

INF hearing notes – Amelia Geary, Forest & Bird

Hearing #6

23 September 2026

Under the exemption version of the proposed plan, there is significant uncertainty regarding how infrastructure and renewable electricity generation in Lower Hutt occurs to ensure s6 of the RMA is given effect.

We don't consider, for example, that you can rely on the existing rules in the Operative District Plan regarding vegetation clearance to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna (s6(c)) or to maintain indigenous biological diversity (s31(1)(b)(iii)). Those operative plan rules only apply in specific residential zones and would not protect or manage adverse effects on any areas outside those zones.

Forest & Bird is concerned with the s42A officer's approach with respect to how the NPS for Renewable Electricity Generation is applied to the REG chapter.

The officer suggests that Forest & Bird's concerns regarding protection for biodiversity are not left unregulated and suggests the corresponding provisions in the ODP will continue to apply where relevant, including the provisions and mapping associated with the Significant Natural Resources overlay.

However, no analysis of the ODP is presented to demonstrate that effects can be appropriately managed in accordance with s6c.

The provisions and mapping associated with the Significant Natural Resources overlay under the operative plan were not made in accordance with significance criteria in the RPS, they occur almost exclusively on public land and would not address large or community scale REG proposals on private land, where they are more likely to occur.

I would also like to mention that Hutt City Council did commission Wildlands to undertake a district-wide assessment of significant natural areas back in 2017. The Introduction of that report outlines the work was needed for the following reasons:

- The Regional Policy Statement needed to be given effect to;
- Sunset clauses in the District Plan relating to significant natural resources constrain the protection of such resources on private land;
- Existing provisions in the District Plan could be made more efficient and effective.

The report remains in draft but the mapping clearly demonstrates the extensive biodiversity values across Hutt City, particularly in the rural and coastal environment.

However, to give you a worked example under the current situation:

Hutt City receives a resource consent application for a community scale renewable energy project in the general rural zone, down the Coast Road, adjacent to Baring Head.

The activity is to occur on private land, near the coast, however there are no longer overlays identifying an Outstanding, High and Very High Coastal Natural Character Area, or an Outstanding Natural Feature or landscape etc (previously in the proposed District Plan) and for which no such overlay exists in the operative District Plan.

Under the recommended amendments to the proposed district plan appended to the s42A report, any application for consent for a community scale renewable energy project in these sensitive environments would be a permitted activity (REG-R6).

Removal of these overlays from the REG rule standards, without any alternative restriction, means renewable energy generation is now more permissive under the proposed plan than originally proposed and more permissive than under the operative plan. For example, under the operative plan, Rule 14L 2.1.10 makes an application for community scale renewable energy generation a restricted discretionary activity and includes effects on natural character is a matter of discretion. However, we understand that the proposed REG provisions in the exemption version would replace REG provisions in the operative plan. This would mean that our example of a “community scale renewable energy project in the general rural zone, down the Coast Road, adjacent to Baring Head” could go ahead with no consideration or management of adverse effects on important coastal values which the council should be protecting to give effect to the NZCPS.

In respect of Forest & Bird’s submissions on the REG provisions, the officer’s s42A report simply notes Forest & Bird’s concerns, says they are now out of scope and suggests any equivalent provisions of the ODP will be retained.

However, Forest & Bird’s position is that no such equivalent provisions exist in the operative plan.

Without the indigenous vegetation clearance limits or natural character protections that could usually be expected to apply under ECO, Natural Character or Coastal Environment chapter provisions, it is difficult to see how Part 2 will be achieved. The only way that such effects could be considered would be by having greater restrictions on the scale of development at the permitted activity level so that effects can be considered by having regard to the higher order planning documents via consent processes. But this approach still lacks Policy direction within the REG chapter. Whether it is possible under the exemption to include policy direction for effects management, including on s6 matters, is considered in our legal submissions.

Hutt City Council needs to consider how such effects can be managed in this proposed district plan exemption version in a way that gives effect to higher order documents, including the Wellington RPS, NZCPS, various NPSES and that recognises and provides for s6 of the RMA.