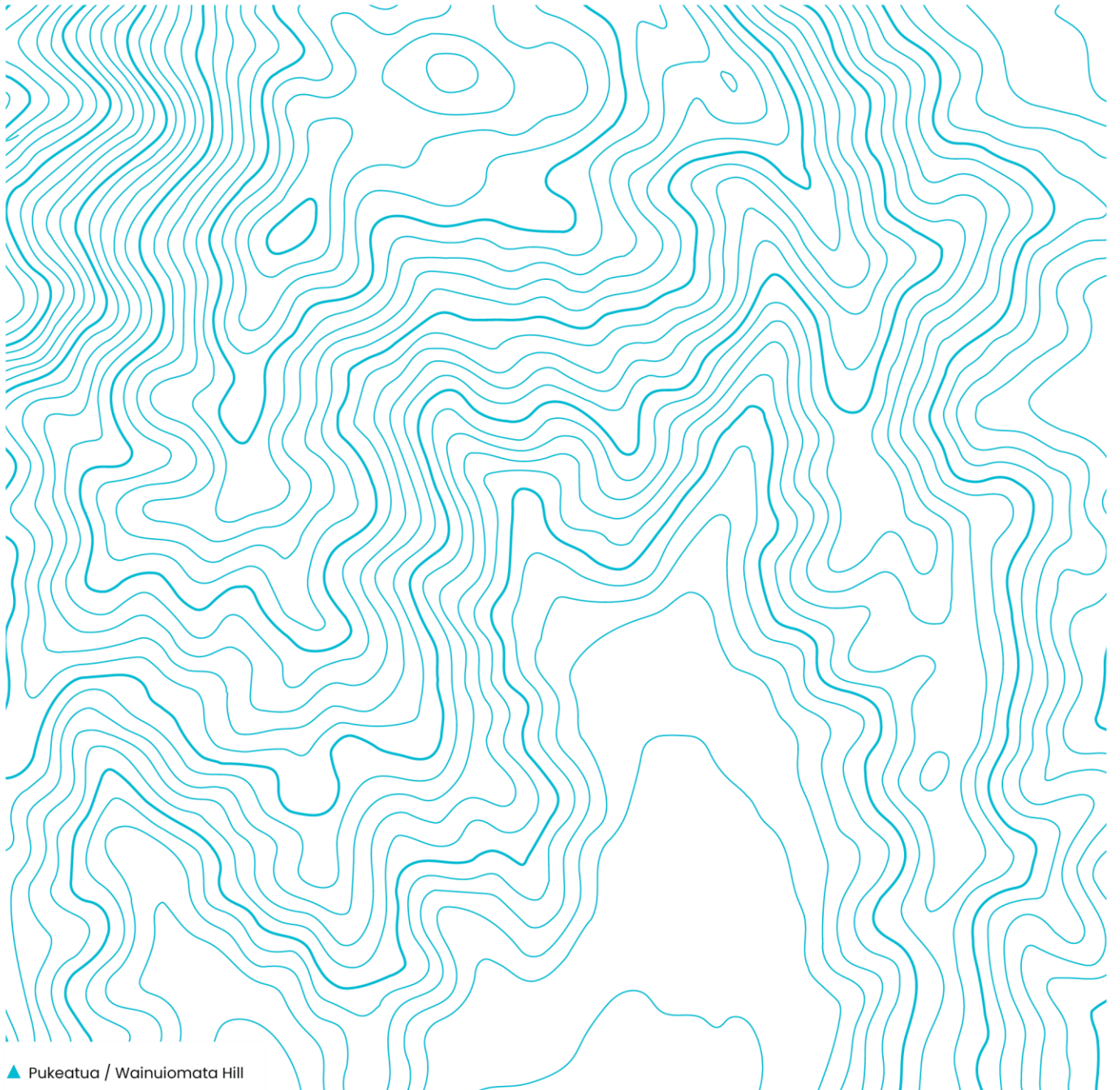


Section 32 Evaluation ECOSYSTEMS AND INDIGENOUS BIODIVERSITY



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2 Overview and Purpose

- (1) Hutt City Council is reviewing the City of Lower Hutt District Plan. This is a full review of the District Plan, including the approach to ecosystems and indigenous biodiversity.
- (2) This report is a record of the review with regard to ecosystems and indigenous biodiversity, and includes an evaluation of objectives and provisions for a proposed Ecosystems and Indigenous Biodiversity chapter for the District Plan, in accordance with the requirements of s32 of the Resource Management Act 1991.
- (3) This report sits as one of a package of reports for the proposed Plan and should be read alongside the Plan-Wide Report.

Focus of this report on terrestrial ecosystems

- (4) Under section 31(1)(b)(iii) of the RMA, territorial authorities (such as Hutt City Council) have the function of the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of the maintenance of indigenous biological diversity.
- (5) However, under section 30(1)(c)(iiia) of the RMA, regional councils have the more specific function of controlling the use of land for the purpose of the maintenance and enhancement of ecosystems in water bodies and coastal water.
- (6) As a result, the focus of this report and the proposed Ecosystems and Indigenous Biodiversity chapter is on terrestrial ecosystems, as ecosystems in water bodies and coastal water are addressed through Greater Wellington Regional Council's Natural Resources Plan.

Note on natural character

- (7) In addition to addressing ecosystems and indigenous biodiversity, district plans often address natural character, particularly of waterbodies and the coastal environment. This is in part a response to the *preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development*

being identified as a matter of national importance in section 6a of the RMA, but also in response to direction from the New Zealand Coastal Policy Statement and regional policy statements.

- (8) For the proposed District Plan, natural character issues are addressed through the Coastal Environment, Natural Character and Natural Features and Landscapes chapters, and issues on natural character are discussed through the evaluation reports for those chapters.

2.1 Introduction to ecosystems and indigenous biodiversity

- (9) Council's Indigenous Biodiversity Strategy includes the following explanation of indigenous biodiversity:

Biodiversity is a term used to describe the range of species in a place, and the range of communities or 'ecosystems' in which they live i.e., the diversity among and within plant and animal species in an environment.

Indigenous Biodiversity attempts to describe as closely as possible, the 'local' flora and fauna that exist in a catchment area.

Biodiversity provides the life supporting systems that enable all organisms, including humans, to survive.

"Like the many woven threads of a fine cloak, te taiao, our natural world is also entwined and bound together, from above, from below and within." [<https://www.maurituhono.org.nz/>]

Indigenous forests provide carbon sinks and purify the air we breathe. They also provide recreation opportunities and amenity values. Indigenous Biodiversity ecosystems also provide, amongst other outcomes:

- *Cleaning and restoring our water.*
- *Cleaning and restoring our air.*
- *Protection for our taonga.*
- *Climate resilience.*
- *Reducing carbon.*
- *Nutrient storage and recycling.*

- *Soil formation and sediment control.*
- *Proliferation of native species e.g., more birds in urban areas.*
- *Healthy and sustainable food and other resources.*

Biodiversity is often used as an indicator to measure health of biological systems. While biodiversity itself is not a function of an ecosystem, it does affect the resilience and function of these ecosystems. Ecosystems provide many of the services that make life possible for people: Plants clean air and filter water, bacteria decompose wastes, insects pollinate flowers, and tree roots hold soil in place to prevent erosion through flooding or increased pressures through climate change impacts.

3 Statutory and Policy Context

- (10) The following sections discuss the national, regional and local policy framework that are particularly relevant to the statutory and policy context for Open Space and Recreation Zones for the District Plan Review.

3.1 Resource Management Act 1991

3.1.1 Section 5 – Purpose and Principles

- (11) The purpose of the RMA is set out in Section 5. The purpose is to promote the sustainable management of natural and physical resources.
- (12) Under s5(2) of the Act, sustainable management means:

managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

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

3.1.2 Section 6 – Matters of National Importance

- (13) Section 6 of the RMA sets out matters of national importance that all persons exercising functions and powers under the Act shall *recognise and provide for* in achieving the purpose of the RMA. The relevant s6 matters for ecosystems and indigenous biodiversity are:

Section	Relevant Matter
6c	The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
6e	The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

3.1.3 Section 7 – Other Matters

- (14) Section 7 of the RMA sets out other matters that all persons exercising functions and powers under it shall *have particular regard to* in achieving the purpose of the RMA. The relevant s7 matters for ecosystems and indigenous biodiversity are:

Section	Relevant Matter
7a	Kaitiakitanga.
7aa	The ethic of stewardship.
7b	The efficient use and development of natural and physical resources.
7c	The maintenance and enhancement of amenity values.
7d	Intrinsic values of ecosystems.
7f	Maintenance and enhancement of the quality of the environment.
7g	Any finite characteristics of natural and physical resources.

