

**BEFORE THE HEARING PANEL APPOINTED TO HEAR AND MAKE DECISIONS ON SUBMISSIONS
AND FURTHER SUBMISSIONS ON THE PROPOSED WELLINGTON DISTRICT PLAN**

IN THE MATTER of the Resource Management Act 1991 (the
Act)

AND

IN THE MATTER of Hearing of Submissions and Further
Submissions on the Proposed Wellington
District Plan under Schedule 1 of the Act

**SUBMITTER STATEMENT ON BEHALF OF GREATER WELLINGTON REGIONAL
COUNCIL – HEARING STREAM 11**

11 September 2024

SUBMITTER STATEMENT ON BEHALF OF GREATER WELLINGTON REGIONAL COUNCIL FOR HEARING STREAM 11 ON INDIGENOUS BIODIVERSITY

1. This Hearing Statement has been prepared on behalf of Greater Wellington Regional Council (Greater Wellington) and represents Greater Wellington's views. It is not expert evidence. Officers will be attending the hearing to speak to Greater Wellington's submission and this Hearing Statement.
2. This hearings statement focuses on:
 - a) the identification of significant natural areas (SNAs) in residential zones in the Proposed District Plan (PDP); and
 - b) the addition of new SNAs to identify areas of significant bird habitat and active and stabilised dunelands, which are threatened ecosystems (endangered)

It responds to the reporting officer's recommendations to not add SNAs identified on residentially zoned land in the PDP, and evidence required to add the new SNAs as above to the PDP.

Background

3. Greater Wellington made a number of submission points on ecosystems and indigenous biodiversity and the Proposed District Plan as a whole. These include 351.14, 351.31, 351.32, 351.33, 351.38, 351.47, 351.95, 351.96, 351.144, 351.145, 351.147, 351.148, 351.149, 351.150, 351.151, 351.152, 351.153, 351.154, 351.155, 351.156, 351.157, 351.326, 351.327, 351.328, 351.345, 351.346, 351.347, 351.349, 351.348, and 351.350.
4. Greater Wellington supports the Hearing Stream 11 Reporting Officer's Section 42A recommendation that the ECO chapter provisions relating to partnering with mana whenua in the management of activities that affect indigenous biodiversity require further amendments. Greater Wellington notes the intent to defer this work to a future Te Ao Māori plan change to allow more fulsome engagement and consider that this should be a priority [submission points 351.147, 351.148]. Greater Wellington supports the majority of recommendations regarding Appendices 2 and 3 which set out requirements

for biodiversity offsetting and biodiversity compensation respectively. These matters are not addressed further in this Hearing Statement.

Relief sought regarding identification of SNAs

5. Greater Wellington acknowledges and supports the existing direction in the PDP to promote, restore and protect the city's indigenous biodiversity, as well as the efforts to give effect to and reconcile competing higher order direction. Greater Wellington commends the work done to date on this.
6. Greater Wellington submission points 351.345 and 351.346 support WCC's identification of SNAs as giving effect to:
 - a. Policy 23 of the Regional Policy Statement (RPS), but seeks that the decision to exclude SNAs identified on residentially zoned land is reversed. Omitting SNAs on residentially zoned land from the PDP is contradictory to both Section 6(c) of the Resource Management Act 1991 (RMA), which states that 'the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna' is a matter of national importance and obligates local authorities to recognise and provide for this matter under sections 30 and 31; and
 - b. Policy 24 of the RPS, which requires district councils to protect all areas identified in accordance with Policy 23 through provisions in their district plan. Further, the omission of identified SNAs on residentially zoned land is inconsistent with WCC's aspiration and visions for the protection and restoration of the city's indigenous biodiversity and does not give effect to Objective NE-O1: "The natural character, outstanding landscapes and features, and areas of significant indigenous biodiversity that contribute to the City's identity, including those that have significance for mana whenua as kaitiaki are identified, recognised, protected and where possible, enhanced."
7. As the Section 42A report author acknowledges, national and regional direction on identification of SNAs do not provide any exception for identifying SNAs on residential

zoned land, and the notified PDP is accordingly inconsistent with this requirement. However, the report author does not recommend that the matter is resolved in this hearing process for several reasons, which are addressed individually below.

