified in SCHED4 .
	GENERAL DISTRICT-WIDE MATTERS				
78	Coastal Environment	Introduction	Support in part	It's not clear how the NZCPS is given effect to in this Chapter. Nor is it clear whether Policy 11 of the NZCPS has been considered in this Chapter at all let alone in the Introduction.	Seek clarification in the Introduction regarding the policy documents that this chapter gives effect to including clarity regarding the avoidance policies in Policy 11, 13 and 15 of the NZCPS.
79		CE-O1 Coastal Environment	Support in part	We support this objective but it does not give adequate effect to Policy 14 of the NZCPS. The term enhance is uncertain and not consistent with Policy 14 which is for restoration and rehabilitation.	Seek amendment: The natural character within the landward extent of the coastal environment is maintained and, where appropriate, restored or enhanced .
80		CE-O2 High, Very High and Outstanding Coastal Natural Character Areas	Support in part	In order to give effect to NZCPS Policy 13, this policy cannot be limited to areas of high natural character only. Amend to apply to all natural character in the landward extent of the coastal environment.	Seek amendment: The <u>natural character within the landward extent of the coastal environment and</u> identified characteristics and values of High, Very High and Outstanding Coastal Natural Character Areas in the landward extent of the coastal environment are preserved and protected from inappropriate subdivision , use and development.
81		CE-O3 – CE-O7 Objectives – Coastal Hazards	Support in part	These objectives should not only refer to increased risk to people, property and infrastructure. They should be consistent with the Strategic Direction of the Plan. They should be amended to also acknowledge the natural character, natural landscape and biodiversity values that must be protected.	Seek amendment to ensure consistency with ECO chapter and NESD-O3
82		CE-P1 Identification	Support	Retain	

		of the Coastal Environment			
83		CE-P2 Identification of Coastal Natural Character Areas	Support	Retain	
84		CE-P3 Customary Harvesting in the Coastal Environment	Support	Retain	
85		CE-P4 Restoration of Natural Character in the Coastal Environment	Support	Retain	
86		CE-P5 Indigenous Vegetation Removal in the Coastal Environment	Oppose	This policy is inconsistent with Policy 11 of the NZCPS and should be addressed in the ECO chapter. It should be clear in this chapter that effects on indigenous biodiversity should be addressed in the ECO chapter.	Seek deletion. Need to include Policy 11 of the NZCPS in the ECO chapter or alternatively in the CE chapter but giving much clearer effect to Policy 11.
87		CE-P6 Use and Development in the Coastal Environment	Oppose in part	This policy does not give effect to the NZCPS. This policy should be amended to be less definitive about providing for use and development in all cases. That is because several other factors will need to be considered, other than the two listed in 1.	Seek amendment: Use and development in the coastal environment are managed as follows: 1. Consider providing Provide for use and development in the landward extent of the coastal