3.1.4 Section 8 – Treaty of Waitangi

- (15) Section 8 of the RMA requires Council to take into account the principles of the Treaty of Waitangi when exercising functions and powers under the Act.
- (16) Council has engaged with Mana Whenua of Lower Hutt as part of the District Plan Review, including with representatives of Taranaki Whānui ki te Upoko o te Ika (Port Nicholson Block Settlement Trust), Wellington Tenth Trust, Palmerston North Māori Reserve Trust, Te Rūnanganui o Te Āti Awa ki Te Upoko o Te Ika a Māui Incorporated and Te Rūnanga o Toa Rangatira Incorporated.
- (17) This engagement has demonstrated two key principles of the treaty, the first being the principle of partnership by, recognising and fostering mutual good faith with our existing iwi partnerships and continuing to provide the opportunities for tangata whenua to input meaningfully into the district plan review.
- (18) Secondly, the principle of active protection is another key aspect of the treaty principles demonstrated, as it seeks ways to deliver mixed and culturally dynamic communities in a sustainable way.

3.1.5 Section 31 – Functions of territorial authorities

- (19) Of particular relevance to ecosystems and indigenous biodiversity, the functions of territorial authorities set out in section 31 include:
- (a) the establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.*
 - (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of –*
 - (iii) the maintenance of indigenous biological diversity.*

3.1.6 Resource Management (Freshwater Management and Other Matters) Amendment Act 2024

- (20) The Freshwater and Other Matters Amendment, made targeted changes to the RMA and national direction. This included delaying the effect of some provisions of the NPS-IB for three years from the date which Amendment Act came into force (25 October 2024). The relevant provisions of the NPS-IB, including the effect of the Amendment Act on these provisions, are discussed further below (section 3.2.1).

3.2 National Policy Statements

- (21) Under section 75(a) of the RMA, the District Plan must give effect to any national policy statement.
- (22) The following national policy statements are particularly relevant for ecosystems and indigenous biodiversity:
- National Policy Statement for Indigenous Biodiversity 2023, and
 - National Policy Statement on Urban Development 2020.
- (23) The relevant objectives and policies of these national policy statements are discussed below:

3.2.1 National Policy Statement for Indigenous Biodiversity

- (24) The NPS-IB provides direction to councils to protect, maintain and restore indigenous biodiversity including protection of significant natural areas (SNAs).
- (25) The objective of the NPS-IB is that indigenous biodiversity is maintained across Aotearoa New Zealand so that there is no overall loss.
- (26) Policies of the NPS address the following matters which are or relevance to the Ecosystems and Indigenous Biodiversity chapter:
- Managing indigenous biodiversity in a way which gives effects to the principles of the Treaty of Waitangi, and Tangata Whenua actively participate in decision-making (Policies 1 and 2).
 - Adopting a precautionary approach when considering adverse effects on indigenous biodiversity (Policy 3)

- Managing indigenous biodiversity to promote resilience to the effects of climate change (Policy 4)
- Managing indigenous biodiversity in an integrated way, within and across administrative boundaries (Policy 5)
- Identifying significant indigenous vegetation and fauna habitats as SNAs (Policy 6)
- Protecting SNAs by managing adverse effects from new subdivision, use and development (Policy 7)
- Maintaining indigenous biodiversity outside SNAs (Policy 8)
- Recognising and providing for activities including within SNAs (Policies 9 and 10)
- Managing indigenous biodiversity within plantation forestry (Policy 12)
- Restoration of indigenous biodiversity (Policy 13)
- Increasing vegetation cover in urban and non-urban environments (Policy 14)
- Managing habitats of specified highly mobile fauna including outside of SNAs (Policy 15)
- Improved information and regular monitoring of indigenous biodiversity (Policy 17).

(27) The Resource Management (Freshwater Management and Other Matters) Amendment Act 2024, introduced a suspension period of three years which applies to some provisions of the NPS-IB. This includes Policy 6 (identifying SNAs) and supporting provisions from Part 3 – Implementation. The three year suspension period is due to expire on 25 October 2027.

(28) Part 3 – Implementation of the NPS-IB, also provides direction on other matters beside SNAs which are also relevant to the Ecosystems and Indigenous Biodiversity chapter:

- Significant adverse effects of subdivision, use or development on indigenous biodiversity outside of SNAs, must be managed by applying the effects management hierarchy. And all other adverse effects on indigenous biodiversity outside of SNAs must be managed to give effect to the objectives and policies of the NPS-IB.
- Local authorities must work in partnership with Tangata Whenua and owners of specified Māori land to maintain and restore indigenous biodiversity on specified Māori land.

- Work in partnership with the Tangata Whenua of any rohe to determine the indigenous species, populations and ecosystems in the rohe which are taonga, and acknowledge and protect these taonga within the district plan (to the extent agreed to with the Tangata Whenua of the rohe).
- Local authorities must include objectives, policies or methods in the plans for managing adverse effects of new subdivision, use and development on highly mobile fauna areas. (Regional councils have responsibilities with regard to identifying these areas).
- Local authorities must include objectives, policies and methods in their plans to promote the restoration of indigenous biodiversity, including through reconstruction of areas.
- Local authorities must promote the increase of indigenous vegetation cover in their districts through objectives, policies and methods in their plans.
- Local authorities must have regard to the relevant regional biodiversity strategy when developing restoration objectives, policies and methods for inclusion in plans.
- Local authorities must change their plans to require any application for resource consent that would have more than minor adverse effects on indigenous biodiversity to be supported by a report from a suitably qualified ecologist.

3.2.2 National Policy Statement on Urban Development 2020

- (29) The NPS-UD directs Councils to enable well-functioning urban environments that provide for the social, economic and cultural well-being of people.
- (30) The NPS-UD does not directly address ecosystems or indigenous biodiversity, however the intensification of urban environments has potential to impact on biodiversity and ecosystems in urban areas. The objectives and policies require Councils to provide for sufficient development capacity, including through intensification of central areas (Policies 2 and 3). However this is to be balanced through providing well-functioning urban environments, which includes providing for resiliency to

the effects of climate change, and ensuring good accessibility for people including to natural spaces and open spaces (Policy 1).

3.3 New Zealand Coastal Policy Statement

(31) Under section 75(b) of the RMA, the District Plan must give effect to the New Zealand Coastal Policy Statement 2010 (NZCPS).

(32) The NZCPS sets out the objectives and policies in order to achieve the purpose of the RMA in relation to the coastal environment. Of relevance to ecosystems and biodiversity, this includes:

- Objective 1 – to safeguard the integrity, form, functioning of the coastal environment and sustain its ecosystems.
- Objective 6 – enable people and communities to provide for their wellbeing, while recognising the need to access resources in the coastal environment, the value of protecting habits and the particular importance of protecting natural resources in the coastal marine area.
- Policy 6 – provides direction for activities within the coastal environment, including considering the rate at which built development should be provided to meet the foreseeable needs of population growth, and where appropriate provide buffers to areas and sites of significant indigenous biodiversity.
- Policy 11 – provides direction “to protect indigenous biological diversity in the coastal environment”, including by avoiding adverse effects on certain specified categories of taxa and ecosystems, and avoiding significant adverse effects on other specified categories of indigenous ecosystems and habitats.

3.4 National environmental standards

(33) National environmental standards provide a nationally consistent set of standards that manage a range of activities nationwide. A district plan can only be more lenient or stringent than a national environmental standard where this is expressly specified in the national environmental standard.

(34) The following national environmental standards include provisions that are particularly relevant for ecosystems and indigenous biodiversity.

3.4.1 National Environment Standards for Electricity Transmission Activities 2009 (NES-ETA)

- (35) THE NES-ETA regulate activities that relate to the operation, maintenance, upgrading, relocation, or removal of existing transmission lines.
- (36) This includes regulations for trimming, felling, and removing trees and vegetation, including resource consent requirements for these activities in natural areas.
- (37) The NES-ETA does not specify whether a district plan can be more lenient or stringent than the NES-ETA.