Natural justice

8. The Section 42A report states that over 1300 landowners would be directly affected by the identification of SNAs on residentially zoned land, and the vast majority of these would have no ability to enter the hearing process should SNAs on their land be included at this stage.
9. Section 4.2 of the Section 42A report describes the 'Backyard Taonga' project, which included a public engagement campaign in 2019 and direct engagement with approximately 1700 landowners whose properties had been identified as containing part of an SNA (from desktop assessment by Wildlands ecologists); an example of the information sheets and engagement letter was provided in Appendix I of the report.
10. The letter includes an invitation to contact Wellington City Council (WCC) for a site visit or further information, as well as a timeline of consultation periods on the draft and proposed District Plan. Although it is not clear that WCC's 23 June 2022 decision¹ to exclude SNAs on residentially zoned land was proactively communicated to affected landowners, it is reasonable to assume that any affected landowner who received a letter was provided with sufficient notification that part of their land may be subject to SNA mapping in the PDP, whether they chose to engage further with WCC or not. It is further reasonable to assume that, once submissions on the PDP were open, those landowners would have had the opportunity to ascertain that the PDP SNA maps did not include their land and may therefore have decided that it was unnecessary to make a submission. As such, Greater Wellington acknowledges that a natural justice issue exists should SNAs in residential zones be introduced through this hearing process.
11. However, Greater Wellington does not accept that this matter should be entirely reserved

¹ [Minutes of Pūroro Āmua | Planning and Environment Committee - Thursday, 23 June 2022 \(wellington.govt.nz\)](https://www.wellington.govt.nz/minutes-of-puroro-amua-planning-and-environment-committee-thursday-23-june-2022)

for a future RMA plan change process; relief sought is outlined below in paragraph 21.

Amendment Bill

12. The reporting officer notes that the Amendment Bill is expected to come into force before decisions on this topic have been made by WCC. Post-commencement, the Bill may affect identification of future SNAs
13. Greater Wellington acknowledges the reporting officer's proposal to introduce a new objective, policy, and rule (ECO-O2, ECO-P8, and ECO-R4) to give effect to and reconcile objective 1 and policy 6 of the National Policy Statement on Urban Development 2020 (NPS-UD) and National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB) Clause 3.16. Clause 3.16 manages effects on indigenous biodiversity outside SNAs and the new provisions are intended to provide a level of protection which would include areas of significant indigenous biodiversity on residentially zoned land. The Amendment Bill would not affect WCC's requirement to give effect to Clause 3.16.
14. As the reporting officer notes in paragraph 131, the Amendment Bill also would not affect WCC's ability to identify and protect new or additional SNAs under directive from policies 23 and 24 of the RPS, or obligation under section 6 of the RMA.

Economic implications

15. Greater Wellington notes Mr Norman's economic report provided as Appendix F to the Section 42A report regarding the economic implications of SNA identification in the PDP.
16. However, as noted above, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is an existing requirement as a matter of national importance under RMA s6(c).
17. We note that the section 32 and Cost Benefit Assessment reports prepared as part of the NPS-IB Regulatory Impact Statement consider that "the aggregate, long-term and cumulative benefits of implementing the NPS-IB (which reiterates the requirement to identify significant natural areas) will, on balance, outweigh the expected aggregate and generally short-term costs. The benefits of the NPS-IB will take time to be realised. They

are long-term, cumulative effects that are critical for the wellbeing of current and future generations of all New Zealanders. In comparison, the costs of implementing the NPS-IB involve short-term administrative costs and potential opportunity costs for specific stakeholders.”²

18. For the reasons above, Greater Wellington does not agree with excluding SNAs identified on residential land within the PDP because of economic implications.

Relief sought

19. Although Greater Wellington supports in part the officer’s recommendation to delay identification of SNAs on residentially zoned land for a future RMA plan change process, Greater Wellington seeks further relief as below.

20. Greater Wellington seeks that WCC apply SNAs to all zones as intended by section 6 of the RMA and Policy 23 of the RPS.