				<p>It is not clear whether this policy gives effect to Policy 11 of the NZCPS. This should be made explicit, seek wording to that effect.</p> <p>The matters in 2.b. are not consistent with Policy 13(1)(b) of the NZCPS which requires that significant adverse effects are avoided on <i>all</i> areas of natural character of the coastal environment (other than outstanding), we seek deletion.</p> <p>The clauses in 3. do not give effect to Policy 13(1)(a) of the NZCPS, we therefore seek deletion.</p>	<p>environment where it:</p> <ol style="list-style-type: none"> a. Consolidates existing urban areas, and b. Does not establish new urban sprawl along the coastline, and c. <u>Does not contravene Policies 11 and 13 of the NZCPS.</u> <p>2. Only allow use and development in High and Very High Coastal Natural Character Areas in the coastal environment where:</p> <ol style="list-style-type: none"> a. Significant adverse effects on the identified values described in SCHED5 are avoided and any other adverse effects on the identified values described in SCHED5 are avoided, remedied or mitigated, and b. It can be demonstrated that: <ol style="list-style-type: none"> i. The particular values and characteristics of the High or Very High Coastal Natural Character Area as identified in SCHED5 are protected, taking into consideration their vulnerability to change, including the effects of climate change and other natural processes, ii. Any proposed earthworks, building platforms and buildings or structures are of a scale and prominence that respects the identified values and the design and development integrates with
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					<p>the existing landform and dominant character of the area,</p> <p>iii. The duration and nature of adverse <u>effects</u> are limited,</p> <p>iv. There is a <u>functional</u> or <u>operational need</u> for the activity to locate in the area,</p> <p>v. There are no reasonably practical alternative locations that are outside of the High or <u>Very High Coastal Natural Character Area</u> or are less vulnerable to change, and</p> <p>vi. <u>Restoration</u> or rehabilitation measures, including planting of indigenous species where appropriate, will be incorporated to mitigate any adverse <u>effects</u>.</p> <p>3. Avoid use and development in <u>Outstanding Coastal Natural Character Areas</u> in the <u>coastal environment</u>, unless:</p> <p>a. Adverse <u>effects</u> on the identified values described in <u>SCHED5</u> are avoided, and</p> <p>b. There is a <u>functional</u> or <u>operational need</u> for the activity to locate in the area and there are no reasonably practical alternative locations that are outside of the <u>Outstanding Coastal Natural Character Areas</u> or are less vulnerable to change.</p>
88		CE-P7 Mining, Quarrying and Forestry	Oppose in part	We do not support the clauses under 1. because they are inconsistent with the NZCPS Policy 13(1)(b) requirement to avoid significant adverse effects on all areas of	<p>Mining, quarrying and forestry activities in the <u>coastal environment</u> are managed as follows:</p> <p>1. Avoid the establishment of new mining, quarrying and forestry activities within the <u>coastal</u></p>

		Activities in the Coastal Environment		natural character and do not consider matters of functional need etc. Support 2, but this should not be limited to areas of high natural character.	<p>environment, unless:</p> <ul style="list-style-type: none"> a. Any adverse effects on the natural character of the Coastal Environment can be avoided, b. There is a functional need or operational need for the activity to locate in the area, and c. There are no reasonably practical alternative locations outside of the Coastal Environment. <p>2. Avoid the establishment of new mining, quarrying and forestry activities within all areas of natural character and within High, Very High or Outstanding Coastal Natural Character Areas.</p>
89		CE-P8 – CE-P15 Policies coastal hazards	Oppose in part	These policies occur in the coastal environment therefore the NZCPS still applies. There needs to be direction in these policies to ensure Policies 11, 13 and 15 are given appropriate effect to. For example, if works are required under CE-P13 then consideration for effects management and avoidance of adverse effects on threatened wildlife, for example little blue penguins/kororā which are common around the coast in Lower Hutt, needs to be included.	Seek amendment to ensure the policies pertaining to coastal hazards give effect to the NZCPS and Policy 11 in particular and provide an effects management hierarchy to avoid effects on indigenous biodiversity.
90		CE-R1 Customary harvesting by Tangata Whenua in the Coastal Environment	Support		Retain.

91		CE-R2 Restoration i n the Coastal Environment	Support in part	We question whether restoration activities would ever not achieve compliance with CE-R2.2. and therefore suggest RDIS is not needed in this rule.	Seek deletion of RDIS at 3.
92		CE-R3 Indigenous vegetation re moval in the Coastal Environment	Oppose	<p>This rule is inconsistent with the NZCPS and specifically Policy 11 of the NZCPS and should be addressed in the ECO chapter.</p> <p>Seek deletion this rule or if that is declined then this rule must be amended to cover indigenous vegetation in the coastal environment broadly as Policy 11 of the NZCPS does not differentiate between different coastal character areas and directs avoidance of effects across the coastal environment as a whole.</p>	<p>Delete.</p> <p>Or, amend to make any vegetation clearance non-complying in the coastal environment.</p>
93		CE-R4 Land use activities in the Coastal Environment	Oppose in part	<p>Oppose permitted activity status at 1. as it does now allow for consideration of effects on indigenous biodiversity.</p> <p>Seek RDIS to enable matters of discretion to include effects on indigenous biodiversity.</p>	<p>Delete 1.</p> <p>Amend 2. To be RDIS with matters of discretion to cross reference the new ECO policy (ECO-PX1 sought above) aimed at the maintenance of biodiversity. It should also reference relevant ECO policies.</p>
94		CE-R5 Quarrying activities , Mining activities and Plantatio n forestry in the Coastal Environment	Support	Support non-complying and prohibited status for quarrying, mining and plantation forestry activities in the coastal environment.	Retain.
95		CE-R6 Maintenance	Support		Retain.