3.4.2 National Environment Standards for Telecommunication Facilities 2016 (NES-TF)

- (38) The NES-TF regulate activities associated with telecommunication facilities.
- (39) Clauses 48 and 49 of the NES-TF are standards in relation to Significant habitats for indigenous vegetation and Significant habitats for indigenous fauna, respectively. These clauses effectively ensure that activities regulated by the NES-TF must comply with significant vegetation and significant fauna rules in order for the standards of those clauses to be met.

3.4.3 National Environment Standards for Commercial Forestry 2017 (NES-CF)

- (40) The NES-CF regulate activities associated with commercial forestry, and includes regulations on indigenous vegetation clearance (clauses 93 and 94).
- (41) This includes provision for clearance of indigenous vegetation as a permitted activity where the clearance does not occur within a significant natural area, and more detailed provisions in relation to clearance of indigenous vegetation for maintaining overgrown forestry tracks and incidental damage.

(42) Clause 6(2)(b) of the NES-CF enables the rules of a district plan to be more stringent than the regulations of the NES-CF if the rule recognises and provides for the protection of significant natural areas.

3.5 National Planning Standards

(43) Section 75(3)(ba) requires district plans to give effect to national planning standards.

(44) Of particular relevance for ecosystems and indigenous biodiversity:

- Standard 4 (the District Plan Structure Standard) sets the overall structure for district plans. This includes a Natural Environment Values section, within Part 2 – District-Wide Matters.
- Standard 7 (the District-Wide Matters Standard) requires that if the following matters are addressed in district plan, that they are located in a Ecosystems and Indigenous Biodiversity chapter (in the Natural Environment Values section):
 - Identification and management of significant natural areas, including under s6(c) of the RMA,
 - Maintenance of biological diversity, and
 - Intrinsic values of ecosystems and indigenous biodiversity.
- Standard 10 (the Format Standard) includes requirements for unique identifiers for chapters, sections and provisions. The unique identifier for the Ecosystems and Indigenous Biodiversity chapter and related sections and provisions is ECO.

3.6 Regional Policy Statement for the Wellington Region

(45) The Regional Policy Statement for the Wellington Region (RPS) identifies the significant resource management issues for the region and outlines the policies and methods required to achieve the integrated sustainable management of the region’s natural and physical resources.

(46) The following table outlines the relevant objectives and policies of the RPS for the Ecosystems and Indigenous Biodiversity chapter.

Objectives and policies of the Regional Policy Statement for ecosystems and indigenous biodiversity
Objectives
<p>Objective 3</p> <p>Habitats and features in the coastal environment that have significant indigenous biodiversity values are protected; and</p> <p>Habitats and features in the coastal environment that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development.</p>
<p>Objective 7</p> <p>The integrity, functioning and resilience of physical and ecological processes in the coastal environment are protected from the adverse effects of inappropriate subdivision, use and development.</p>
<p>Objective 16</p> <p>Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state.</p>
Policy 23: Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans
<p>District and regional plans shall identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values; these ecosystems and habitats will be considered significant if they meet one or more of the following criteria:</p> <ul style="list-style-type: none"> (a) Representativeness ... (b) Rarity ... (c) Diversity ... (d) Ecological context of an area ... and (e) Tangata whenua values ...
Policy 24: Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans
<i>District and regional plans shall include policies, rules and methods to protect indigenous ecosystems and habitats with significant indigenous</i>

biodiversity values from inappropriate subdivision, use and development.

Policy 47: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may affect indigenous ecosystems and habitats with significant indigenous biodiversity values, and in determining whether the proposed activity is inappropriate particular regard shall be given to:

- (a) maintaining connections within, or corridors between, habitats of indigenous flora and fauna, and/or enhancing the connectivity between fragmented indigenous habitats;*
- (b) providing adequate buffering around areas of significant indigenous ecosystems and habitats from other land uses;*
- (c) managing wetlands for the purpose of aquatic ecosystem health;*
- (d) avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats;*
- (e) providing seasonal or core habitat for indigenous species;*
- (f) protecting the life supporting capacity of indigenous ecosystems and habitats;*
- (g) remedying or mitigating adverse effects on the indigenous biodiversity values where avoiding adverse effects is not practicably achievable; and*
- (h) the need for a precautionary approach when assessing the potential for adverse effects on indigenous ecosystems and habitats.*

3.6.1 Proposed RPS Change 1

- (47) Section 74(2)(a)(i) of the RMA requires Council to have regard to any proposed regional policy statement when preparing its district plan.
- (48) Greater Wellington Regional Council proposed a change to the RPS in August 2022 (Proposed RPS Change 1). Proposed RPS Change 1 addresses a

range of resource management issues, including the impacts of climate change, loss and degradation of indigenous biodiversity, degradation of freshwater, and urban development capacity.

(49) The decisions version of Proposed RPS Change 1 was notified in October 2024. The new and amended objectives and policies cover the following matters which are relevant to the Ecosystems and Indigenous Biodiversity chapter:

- New direction for climate change adaptation and mitigation to prioritise nature-based solutions such as urban green space and water harvesting (Objective CC.4, Policies CC.4 and CC.14)
- Increasing permanent forest cover, preferably indigenous forest (Objective CC.5)
- Amendment to an existing policy to specify district plans are to include policy, rules and/or methods to manage effects of vegetation clearance, including through requiring setbacks from water bodies and other receiving environments (Policy 15)
- Amendments to an existing objective and supporting provisions in relation to significant indigenous biodiversity values, with an emphasis on protection and enhancement, rather than maintenance of values (Objective 16, Policies 23, 24 and 47)
- New direction for managing effects on indigenous biodiversity outside of significant areas (Objective 16A, Policies 24A, 24C and IE.2A)
- New direction with regard to partnering with mana whenua / tangata whenua when managing indigenous biodiversity, including the identification of taonga species (Objective 16B, Policies IE.1 and IE.2)
- Recognising and providing for landowner and community values in relation to indigenous biodiversity (Objective 16C)

3.7 Natural Resources Plan for the Wellington Region

(50) Section 75(4)(b) of the RMA states that the District Plan must not be inconsistent with a regional plan for any matter specified in section 30(1) of the RMA, which relates to functions of regional councils under the Act. The

Natural Resources Plan for the Wellington Region (NRP) is the only operative regional plan for the Wellington region.

- (51) This is particularly relevant for the proposed Ecosystems and Indigenous Biodiversity chapter as the NRP includes rules on the vegetation clearance. Specifically:
- Rule R104, which permits vegetation clearance on erosion prone land, subject to conditions relating to the discharge of sediment, proximity to surface water bodies, water quality, and impacts on aquatic life of sediment.
 - Rule R105, which permits vegetation clearance on erosion prone land where undertaken in accordance with a Freshwater Farm Plan.
 - Rule R106, which sets a restricted discretionary activity for vegetation clearance on erosion prone land associated with specified renewable energy generation activities where not permitted by R104 (this rule also addresses earthworks).
 - Rule R107, which sets a discretionary activity for vegetation clearance on erosion prone land that does not meet rules R104, R105 and R106.
- (52) The NRP also includes objectives and policies to support the application of these rules.
- (53) The focus of these rules, including associated standards and matters of discretion, is on erosion prone land, sedimentation, and impacts on water quality and aquatic life, and not terrestrial biodiversity. These align with the functions of a regional council set by s30 of the RMA.

3.7.1 Proposed NRP Change 1

- (54) The relevant objectives, policies and rules of proposed regional plans are discussed below: Under section 74(2) of the RMA, Hutt City Council is required to have regard to proposed regional plans in regard to any matter of regional significance or for which the regional council has primary responsibility (under Part 4 of the Act).
- (55) Greater Wellington Regional Council proposed a change to the Natural Resources Plan (Proposed NRP Change 1) in October 2023. As of the notification of the proposed District Plan, this proposed change represents

the only proposed regional plan for the Wellington region, and is in the hearing phase of its plan change process.

- Under Proposed NRP Change 1, rules R104, R105, R106 and R107 would no longer apply within the Whaitua Te Whanganui-a-Tara, which includes all of Lower Hutt.
- In their place, the following rules are proposed:
- Rules WH.R17, WH.R18 and WH.R19, which would set a permitted activity, controlled activity and discretionary activity (respectively) for vegetation clearance on highest erosion risk land (woody vegetation) and associated discharges of sediment to surface water bodies, subject to standards relating to the purpose of the clearance, whether an erosion and sediment management plan exists, and the area of clearance.
- Rule WH.R20, WH.R21 and WH.R22, which would set a controlled activity, discretionary activity, and prohibited activity (respectively) for vegetation clearance for plantation forestry.