21. However, recognising natural justice issues as addressed above, Greater Wellington seeks the following approach:

- a. insert interim provisions to protect biodiversity on SNAs on residentially zoned land identified through the Backyard Taonga project; these should apply when considering an application for a resource consent, notice of requirement, or a change, variation, or review of a district or regional plan;
- b. as soon as possible, introduce a plan change or variation to insert SNAs identified through the Backyard Taonga project into the PDP

22. Greater Wellington considers that this approach will allow WCC to take the time required to give full effect to the RPS and RMA, while still giving partial effect to that direction and also protecting SNAs in all zones. This would also provide WCC with some time to carry out more appropriate engagement with affected landowners and further develop an incentives programme if so desired.

² [RIS-National-Policy-Statement-for-Indigenous-Biodiversity.pdf \(environment.govt.nz\)](#) pg. 4.

Addition of new SNAs in dunelands and significant bird habitat

23. Greater Wellington submitted [351.347] seeking the addition of new SNAs to cover areas of significant bird habitat in parts of Island Bay, Lyall Bay, Owhiro Bay, Tongue Point, Makara Estuary, and Pipinui Point South; and active and stabilised dunelands in Worser Bay (southern end), Seatoun Beach, Churchill Park, Island Bay (north area, playground, south end), Owhiro Bay (southeast end), Waiariki Stream, and Makara Beach (east end).
24. The reporting officer has rejected this submission on the grounds that he has not been supplied with the necessary information in order to fully evaluate its appropriateness. In an email of August 5 2024 , WCC requested the following:
- a. Comparison of the proposed sites with existing PDP SNAs
 - b. Identification of landowners for the additional sites
 - c. Assessment of the proposed sites against the criteria laid out in RPS Policy 23 and the NPS-IB
25. At the time Greater Wellington did not have the time nor resource to respond fully to these queries. These are addressed individually below:
- a. Maps showing the proposed sites were provided via email on August 14 2024, and updated maps showing comparison of the proposed sites with existing PDP SNAs were provided on August 19 2024 via email.
 - b. The identification of landowners is well within the capabilities of WCC and is not dependant on Greater Wellington's resource to determine.
 - c. As noted in Greater Wellington's email of 19 August, the proposed sites had been assessed against the criteria in RPS Policy 23 for the regional plan. The areas of significant habitats for indigenous birds were subject to a June 2020 review³ (McArthur, 2020) which assessed the significant habitats against the criteria in RPS Policy 23 and led to updates of the plan as required. As the

³ [Greater Wellington — A review of coastal and freshwater habitats of significance for indigenous birds in the Wellington region \(gw.govt.nz\)](https://www.gw.govt.nz/research-and-reports/351-347-greater-wellington-coastal-freshwater-habitats-significance-indigenous-birds/)

reporting officer notes, the identification criteria for identifying SNAs in RPS Policy 23 is “very consistent with the criteria set out in the NPSIB”.⁴ Greater Wellington has identified natural dunelands as areas of sand or gravels with representative duneland flora, including a community of indigenous species typical of duneland habitat. Active and stabilised sand dunes are nationally threatened ecosystems (endangered)⁵; all dunelands in the Wellington region are therefore considered significant.

26. RPS Change 1 also includes direction to prioritise and protect nature-based solutions, including dunelands which can provide resilience from the impacts of climate change on people and the built environment. Including the proposed areas of duneland as SNAs would help to give effect to this direction, noting that decisions on Change 1 are expected in late September.

27. Given that the identified duneland areas are regionally significant and within WCC’s jurisdiction, Greater Wellington does not see any reason why these should not be included in the PDP.

28. Greater Wellington is also recommending that SNAs be applied to all zones, albeit with provisions to protect SNAs identified in residential zones. As such, Greater Wellington considers that any remaining analysis required before adding the new SNAs for significant bird habitat and dunelands should be carried out by WCC.

30. Therefore, Greater Wellington seeks that the additional identified SNA sites for significant bird habitat and dunelands are included in the PDP. If concerns about natural justice are raised, Greater Wellington seeks that at a minimum, the PDP is updated to include those areas of significant bird habitat and dunelands that are on public land; alongside the relief sought above in paragraph 21 to protect these areas and prioritise a plan change or variation to add them to the PDP.

⁴ [sectin-42a-report---eco-and-inf-eco.pdf \(wellington.govt.nz\)](#), table 1, pg. 24.

⁵ Holdaway et al., 2012. <https://conbio.onlinelibrary.wiley.com/doi/abs/10.1111/j.1523-1739.2012.01868.x>