		repair, altera tion and demolition of existing build ings and stru ctures in the Coastal Environment			
96		CE-R7 New building s and structu res and addit ions to existing build ings and stru ctures in the Coastal Environment	Oppose in part	Oppose the permitted activity status in 1. and 2. as it does not allow for consideration of effects on indigenous biodiversity. Support RDIS and Non-complying status at 3. and 4.	Seek deletion of 1. and 2.
	SCHEDULES				
97		SCHED1 – SCHED6	Support		Retain
98	Seek new schedule	Seek new schedule to give effect to s6(c) of the RMA		Seek new Schedule to carry over the Significant Natural Resources in Appendix 14E of the Operative District Plan to fulfil Hutt City Council's obligations to identify and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna under s6(c) of the RMA. We have included this as Appendix 1 below.	Reinstate the Significant Natural Resources from the operative plan into the proposed plan.

APPENDIX 1: Schedule of Significant Natural Resources from the Operative City of Lower Hutt District Plan⁶

Significant Natural Resources

These [sites](#) are mapped on [Map Appendix 1 - Significant Natural, Cultural and Archaeological Resources](#). The Coastal Environment and specific Coastal Environment [sites](#) are mapped on [Map Appendix 2 - Coastal Environment](#).

NATURAL RESOURCE		SIGNIFICANT VALUES
1.	Belmont Bush	Lowland forest vegetation . NZ Pigeon.
2.	Belmont Road and Saddle Bush	Lowland forest vegetation .
3.	Boulder Hill Bush	Lowland forest vegetation . NZ Pigeon.
4.	Butterfly Creek Catchment	Regionally representative example of original Black Beech and Hard Beech forests. Diversity of coastal forest types in one area uncommon in the Wellington region. Rare Giant Kokopu and other fish species.

⁶ <https://eplan.huttcity.govt.nz/eplan/rules/0/98/0/8073/0/32>

		Many bird species.
5.	Camels Hump	Natural hill feature.
6.	Camerons Bush and Creek	Lowland forest vegetation . Probably the southern limit for the Black Beech in the North Island. Regionally representative example of lowland freshwater inland swamp. One of the few Wellington habitats for Spotless Crake.
7.	Catchpool Bush and Stream	Lowland forest on alluvial plain.
8.	Coast Road Bush	One of the few easily accessible areas of montane kamahi forest and scrub. One of the most southern sites of Black Beech forest in the North Island. Large numbers of native birds.
9.	Coastal Environment	From Burdans Gate to Windy Point, and including the following features -
	a. Baring Head	Only mainland Black-Backed Gull colony in the region. Two uplifted marine terraces of regional/national significance.

	b. Baring Head Beach	Breeding site of the Cook Strait Blue Penguin, Variable Oystercatcher and Banded Dotterel. Rare Spotted Skink present and Katipo spider. Plant species of Austrofestuca littoralis, Einadia allani, Leptinella pusilla and Muehlenbeckia astonii.
	c. Baring Head Scarp	Shrubland and forest on coastal scarp, with grassland on duneland. Plant - Arthropodium cirrhatum, Muehlenbeckia astonii and Scandia geniculata. Invertebrate - Maori cicad.
	d. Fitzroy Bay (between Lake Kohangapiripiri and Baring Head Beach)	Grassland on duneland, and shrubland on marine terrace. Sand dune vegetation includes Pingao which is important for dune stabilisation and cultural significance. Plant Species - Austrofestuca littoralis, Craspedia uniflora var grandis, Muehlenbeckia ephedroides, and Liverwort sp. Breeding site of the Variable Oystercatcher and Banded Dotterel, area occupied by the White Fronted Tern and Caspian Tern. Invertebrates - Cutworm Moth, Chirping Cicada, Katipo Spider and Notoreas n.sp Moth. Beach ridges showing 1460 and 1855 uplifts.
	e. Orongorongo River Gravel Fan	Invertebrate - Maori Cicada.
	f. Orongorongo River Mouth to Baring Head	Well preserved sequence of 8 uplifted marine terraces, reaching 431m above sea level. Caspian Terns at river mouth.
	g. Pencarrow Cliffs North (Camp Bay to Hinds Point)	Forest on coastal scarp.