(56) As with the relevant rules of the operative NRP, the focus of these rules, including associated standards and matters of control, is on erosion prone land, sedimentation, and impacts on water quality and aquatic life, and not terrestrial biodiversity.

3.8 Iwi management plans

(57) Section 74(2A) requires territorial authorities, when preparing or changing a district plan, to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

(58) However, no iwi management plans have been lodged with Hutt City Council.

3.9 Other plans, policies, and strategies

(59) Section 74(2)(b)(i) of the RMA requires the Council to have regard to management plans and strategies prepared under other Acts. In addition, there are other Council plans, policies and strategies that, while not directly

prepared under specific legislation, should be considered as they set Council's intentions on matters relevant to the District Plan. These plans, policies and strategies are discussed below.

3.9.1 Te Mana o Te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020

(60) The ANZBS provides the overall strategic direction for biodiversity in Aotearoa New Zealand for the next 30 years. The vision of the ANZBS is Te Mauri Hikahika o te Taiao / the life force of nature is vibrant and vigorous. Five outcomes are set out for 2050:

- Thriving nature:
 - Ecosystems, from mountain tops to ocean depths, are thriving
 - Indigenous species and their habitats across Aotearoa New Zealand and beyond are thriving
- Thriving people:
 - People's lives are enriched through their connection with nature
 - Treaty partners, whānau, hapū and iwi are exercising their full role as rangatira and kaitiaki
 - Prosperity is intrinsically linked with thriving biodiversity.

3.9.2 Greater Wellington Regional Council Biodiversity Strategy 2016

(61) The GWBS sets a framework for how the Greater Wellington Regional Council protects and manages biodiversity in the Wellington Region. The vision of the GWBS is as follows:

Healthy ecosystems thrive in the Wellington region and provide habitat for native biodiversity.

(62) The GWBS has the following three goals:

- Goal 1: Areas of high biodiversity value are protected and restored.
- Goal 2: Ecosystem functions are maintained or restored across the landscape.

- Goal 3: People understand and value biodiversity and ecosystems.

3.9.3 Indigenous Biodiversity Strategy 2023

- (63) The Council's Indigenous Biodiversity Strategy (IBS) sets a framework to guide Hutt City Council, Mana Whenua and the wider community in working together to protect and restore our indigenous biodiversity.
- (64) The IBS sets a vision, three goals and 8 focus areas in relation to indigenous biodiversity.
- (65) The vision is 'Living in harmony with nature where, in the short-term future, indigenous biodiversity is valued, conserved and restored, sustaining communities and delivering benefits for all people.'
- (66) The three goals are:
- Indigenous species and their habitats in Te Awa Kairangi ki Tai Lower Hutt are protected and restored so they can thrive.
 - The role of Mana Whenua as Rangatira and kaitiaki is enabled, Matauranga Māori is respected, and customary practices are supported.
 - Our community is connected with all of nature, values it and actively contributes to its protection and restoration.
- (67) The eight focus areas are:
- Waka Houruatanga - Partnership with Mana Whenua
 - Whakamana hapori - Enabling Community
 - Te whakahaumarū wai me ngā arawai - Protecting water and waterways
 - Te whakahaumarū pūnaha hauropi, momo Māori me ngā nōhanga - Safeguarding ecosystems, species, and habitats
 - Te whakaaroturuki me te whakahaere riha - Pest monitoring & management
 - Āhuarangi hurihuri - Climate Change
 - Whakapiki hauora tūmatanui - Improving public health
 - Te whakatautohu, te whakaaroturuki, te whakaarotake me te whakatiaki - Identifying, monitoring, evaluating biodiversity

(68) While the strategy acknowledges that the District Plan is part of the regulatory framework for biodiversity, it does not set a direction for how the District Plan will address biodiversity.

3.9.4 Reserves management plans

(69) Hutt City Council has developed a number of reserves management plans to meet its obligations under the Reserves Act 1977. These management plans provide for and ensure the use, enjoyment, maintenance, protection, preservation and appropriate development of reserves. The following reserve management plans are the most relevant to ecosystems and indigenous biodiversity:

Plan	Comment
Bush Reserve Management Plan 2002	<p>Some bush reserves possess high conservation values. In response to this issue, the Plan includes the following objective:</p> <p><i>To conserve those qualities of the reserve which contribute to the ecological quality, pleasantness, and cohesion of the natural environment.</i></p> <p>Seven supporting policies are included which address matters such as:</p> <ul style="list-style-type: none"> • Balance of planted and open space areas, and native and exotic vegetation. • Conservation of indigenous flora and fauna, including committing to protecting SNRs and encouraging growth where native species are dominant. • Encouraging amenity and shelter planting
Esplanade and Foreshore Management Plan 2002	<p>Some Esplanade and Foreshore reserves possess high conservation values. In response to this issue, the Plan includes the following objective:</p>

	<p><i>To conserve those qualities of the reserve which contribute to the pleasantness, harmony and cohesion of the natural environment.</i></p> <p>Eight supporting policies are included which address matters such as:</p> <ul style="list-style-type: none"> • Balance of planted and open space areas, and native and exotic vegetation. • Conservation of indigenous flora and fauna, including committing to protecting SNRs and encouraging growth where native species are dominant. • Encouraging amenity and shelter planting • Working collaboratively for the improving of Waiwhetu Stream.
<p>Little Blue Penguin Reserve Management Plan</p>	<p>This Plan applies to a small defined “Little Blue Penguin Haven” at Days Bay. Objectives include the following:</p> <p><i>To maintain and enhance the Penguin Haven in a manner that assists with the integration of penguins onto the site, and recreates to some extent the original indigenous coastal environment, where it is practical to establish these species.</i></p> <p><i>To ensure the provision of any new development (including structures, paths, penguin burrows and plantings) on the Penguin Haven is undertaken in a complementary manner that achieves integrated use of the surrounding area.</i></p> <p>Supporting policies include direction on suitable planting, and that any new development is consistent with the purpose of the reserve.</p>

3.10 District plans of adjacent territorial authorities

(70) Section 74(2)(c) of the RMA requires the Council to have regard to the extent to which the District Plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

(71) The approach of district plans of adjacent territorial authorities is a particularly relevant consideration for ecosystems and indigenous biodiversity as:

- The boundaries between Lower Hutt and districts of adjoining territorial authorities are often well-vegetated areas, including areas with significant indigenous vegetation and significant habitats of indigenous fauna (often land managed by councils or the Department of Conservation and support indigenous biodiversity), and
- Ecological units do not necessarily follow boundaries between districts (which are often ridgelines or gullies).

(72) The following table summarises the approaches of the district plans of adjacent territorial authorities:

Summary of district plans of adjacent territorial authorities for ecosystems and indigenous biodiversity.
Operative Kāpiti Coast District Plan 2021
<p>The approach of the Kāpiti Coast District Plan 2021 is to include an objective, policy and rule framework which</p> <ul style="list-style-type: none"> • Controls the modification of indigenous vegetation, including where: <ul style="list-style-type: none"> ○ Part of a scheduled ecological site (which are generally equivalent to significant natural areas, being identified based on criteria in RPS Policy 23), ○ A scheduled key indigenous tree,

- A scheduled rare and threatened vegetation species (with defined locations),
- A specimen of a listed key indigenous tree species,
- Part of a contiguous area of indigenous vegetation, or
- Within proximity to a waterbody.
- Encourages enhancement of any significant ecological values on sites subject to subdivision and development.
- Seeks to enable Tangata Whenua to maintain and enhance their traditional relationship with the natural environment.

Proposed Porirua District Plan – appeals version

The Proposed Porirua District Plan includes an Ecosystems and Indigenous Biodiversity chapter. The approach within the chapter is to apply an objective, policy and rule framework that would:

- Identify and protect significant natural areas (SNAs)
- Provide for small scale vegetation removal, and other use and development where the values and integrity of SNAs are maintained. Stronger directives apply to SNAs which are wetlands or within the coastal environment, and to new plantation forestry activities within SNAs.
- Encourage the restoration and maintenance of indigenous biodiversity values, including through incentives and pest control.
- Provide for pāpakāinga activities where kaitiakitanga is exercised to protect SNAs.

Proposed South Wairarapa District Plan

The approach of the proposed South Wairarapa District Plan is to apply an objective, policy and rule framework that would:

- Maintain, enhance or restore indigenous biodiversity including by:
 - Taking a collaborative approach to restoring indigenous biodiversity where it has been degraded and to protect linkages and corridors.
 - Controlling the modification of indigenous vegetation.

- Controlling the keeping of goats in proximity to the Natural Open Space Zone.
- Protect significant areas of indigenous species and habitats including by:
 - Identifying SNAs
 - Only allowing activities which have an operational or functional need to locate within SNAs and ensuring areas are not removed.
 - Manage the effects of subdivision, use and development to avoid degradation of SNAs, or loss of habitat for threatened or at-risk species.
 - Provide for conservation lots to be created during subdivision.

Upper Hutt District Plan

The approach of the Upper Hutt District Plan is to apply an objective, policy and rule framework which:

- Protects and enhances SNAs. One SNA has been identified, and a policy is included that a plan change be undertaken to identify more.
- Identifies in policies the need to preserve and enhance a specific ridgeline as an ecological corridor, and to protect wetland areas.
- Controls the removal of trees which have been scheduled due to identified landscape, amenity or ecological values.
- Controls indigenous vegetation outside of urban environment allotments, including within the SNA.
- Controls buildings and structures within the SNA.

Proposed Wellington District Plan

The approach of the proposed Wellington District Plan is to apply an objective, policy and rule framework that would:

- Protect significant natural areas (SNAs)
- Provide for small scale vegetation removal, and other use and development where the values and integrity of SNAs are maintained. Stronger directives

apply to SNAs within the coastal environment, and to new plantation forestry activities within SNAs.

- Encourage protection, restoration and maintenance of indigenous biodiversity.

3.11 Other legislation or regulations

(73) In addition to the RMA, other legislation and regulations can be relevant considerations for a district plan, particularly where management of an issue is addressed through multiple pieces of legislation and regulatory bodies.

(74) The following other legislation and regulations are relevant for ecosystems and indigenous biodiversity:

- Reserves Act 1977
- Conservation Act 1987

(75) These are discussed below.

Act or Regulation	Comments
Reserves Act 1977	<p>The Reserves Act 1977 contains provisions for the acquisition, control, management, maintenance, development and use of public reserves.</p> <p>If a reserve is vested under the Reserves Act 1977 it must be:</p> <ul style="list-style-type: none"> • classified based on its primary purpose; and • managed in accordance with its purpose. <p>The Act provides for seven different reserve classifications being Recreation Reserve, Historic Reserve, Scenic Reserve, Nature</p>

	<p>Reserve, Scientific Reserve, Government Purpose Reserve and Local Purpose Reserve.</p> <p>Reserve Management Plans, required under the Reserves Act, provide a framework for future management decisions relating to their maintenance, use and development</p>
<p>Conservation Act 1987</p>	<p>The Department of Conservation (DOC) administers a large amount of land Hutt City a wide variety of natural, conservation, historic and recreational values. The Conservation Act's purpose is to promote the conservation of New Zealand's natural and historic resources. It also established and sets out the roles and responsibilities of Department of DOC.</p>

4 Resource management issues

4.1 Introduction to resource management issues

(76) This section discusses the resource management issues for ecosystems and indigenous biodiversity in Lower Hutt, and includes a summary of the evidence base that has informed the identification of resource management issues for the District Plan Review.

(77) For the District Plan Review, the determination of resource management issues for ecosystems and indigenous biodiversity, and the options for addressing those issues, has involved:

- A review of the statutory and strategic context for ecosystems and indigenous biodiversity (outlined in Section 3 of this report),
- A review of the existing approach of the District Plan for ecosystems and indigenous biodiversity,
- A review of the background to ecosystems and indigenous biodiversity for the District Plan Review,
- A review of information on recent resource consents and compliance issues,
- A review of the approaches of other district plans in the Wellington region (outlined in section 3.10 of this report), and
- Engagement with Mana Whenua, the community and other stakeholders (including engagement on a draft District Plan).

4.2 Background

(78) Between 2017 and 2018 Council undertook an Ecology and Landscapes Project, which investigated potential changes to the District Plan to achieve greater alignment with matters in Part 2 of the RMA, the NZCPS and the RPS. This included the identification of potential SNAs in accordance with

criteria in Policy 23 of the RPS. On 29 November 2018, the District Plan Committee resolved not to continue with an approach based on identifying and protecting SNAs through restrictive District Plan provisions, instead favouring an approach based on protecting SNAs through incentives. No further work was undertaken under this project to identify SNAs or to progress towards a plan change.

(79) During the development of the proposed District Plan there has been uncertainty as to national policy direction which will be required to be given effect to by district plans. This includes the preparation of the NPS for Indigenous Biodiversity which was published in July 2023 (see 3.2.2 of this report for further detail). Following a change of government in November 2023, a bill was introduced to suspend some requirements of the NPS for Indigenous Biodiversity, including the identification of SNAs, for a period of three years. The Resource Management (Freshwater and Other Matters) Amendment Act came into force on 25 October 2024 (see 3.1.6 of this report for further detail).

(80) The uncertainty in national policy direction has delayed the commitment to an approach for addressing ecosystems and indigenous biodiversity through the District Plan Review. However on 3 October 2024, the District Plan Committee resolved to provide the following direction:

- Protection of indigenous vegetation in Residential Zones (continuing the current approach of the operative District Plan);
- Protection of indigenous vegetation on public land in the Natural Open Space Zone;
- Provisions to promote restoration and increase of indigenous biodiversity; and
- Information requirements where resource consent is required for activities that have a more than minor impact on biodiversity.

4.3 Evidence base

4.3.1 Existing approach of City of Lower Hutt District Plan

- (81) The approach of the operative District Plan for managing ecosystems and indigenous biodiversity includes:
- District-wide provisions for activities within Significant Natural Resources
 - Provisions in zone chapters which control vegetation removal.
- (82) Significant Natural Resources identify areas of significant flora and fauna, habitats, wetlands, lakes, the coastal environment and geological features. There are 63 Significant Natural Resources, which are spatially defined and included in the planning maps. These were added to the District Plan when the District Plan was first developed in the 1990s/early 2000s.
- (83) The rules of the District Plan for SNRs only apply to public land and identified sites in the coastal environment. These rules effectively require resource consent for any new activities or site development works in the identified areas.
- (84) For residential zones, the District Plan includes a suite of rules that require resource consent for vegetation clearance. However, there are exceptions for:
- Clearing exotic vegetation,
 - Trimming,
 - Removal of trees on Urban Environment Allotments (allotments of 4000m² or smaller, connected to three-waters infrastructure, and with an industrial, commercial or residential building),
 - Removing vegetation:
 - That was planted within a domestic garden for amenity purposes and/or the use of amenity or screening,
 - Within 5 metres of a lawfully established dwelling,
 - Within 3 metres of a lawfully established accessory building with a gross floor area greater than 10m²,
 - To maintain existing open areas, tracks, accessways, fences and onsite services,
 - To maintain existing network utilities,
 - To prevent loss of life, injury or damage to property,
 - To remove dead or diseased vegetation, and
 - In accordance with Tikanga Māori.

- (85) These rules were added to the District Plan in 2021 through decisions from the Environment Court (part of the resolution of an appeal on District Plan Change 36, relating to Notable Trees).
- (86) The following implementation issues have been identified for this existing approach:
- While the rules relating to SNRs do not apply on private land, the District Plan maps identify areas on private land. This can result in confusion for people reading the District Plan.
 - The rules for removing vegetation in residential zones are complicated. At times, this makes them difficult for even experienced plan users to understand.
 - The rules in residential zones do not relate to vegetated areas within these zones which have been identified or spatially defined. This makes it difficult to determine consenting requirements or undertake compliance particularly where removal has been undertaken without seeking resource consent.
 - Within some of the residential zones, there is insufficient direction in the objectives and policies particularly in reference to indigenous biodiversity and ecosystem values, which may guide the assessment of resource consent applications under the rules.
 - The assessment matters for the rules in the residential zones, refer to Policy 23 of the Wellington Regional Policy Statement which outlines criteria for identifying indigenous ecosystems and habitats with significant biodiversity values. This is only useful for assessing applications to the extent that these areas have been identified. While some work towards identifying these areas was undertaken in 2017-2018 through the Ecology and Landscapes Project, this work was not completed and is now out of date.
 - The rules for removing vegetation in residential zones also result in a couple of unusual outcomes. Specifically:
 - Vegetation that is not a tree (such as smaller, lower-lying plants) often requires resource consent in order to be cleared, while larger, more substantial trees can be felled as a permitted activity (unless identified as a notable tree).
 - Vegetation in residential areas (which are often smaller areas where the biodiversity values are limited by the level of development around them) is protected, while vegetation in

other areas (including in open space and rural areas that are often more extensive areas with greater biodiversity values) are not protected.