	h. Pencarrow Cliffs South (Hinds Point to Pencarrow Head)	Shrubland on coastal scarp.
	i. Pencarrow Head Beach	Bird Species - Australasian Bittern, Reef Heron and Variable Oystercatcher.
	j. Pencarrow Lakes Cliffs	Shrubland on coastal scarp.
	k. Turakirae Gravel Fans	Invertebrate - Maori Cicada.
	l. Turakirae Head	Scientific reserve of international importance. Includes shrubland, wetland and forest on marine terrace. Plants - Aciphylla sp, Arthropodium cirrhatum, Austrofestuca littoralis, Coprosma virescens, Craspedia uniflora var grandis, Crassula peduncularis, Crassula ruamahanga, Tufted Hair Grass, Euphorbia glauca, Juncus, Mistletoe, Leptinella dioica ssp monoica, Dune Form, Metrosideros robusta, Muehlenbeckia astonii, Muehlenbeckia ephedroides, Pimelia arenaria ssp. 'south', Scandia geniculata, and Sophora microphylla. Seven species of orchid. Spotted Skink species present. Bird species - Banded Dotterel, Variable Oystercatcher and Caspian Tern. Invertebrate - Chirping Cicada. NZ Fur Seal breeding colony. Important sequence of marine terraces from major uplifts. Five raised ridges recording earthquake events including and predating the 1460 and 1855 events.
	m. Wainuiomata River Mouth	Breeding site for Black Backed Gulls and Banded Dotterels. Many wading and sea birds. Invertebrate - Chirping Cicada. Plant species - Glossostigma diandrum and Scandia geniculata. Relatively unmodified river mouth.

10.	Days Bay Butterfly Track	Contains diverse lowland forest and scrub vegetation on hill country. Large variety of bird and plant species.
11.	Days Bay Pumping Station	Little Blue Penguin sanctuary. (Lots 5 & 6 DP 1694 situated in Block XVI Belmont Survey District. Part CT 498/171).
12.	Eastern Hills Bush	Lowland forest on hill country. Contains a fire-induced regionally representative regenerating vegetation mosaic, including areas of pre-European Podocarps and Hard Beech. Nearly two-thirds of the forest is 90-110 years old. Plants - Arthropodium cirrhatum, Fuchsia excorticata and Podocarpus totara. Large species diversity due to different topography. Many bird species, including NZ pigeon.
13.	Gracefield Scrub	Regionally representative example of manuka scrub on wetland. Number of bird species.
14.	Harbour View Bush	Lowland forest on hill country. Forest Gecko.
15.	Haywards Quarry Bush	Lowland forest on hill country.

16.	Haywards Scenic Reserve	One of the few examples of undisturbed forest exemplifying the original Hutt Valley vegetation . Wide variety of forest types.
17.	Haywards Shrubland	Shrubland on hill country.
18.	Hill Road	Geological importance. Transported or allochthonous block fields located on the slopes flanking Belmont Plateau. Consists of large blocks of greywacke split from outcrops on the plateau surface by frost action. Extremely well defined landform of scientific/educational value.
19.	Holdaway Scenic Reserve	Lowland forest of Tawa - Kohekohe/Mahoe on hill country.
20.	Deleted from Operative District Plan	
21.	Jubilee Park Bush	Lowland forest of large Rata, Kahikatea and Pukatea trees on hill country and remnants of residential gardens planted from the early 1900's through to the 1950's.
22.	Keith George Memorial Park	Tawa-Hinau-Mahoe-Titoki on lower slopes of hill country. Profusion of ferns. On spurs, Hard Beech and Black Beech forest. Southern most present limit of beech forest advance on the western side of the Wellington Fault. Boundary between broadleaved forest and beech forest is unique in the Wellington area. Bird Species - NZ Falcon and NZ Pigeon.