4.3.2 Analysis of other District Plans

(87) An analysis of five District Plans of adjacent territorial authorities is detailed in Section 3.10 of this report. These District Plans are the most relevant as adjacent territorial areas share ecosystems and indigenous habitats with Lower Hutt. Key findings from this analysis include:

- Significant natural areas (SNAs) where the primary means of identifying land with significant indigenous biodiversity values.
- Most District Plans focused on control of use and development to protect the values of SNAs. Some District Plans had stronger directives for managing activities and effects on SNAs in the coastal environment, or to control new plantation forestry activities.
- In addition to protecting significant indigenous biodiversity values, some District Plans also had broader controls for modifying indigenous vegetation.
- Most District Plans sought to encourage or work collaboratively to restore ecological values where they had been degraded.
- Most District Plans sought to support the exercise of kaitiakitanga by Tangata Whenua.

(88) With regards to the above-summarised approaches to managing indigenous biodiversity within District Plans; due to the amendments made to the RMA which suspended relevant national policy direction, SNAs cannot be identified for inclusion in the proposed District Plan.

4.3.3 Advice from mana whenua

(89) Council has engaged with mana whenua on the district plan review through the Kāhui Mana Whenua engagement group. Mana whenua have advised that the natural environment is of particular significance to them. This includes waterways and their margins, which have been identified as sites and areas of significance to Māori.

4.3.4 Stakeholder and community engagement

- (90) The Ecosystems and Indigenous Biodiversity chapter was not yet developed at the time the Draft District Plan was released for community and stakeholder engagement.
- (91) During 2018, as part of the Ecology and Landscapes Project, engagement was undertaken with owners of land which may potentially be affected by SNAs. There was a strong adverse reaction from the community to restrictive district plan provisions relating to SNAs on private land.

4.3.5 Technical information/advice commissioned

- (92) As part of Council's Ecology and Landscapes Project (2016–2018), ecological consultants Wildlands prepared a report which reviewed the significant natural resource provisions of the operative District Plan, and identified potential land for identification and potential protection as SNAs.
- (93) As part of the ecological context, the report identified that the land within the Lower Hutt territorial area is located in two Ecological Districts:
- Wellington Ecological District – within Lower Hutt this includes the western hills and valley floor including Petone and Seaview (8,139 ha). Approximately 20% of this area has indigenous vegetation cover. The Wellington Ecological District also includes parts of Wellington City, Porirua and Kapiti.
 - Tararua Ecological District – within Lower Hutt this includes Stokes Valley, Wainuiomata and the Eastern Bays, as well as the eastern hills of the valley floor, the Orongorongos and south coast areas such as Pencarrow and Baring Head (29,348 ha). Approximately 74% of this area has indigenous vegetation cover. The Tararua Ecological District also includes Upper Hutt and the Tararua Range.
- (94) As part of this work, Wildlands also undertook assessments to identify potential Significant Natural Areas for Lower Hutt, based on the criteria set by Policy 23 of the Regional Policy Statement for the Wellington Region. While Wildlands prepared a draft report with the findings of their assessments, this report (and the assessment as a whole) were never finalised.

4.4 Summary of issues analysis

- (95) Based on the above sources of information including the statutory and strategic review in Section 3 of this report, the key resource management issues are identified as follows:

4.4.1 Protecting and restoring ecosystems and indigenous biodiversity

- (96) Ecosystems provide many of the services that make life possible for people. This includes cleaning and restoring air and water, reducing atmospheric carbon, nutrient storage and recycling, soil formation and sediment control, and food and other resources. Nature-based solutions such as wetlands and increased vegetation cover increase resilience to the effects of climate change such as increased rainfall and flood events.
- (97) Biodiversity itself is not a function of an ecosystem, but does affect the resilience and function of ecosystems. Areas which have predominant and extensive indigenous vegetation, are likely to provide important habitat for indigenous species and have the highest biodiversity values. However it is important to recognise that other environments, including urbanised areas, also have biodiversity values and that some indigenous fauna are highly mobile and have a range which extends beyond areas of high biodiversity values.
- (98) Use and development, particularly that which modifies natural environments, has the potential to disturb habitats and the functioning of ecosystems. It is therefore important to manage the effects of use and development to safeguard the life-carrying capacity and intrinsic values of ecosystems, and to sustain natural systems and resources to ensure they can meet the needs of future generations. However it is also important to recognise that opportunities to enhance indigenous biodiversity come not only from managing use and development, but also by restoring degraded areas.

4.4.2 Provide for activities

- (99) Use and development should be provided for in a way which enables people and communities to provide for their social, economic and cultural well-being. Some activities may have a functional need or operational need to locate in environments with high indigenous biodiversity values. There are benefits to people's well-being where they are well-connected to nature. Enhancing the understanding and appreciation of indigenous biodiversity values, through connection to nature, can also encourage community contribution to efforts to restore natural areas.

4.4.3 Supporting kaitiakitanga

- (100) It is important to recognise Mana Whenua exercise kaitiakitanga for indigenous biodiversity. Council should actively partner with Mana Whenua (to the extent they wish to be involved) in decision-making for indigenous biodiversity. This includes enabling mātauranga Māori to be applied in managing indigenous biodiversity, supporting Mana Whenua in managing indigenous biodiversity on their land, and identifying and protecting taonga species, populations and ecosystems.

5 Scale and significance assessment

(101) In writing this evaluation report we must provide a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects anticipated from the implementation of the proposal.

(102) In assessing that scale and significance we have had regard to:

Matters of national importance	High - the Ecosystems and Indigenous Biodiversity chapter of the proposed District Plan is a direct response to a matter of national importance in the RMA – the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (s6c).
Other matters	High - several other matters, identified in section 7 of the RMA, are relevant for the Ecosystems and Indigenous Biodiversity chapter. Specifically: <ul style="list-style-type: none"> • Kaitiakitanga, • The ethic of stewardship, • The efficient use and development of natural and physical resources, • The maintenance and enhancement of amenity values, • Intrinsic values of ecosystems, • Maintenance and enhancement of the quality of the environment, and

	<ul style="list-style-type: none"> Any finite characteristics of natural and physical resources.
Degree of change from the operative plan	Low - the approach of the proposed Ecosystems and Indigenous Biodiversity chapter is similar to that of the operative District Plan.
Geographic scale of effects	High - the approach of the proposed Ecosystems and Indigenous Biodiversity chapter would apply specific controls to the proposed Natural Open Space Zone, a zone that would cover a large proportion of Lower Hutt.
Number of people affected	Moderate - While relatively few land owners would be directly affected by the provisions of the proposed Ecosystems and Indigenous Biodiversity chapter (when compared to many other chapters of the proposed District Plan) the provisions would impact a relatively high number of people through their application to public spaces within the Natural Open Space Zone.
Duration of effects	Moderate - the duration of effects may vary depending on the extent that the activity permanently modifies the environment.
Economic impacts	Low - The proposed Ecosystems and Indigenous Biodiversity chapter would have some economic impact, particularly for non-urban environment allotments in residential zones through resource consent requirements that may constrain development on those sites. However, this

	is a continuation of the existing approach of the District Plan for these sites.
Social and cultural impacts	Low – the protection of indigenous vegetation on land in the Natural Open Space Zone will support the connection of people and communities to the natural environment.
Environmental impacts	Low – the provisions will support the protection of indigenous habitats, in a way similar to the current approach.
Health and safety impacts	Low - there are no particular health and safety impacts associated with the proposed Ecosystems and Indigenous Biodiversity chapter, noting that the chapter would provide for vegetation clearance to prevent the loss of life or injury.
Degree of interest from mana whenua	Moderate – the Ecosystems and Indigenous Biodiversity chapter is relevant to the exercise of kaitiakitanga by mana whenua.
Degree of interest from the public	High - while there has been relatively little feedback on the ecosystems and indigenous biodiversity during community engagement for the District Plan Review, this is largely due to there being little focus on this topic during that engagement (with this part of the review being on hold for much of the review while the NPS-IB was in development). However, based on previous Council

	projects, public interest in this topic is high.
Degree of risk or uncertainty	Low - the risk and uncertainty relating to the proposed Ecosystems and Indigenous Biodiversity chapter is low, due to the degree of consistency with the operative approach.

(103) Accordingly, the overall scale and significance of the effects on Ecosystems and Indigenous Biodiversity are **moderate**.

6 Proposed District Plan objectives and provisions

6.1 Overview of the proposed provisions

- (104) The proposed provisions are set out in detail in the proposed District Plan, which should be read in conjunction with his evaluation report.
- (105) The ECO chapter includes one objective:
- ***ECO-O1: Ecosystems and indigenous biodiversity***
Indigenous biodiversity is maintained, and where practicable, restored or enhanced.
- (106) Four policies implement the objective
- ECO-P1: Protecting indigenous biodiversity in rural environments
 - ECO-P2: Protecting indigenous biodiversity in urban environments
 - ECO-P3: Indigenous vegetation removal in the Natural Open Space Zone and residential zones
 - ECO-P4: Managing the adverse effects from indigenous vegetation removal
 - ECO-P5: Restoring and increasing indigenous biodiversity
- (107) The policies are supported by one policy and one method:
- ECO-R1, which controls the removal of indigenous vegetation in the Natural Open Space Zone and residential zones, and
 - ECO-M1, which outlines Hutt City Council will work in partnership with other stakeholders for the restoration of indigenous biodiversity.

7 Evaluation of objectives

- (108) This section is the evaluation of objectives, as required through s32(1)(a) of the RMA.
- (109) An objective is a statement of what is to be achieved through the resolution of a particular resource management issue. A district plan objective should set out a desired end state to be achieved through the implementation of policies and rules.
- (110) Under s75(1)(a) of the Resource Management Act, a district plan must state the objectives for the district.
- (111) Under s32(1)(a) of the Resource Management Act, an evaluation report required under the Act must examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA. The purpose of the RMA, as stated in s5(1) of the Act, is to promote the sustainable management of natural and physical resources.

7.1 Evaluation of Objective ECO-01

ECO-01 – Ecosystems and indigenous biodiversity

Indigenous biodiversity is maintained, and where practicable, restored or enhanced.

Relevance

- ECO-01 aligns particularly with issue 4.4.1 as it seeks as outcomes the maintenance, restoration and enhancement of ecosystems and indigenous biodiversity.
- The outcomes of ECO-01 also provide the potential to support the kaitiakitanga of Mana Whenua (issue 4.4.3).

Usefulness

- The inclusion of indigenous biodiversity as a defined term is useful as it provides clarity in the objective as to what is ought to be maintained, restored and enhanced.
- Including restoring and enhancing indigenous biodiversity in the objective is useful as it indicates that restrictive provisions to protect existing habitats are not the only means to achieve the outcomes of the objective.

- The proposed objectives assist the Council in undertaking its functions under section 31, as it relates to the protection of land for the purpose of the maintenance of indigenous biological diversity.

Reasonableness and Achievability

- The objective is reasonable as it supports the purpose of the Act, particularly safeguarding the life-supporting capacity of ecosystems. Maintaining indigenous biodiversity is consistent with the wording of the objective of the NPS for Indigenous Biodiversity.
- The outcomes to restore and enhance indigenous biodiversity are reasonable and achievable, as they are qualified by the words “where practicable”.
- There may be some tensions between the outcomes sought by the objective, and the objectives of zone chapters which include outcomes to provide for activities. However, such tensions can be resolved within the provisions of the chapter.
- The outcome sought by the proposed objectives can be achieved without imposing a significant regulatory burden on people undertaking land use and development under the District Plan (although the policies and rules that implement the objective would have a greater influence on this).

Alternatives

- **Status quo**

The operative District Plan includes a chapter for Significant Natural, Cultural and Archaeological Resources, which includes the following objective:

Objective 14E 1.1 –

To identify and protect significant natural, cultural and archaeological resources in the City from inappropriate subdivision, use and development.

Residential zone chapters include provisions controlling vegetation removal, however these do not implement zone chapter objectives with outcomes for indigenous biodiversity.

Applying a status quo approach, could include a focus in the objective in identifying and protecting significant areas of indigenous habitats. Although this approach aligns with the NPS – Indigenous Biodiversity and the Wellington RPS, Council are constrained from taking this approach due to the RM (Freshwater and Other Matters) Amendment Act 2024, which suspends the identification of SNAs in district plans. The existing significant natural resources (SNRs) cannot be carried over into the District Plan as SNAs without being assessed against the relevant RPS criteria.

- **Providing for activities**

This alternative would be to include an objective which provides for activities which may have benefits to social, economic, cultural and environmental wellbeing, and which have a functional or operational need to locate in areas of indigenous habitat or which

require the removal of indigenous vegetation. This address issue 4.4.2 and would align with the NPS – Indigenous Biodiversity (Objective 1 and Policy 10).

The alternative is not proposed, as ECO-01 is to be read in conjunction with the zone chapters. These chapters include objectives which set outcomes for providing for appropriate activities. Particularly as the Ecosystems and Indigenous Biodiversity chapter does not identify significant areas of indigenous habitats, there is not a need for specific outcomes in the chapter for providing for activities in relation to indigenous biodiversity.

- **Providing for kaitiakitanga**

This alternative would be to include an objective to support of the exercise of kaitiakitanga by tangata whenua. This would address issue 4.4.3 and align with Objective 1 and Policies 1 and 2 of the NPS – Indigenous Biodiversity.

The Strategic Directions chapter includes objectives which acknowledge and provide for the role of tangata whenua as kaitiaki in the protection and management of natural and physical resources (TW-01) and enable their active participation in the implementation of the District Plan. The potential to support tangata whenua kaitiaki is particularly enabled through the outcomes in ECO-01 for restoring and enhancing indigenous biodiversity.

Summary

ECO-01 sets clear outcomes for managing indigenous biodiversity in Lower Hutt, which particularly supports issue 4.4.1 and complements other objectives in the district plan. It is reasonable to seek to maintain indigenous biodiversity, as this aligns with national policy direction and current restrictions on not identifying significant areas. The objective will be achievable if supported by appropriate implementing provisions.

8 Evaluation of policies, rules and other methods

- (112) Policies and rules implement, or give effect to, the objectives of a plan.
- (113) Policies of a district plan are the course of action to achieve or implement the plan's objective (i.e. the path to be followed to achieve a certain, specified, environmental outcome). Rules of a district plan implement the plan's policies, and have the force and effect of a regulation.
- (114) Under s32(1)(b) of the Resource Management Act, an evaluation report required under the Act must examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
- (i) identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) summarising the reasons for deciding on the provisions.*
- (115) Under s32(2) of the Resource Management Act, the assessment of the efficiency and effectiveness of the provisions must:
- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) economic growth that are anticipated to be provided or reduced; and*
 - (ii) employment that are anticipated to be provided or reduced; and*
 - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*

(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

Note on quantification of benefits and costs

- (116) Under Section 32(2)(b), the benefits and costs assessed should be quantified if practicable.
- (117) Specific quantification of all benefits and costs associated with the proposed District Plan is considered neither practicable nor readily available. In general, a qualitative assessment of costs and benefits associated with the proposed District Plan is considered sufficient, and this is provided for in the below evaluation of policies, rules and other methods. However, where practicable and considered appropriate to supporting the evaluation, some of the benefits or costs associated with the proposed District Plan have been quantified. The identification of costs and benefits has been informed by the body of evidence outlined in section 4.3 of this report.

Note on risk of acting / not acting if information is uncertain or insufficient

- (118) Under Section 32(2)(c) the assessment of efficiency and effectiveness of provisions must include an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- (119) Due to the restriction on Councils identifying significant areas of indigenous habitats or vegetation, there is inevitably a shortfall of information available for the management of indigenous biodiversity in Lower Hutt. However there is not uncertainty in relation to the proposed provisions which are largely a carry over of provisions from the operative District Plan.
- (120) To the extent that any information is uncertain or insufficient, the risk of not acting may be that there native habitats are not adequately protected and there is a loss in indigenous biodiversity in Lower Hutt. Provisions which are not able to be targeted to significant areas have the potential to be unnecessarily restrictive on non-significant areas.