23.	Kelson Bush	Regionally representative example of relatively unmodified lowland Mahoe forest. Large numbers of bird species, including NZ Pigeon.
24.	Kohangatera Shag Colony	Breeding site for the Black Shag.
25.	Korokoro Bush	Lowland forest on hill country.
26.	Korokoro Stream Bush	The only large stand of lowland Rimu-Rata-Tawa-Kohekohe forest in the south west Wellington region. Possibly the most southern North Island Kohekohe-Karaka forest. Rare Giant Kokopu. Only area outside the Hutt Valley flats which contains the rifleman. Forest Geckos.
27.	Korokoro Recreation Reserve	Regionally representative as one of the few examples of coastal Kohekohe-Karaka forest. Rich bird, fish and invertebrate diversity.
28.	Lake Kohangapiripiri and Wetland	Wetland in drowned river valley of geological significance. Numerous nationally uncommon and endangered wetland species of flora. Glossostigma diandrum, Leptinella tenella, and Ranunculus macropus present. Rare Giant Kokopu. Breeding site for birds. Site of significance to tangata whenua .

29.	Lake Kohangatera and Wetland	<p>Wetland of national significance in drowned river valley. Youngest and least disturbed freshwater swamp in the region. Regionally representative of vegetation succession after uplifts, from salt marsh to freshwater swamp. Numerous nationally uncommon or endangered plants, including Glossostigma diandrum, Leptinella tenella, and Ranunculus macropus. Several notable plants which are indicative of previously salty conditions. Breeding sites for Spotless Crake and Pukeko. Australasian Bittern, NZ Falcon and NZ Dabchick present.</p> <p>High diversity of fish species in Gollans Stream. Banded Kokopu and Giant Kokopu present. Beach ridges showing 1460 and 1855 uplifts. Site of significance to tangata whenua.</p>
30.	Link Bush	Lowland forest on hill country.
31.	Liverton Road Bush	Lowland forest on hill country.
32.	Lowry Bay Scenic Reserve	Vegetation dominated by Manuka scrub and Hard Beech and Black Beech forest. Kahikatea and Pukatea remnants in valleys. Few stands of Northern Rata near ridgeline, not represented elsewhere in Wellington reserves. Many notable birds, including native wood pigeons. Over 200 native plant species, 21 native orchid species. Many native land snails. Prominent terrace remnants on spur on the southern side of the Bay at 45m and 75m.
33.	Mokopuna Island	Breeding site for Cook Strait Little Blue Penguin, Blue Reef Heron and Variable Oystercatcher. Rare Spotted Skink. Coastal scrub vegetation , including Crassula ruamahanga, Melicytus obovatus ssp 'coast', Senecio rufiglandulosus, and Tetragonia tetraoides. Flat top correlates with the 30m level on Somes

		Island; shore platform cut prior to 1855 earthquake; scattered stacks, sea caves and rock arch. Absence of mammal predators.
34.	Mowlem Bush	Lowland forest on hill country.
35.	Mt Fitzherbert	Regionally representative example of secondary montane Kamahi forest, Kanuka and Manuka. Whitehead, Pied Tit, and many common birds.
36.	Mt Hawtrey Bush	Contains diverse lowland forest and scrub vegetation on hill country. Plants include, Botrychium lunaria, Bulbophyllum pygmaeum, Prymoanthus flavus, Peraxilla tetrapetala, Pittosporum divaricatum, and Ranunculus macropus. Large variety of bird species, including NZ Falcon and NZ Pigeon. Forest Gecko and Common Green Gecko.
37.	Mt Matthews	Only site dominated by Leatherwood in the Rimutaka Ranges.
38.	Normandale Road Bush	Lowland forest on hill country.
39.	Orongorongo River Gravel Fans	Invertebrate of national significance - Maori Cicada.