Note on implementation of the NPS for Indigenous Biodiversity

(121) The provisions of the Ecosystems and Indigenous Biodiversity chapter do not implement some parts of the NPS-IB, specifically with regard to:

- The assessment and identification of SNAs,
- The maintenance and restoration of indigenous biodiversity on specified Māori land,
- The identification and protection of taonga indigenous species, populations and ecosystems, and
- Managing effects on highly mobile fauna and their habitats.

(122) This is due to the following reasons:

- The requirements for assessing and identifying SNAs have been suspended for a period of three years from 25 October 2024, by the Resource Management (Freshwater and Other Matters) Amendment Act 2024.
- At the time of developing these provisions, habitat areas of highly mobile fauna have not been identified by the regional council.
- Council have not undertaken the necessary consultation including with tangata whenua, landowners and other community stakeholders to implement these parts of the NPS-IB. This is due to uncertainty of the requirements of the NPS-IB during the development of the proposed District Plan.

8.1 Evaluation of provisions

(123) **ECO-P1** identifies the approach for protecting indigenous biodiversity in rural environments is to control indigenous vegetation within the Natural Open Space Zone.

(124) **ECO-P2** identifies the approach for protecting indigenous biodiversity in urban environments is to control indigenous vegetation within residential zones.

(125) **ECO-P3** identifies the circumstances in which indigenous vegetation removal in these zones is allowable.

- (126) **ECO-P4** provides direction on how to assess effects on ecosystems and indigenous biodiversity values, including an effects management hierarchy.
- (127) The above policies are implemented by **ECO-R1** which enables the removal of exotic vegetation, and **ECO-R2** which controls the removal of the indigenous vegetation in the Natural Open Space Zone and residential zones.
- (128) Information requirements are specified for resource consent applications made under **ECO-R2**. Applications for activities which will have more than minor adverse effects on indigenous biodiversity, are to be supported by a report prepared by a suitably qualified ecologist.
- (129) **ECO-P5** outlines how Council will work in partnership to protect, restore and maintain indigenous biodiversity. This policy is implemented by **ECO-M1**, which identifies priority areas for restoration when working in partnership with mana whenua, landowners and other stakeholders.

- **ECO-P1 Protecting indigenous biodiversity in rural environments**
- **ECO-P2 Protecting indigenous biodiversity in urban environments**
- **ECO-P3 Indigenous vegetation removal in the Natural Open Space Zone and residential zones**
- **ECO-P4 Managing the adverse effects from indigenous vegetation removal**, these policies collectively implemented by:
 - **ECO-R1 Exotic vegetation removal**
 - **ECO-R2 Indigenous vegetation removal**
- **ECO-P5 Restoring and increasing indigenous biodiversity**, implemented by:
 - **ECO-M1 Restoring indigenous biodiversity**

Why these provisions are included in the proposed District Plan

These provisions implement ECO-O1 and provide for both the protection of existing native habitats, as well as the encouragement of restoration and enhancement of indigenous biodiversity.

Efficiency and effectiveness

Benefits

- Supports the protection of indigenous biodiversity values on publicly owned land in rural environments. Although areas of land with significant indigenous biodiversity values have not been identified, land selected for inclusion in the Natural Open Space Zone is generally associated with relatively higher natural environment values.
- The provisions protecting indigenous biodiversity values in the Natural Open Space Zone, including exemptions for current activities such as maintaining open space areas and public access tracks, will support public access and connection to the natural environment.
- The provisions will not constrain the economic development of land outside the Natural Open Space Zone or residential zones.
- Supports the protection of indigenous biodiversity values on residential land in urban environments.
- Exemptions to provisions protecting indigenous vegetation in residential zones, including for trees on Urban Environment Allotments and vegetation in proximity to dwellings, will ensure that residential use or further development of these sites will not be unduly constrained.
- The protections on residential land will largely carry over the approach of the operative District Plan providing certainty to property owners and applicants.
- Encourages the restoration of indigenous biodiversity values through working in partnership with tangata whenua and other community stakeholders, thereby supporting the exercise of kaitiakitanga by tangata whenua and community cohesiveness.

Costs

- Indigenous habitats and vegetation on land outside the Natural Open Space Zone or residential zones will not be protected by these provisions. This may result in the degradation of ecosystems and an overall loss of biodiversity in Lower Hutt. There is no known evidence to suggest the operative District Plan provisions (of which the proposed provisions are largely a continuation) have resulted in an overall loss in biodiversity values in Lower Hutt, however a thorough assessment has not been undertaken.
- The lack of provisions identifying and protecting indigenous species, populations and ecosystems which are taonga, may constrain the exercise of kaitiakitanga by tangata whenua.
- There will be a cost to applicants in applying for resource consent, particularly where an ecological assessment is required.

Overall assessment

In the absence of identifying significant indigenous vegetation or significant habitats of indigenous fauna, the provisions are effective in protecting indigenous biodiversity in the District Plan zone most associated with natural environment values (the Natural

Open Space Zone). Indigenous biodiversity values are less significant in urbanised areas, but the provisions for residential zones will ensure some protection of native habitats in urban environments. ECO-M1 provides clear direction on priority areas for restoring and enhancing indigenous biodiversity. Thereby the provisions are effective in implementing ECO-O1.

ECO-R2, which controls the removal of indigenous vegetation, includes a number of exemptions to ensure the existing use of sites are not unduly constrained. Information requirements for applications to be supported by an ecological assessment are only triggered where effects on indigenous biodiversity values will be more than minor. Thereby the provisions are efficient and will not place undue constraints on applicants.

Reasonably practicable alternatives

- **No provisions for indigenous biodiversity**

Under this alternative, no provisions would be included in the Proposed District Plan to address indigenous biodiversity. The rationale for this approach would be to update the District Plan once the statutory requirements are more certain. One reason for choosing this alternative would be that it would remove the implementation issues of the current residential rules and SNRs by removing them altogether.

The benefits of this alternative are that it would be the most straightforward to implement and would enable the most new land use and development.

However, it creates the greatest risk of the loss of biodiversity values and other benefits of indigenous vegetation (such as amenity values and carbon sequestration) and would be less effective than the Operative District Plan at protecting indigenous biodiversity.

This alternative is not proposed as of the options considered, it is the furthest from meeting the requirements of the NPS-IB, NZCPS and RPS.

- **Status quo**

Under this alternative, the current provisions of the Operative District Plan would be retained, specifically:

- Identification of the SNRs with rules to protect the areas identified, and
- Vegetation protection rules in residential zones.

Under this option, the SNRs would be amended to only identify SNRs on public land to ensure the Proposed District Plan to remove the confusion created by mapping areas where rules don't apply.

This alternative would ensure that the Proposed District Plan would be as effective as the Operative District Plan at managing impacts on indigenous biodiversity, which means that areas with significant indigenous biodiversity values on private land outside of residential zones are effectively protected through voluntary protection.

This alternative is not recommended as while the Proposed District Plan is unable to fully meet the requirements of the higher order documents, more can be done to better meet those requirements than what is done in the Operative District Plan.

- **More extensive restrictions**

This alternative would be the continuation of the status quo plus:

- Protection of indigenous vegetation in all zones, and
- Introduction of the non-SNA requirements of the NPS-IB.

This alternative would bring in protection of indigenous vegetation in all zones (similar to the approach of the Operative District Plan for residential zones) and would introduce the non-SNA requirements of the NPS-IB where possible.

While this alternative would present the greatest level of protection for indigenous vegetation, it would have the greatest impact on new land use and development, including in areas where the values associated with the indigenous vegetation are relatively low.

In addition, this alternative has the key drawback of imposing restrictions on properties where there has been no engagement with the affected property owners. There is a clear expectation in the NPS-IB that implementation of the NPS-IB needs to involve tangata whenua, people and communities.

9 Summary

- (130) This report has been prepared to set the context for the Renewable Electricity Generation chapter of the proposed District Plan. The evaluation has been undertaken in accordance with section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposed chapter, having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as it:
- Represents an increase in effectiveness compared to the operative District Plan, particularly through greater protection in public land, promotion of restoration and information requirements.
 - Increases protection of indigenous biodiversity on public land in the Natural Open Space Zone, a zone that is characterised by high levels of natural, ecological and landscape values.
 - Identifies priority areas for restoration when working in partnership with tangata whenua and other community stakeholders.