40.	Orongorongo Swamp	Montane Wetland.
41.	Orongorongo Valley Research Area	Lowland forest on hill country and terrace. Regionally representative of mature and seral Broadleaved-Podocarp and Beech forest and Kanuka scrub. Plant - Botrychium lunaria. Invertebrates - Maori Cicada and Cutworm Moth. Indigenous birds, including the NZ Pigeon. Forest Gecko and Common Green Gecko, Australian Green Frogs. Research on the study of effects of introduced mammals with no controls on indigenous ecosystems.
42.	Paiaka Stream Bush	Lowland forest on hill country, and swampland features such as Cabbage Trees , Cypress, Carex and Toetoe.
43.	Percy Scenic Reserve	Lowland forest of Tawa/Kohekohe. Extensive collections of native plants including an alpine, offshore island, Chatham Island and rare plant collection. Contains many plants not seen elsewhere in cultivation. The collections are of national significance.
44.	Point Howard Beach	Plant - Melicytus obovatus ssp 'coast'.
45.	Pomare Bush	Lowland forest on hill country.
46.	Rimutaka Ranges and Orongorongo and	Forest and shrubland on steep hill country, lowland forest on hill country and terrace, and subalpine shrubland. Regionally representative of several lowland and montane forest types. One

	Wainuiomata Catchments	<p>of the few areas in the region which is large and relatively unmodified. Regionally representative example of subalpine to montane silver beech forest and alpine herbfields. Some of the best Rimu specimens in the North Island. Peat in montane swamps rare in Wellington. Plant Species - <i>Craspedia uniflora var grandis</i>, <i>Cryptobiosella spinosa</i>, <i>Alepis flavida</i>, <i>Ileostylus micranthus</i> Mistletoe, <i>Korthalsella salicornioides</i>, <i>Lycopodium laterale</i>, <i>Peraxilla colensoi</i>, <i>Peraxilla tetrapetala</i>, <i>Pseudopanax ferox</i>, <i>Paratrophis banksii</i>, <i>Botrychium lunaria</i>, <i>Lophomyrtus obcordata</i>, <i>Brachyglottis greyi</i> var <i>greyi</i>, <i>Hymenophyllum atrovirens</i>, <i>Lycopodium cernuum</i>, <i>Thelymitra</i> sp, Bristle Fern, <i>Craspedia viscosa</i>, <i>Aciphylla</i> sp, <i>Bulbophyllum pygmaeum</i>, <i>Coprosma acerosa</i>, <i>Craspedia viscosa</i>, Tuokura, <i>Prymoanthus flavus</i>, <i>Fuchsia excorticata</i>, <i>Gahnia rigida</i>, <i>Galium trilobum</i>, <i>Juncus</i>, <i>Korthalsella lindsayi</i> Mistletoe, <i>Metrosideros robusta</i>, <i>Pittosporum divaricatum</i>, <i>Podocarpus totara</i>, Swamphead Orchid, <i>Pterostylis</i> sp, <i>Senecio rufiglandulosus</i>, <i>Teucrium parvifolium</i>. Significant Reptiles - Common Green Gecko. Giant Kokopu and Banded Kokopu. Contains representatives of all the region's remaining bush bird species, includes NZ Falcon, NZ Pigeon, Banded Dotterel, and Blue Reef Heron. Contains kaka, not found west of the Hutt Valley. Significant Invertebrates - Maori Cicada, Caddisfly, <i>mischoderus marginatus</i> Fly, <i>mischoderus neptunus</i> Fly, <i>wainuia urnula</i> Snail.</p>
47.	Round Knob and Belmont Road Trig	<p>Flat topped or gently rounded summits on the Western Hills, representing peneplain remnants.</p>
48.	Matiu/Somes Island	<p>Salt marsh, and regionally representative example of coastal cliff and rocky shore vegetation. Site for bird breeding and seabird activities, including Blue Reef Heron, Cook Strait Little Blue Penguin, Variable Oystercatcher and Spotted Shag. Spotted Skink present.</p> <p>Major nesting site for the Black-backed Gull. Plant species include, <i>Aciphylla</i> sp, <i>Asplenium obusatum</i>, <i>Crassula peduncularis</i>, <i>Crassula ruamahanga</i>, <i>Entela arborescens</i>, Maori Dock, <i>Senecio rufiglandulosus</i> var, <i>Suaeda novaezelandiae</i>. Invertebrates: Wellington Weta and Giant Weta.</p>

		Marine terraces at 30m, 45m and 75m above sea level. Shore platform cut prior to 1855 earthquake, scattered stacks, sea caves and rock arches. Absence of mammal predators.
49.	Speedys Reserve	Lowland forest on hill country, with diverse canopy species. Tawa forest with large specimens. Large numbers of bird species. Spur/ridge truncated by movement along a fault.
50.	Stokes Valley Bush	Lowland forest on hill country, containing the only Pukatea forest remnant in the region. Bird species include Whitehead. Common Green Gecko, and Kotukutuku plant species.
51.	Stratton Street Bush	Lowland forest on hill country.
52.	Sugarloaf Bush	Lowland forest on hill country with regionally representative example of Kahikatea forest in swamp. Large number of birds, including Tui, NZ Falcon, NZ Pigeon and Kaka. Forest Gecko. Very diverse number of habitats.
53.	Taita Scientific Bush	Scientific catchment study area on lowland forest in hill country. Plant - Brachyglottis perdicioides.
54.	The William Street Rise	The only remains of a beach ridge raised by uplift. 1800 - 2350 years old. Highly vulnerable

		to destruction or modification by humans.
55.	Deleted from Operative District Plan	
56.	Wainuiomata River Mouth (near)	Nationally rare and endangered shrub, Muehlenbeckia astonii.
57.	Wainuiomata Scenic Reserve	Blend of Hard Beech-Kamahi forest and mixed Broadleaf scrub. Nursery for native seedlings due to buffer provided by scrubland. Large number of bush birds, insects and regenerating podocarps.
58.	Wainuiomata West Bush	Lowland forest on hill country.
59.	Wairere Bush	Lowland forest on hill country.
60.	Makaro/Ward Island	Salt marsh. Breeding site for White Fronted Tern, Cook Strait Little Blue Penguin and Variable Oystercatcher. Four species of lizard, including the rare Spotted Skink. Plant species - Melicytus obovatus ssp 'coast' and Senecio rufiglandulosus. Flat surface at top corresponds with 30m level on Somes and Mokopuna Islands. Absence of mammal predators.

61.	York Bay	Coastal forest and regionally representative of Inanga forest. Large number of birds - Kaka, Tui, Bellbirds, Pigeons, Blue Reef Heron.
62.	Cnr Hill Road and Sweetacres Drive	Solifluction Debris Tongue
63.	Hill Road Bush	Mahoe forest

QUEEN ELIZABETH II NATIONAL TRUST - OPEN SPACE COVENANTS

Gibbs Property, Muritai Road, Eastbourne	Kamahi/Manuka/Broadleaf sp. with drocophyllum longifolium a feature. Black Beech and Hard Beech present. Understorey includes, Rewarewa, Rangiora, Kamahi, Red Matipo, Rimu, Miro and Matai. Notable features include Red Mistletoe and Spotted Leaf Orchid. Many bird species, including rare Whitehead, NZ Falcon and LongTailed Cuckoo. Forest, Common and Green Geckos. (Lot 2 DP 83194).
Waddington Property, Horoeke Street	Area A DP 304239 (Pt Lot 1 DP 81856), refer SNR 50
M & S Austin Property, 90 Korokoro Road	Area A DP 87218
JB & BJ Austin, 100 Korokoro Road	Area B Lot 1 DP 329711

LM Mead, 142 Seddon Street, Naenae	Area A DP 309845

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