



# KOMITI AROTAKE MAHERE Ā-ROHE DISTRICT PLAN REVIEW COMMITTEE

26 September 2024

Order Paper for the meeting to be held in the  
Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt,  
on:

**Thursday 3 October 2024 commencing at 10:00 am**

The meeting will be livestreamed on Council's YouTube page

## Membership

	Cr B Dyer (Chair)
	Cr S Edwards (Deputy Chair)
Mayor C Barry	Cr J Briggs
Deputy Mayor T Lewis	Cr A Mitchell
Cr K Morgan	Cr N Shaw
Richard Te One, Mana Whenua Representative (Te Āti Awa, Taranaki)	

For the dates and times of Council Meetings please visit [www.huttcity.govt.nz](http://www.huttcity.govt.nz)

### **Have your say**

[You can speak under public comment to items on the agenda to the Mayor and Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this by emailing \[DemocraticServicesTeam@huttcity.govt.nz\]\(mailto:DemocraticServicesTeam@huttcity.govt.nz\) or calling the Democratic Services Team on 04 570 6666 | 0800 HUTT CITY](#)

## KOMITI AROTAKE MAHERE Ā-ROHE | DISTRICT PLAN REVIEW COMMITTEE

<b>Chair:</b>	Cr Brady Dyer
<b>Deputy Chair:</b>	Cr Simon Edwards
<b>Membership:</b>	<p>Mayor Campbell Barry            Cr Josh Briggs            Deputy Mayor Tui Lewis            Cr Andy Mitchell            Cr Karen Morgan            Cr Naomi Shaw            Richard Te One, Mana Whenua Representative (Te Āti Awa, Taranaki)  <i>Up to two representatives nominated by Iwi and appointed by Council</i></p> <p>Note: Elected members should hold current certification under the Making Good Decisions Training Assessment and Certification Programme for RMA Decision-Makers. The Chair should in addition hold Chair certification</p> <p>Standing Order 31 outlining the provisions of Mana Whenua do not apply to this committee and Iwi appointees will have full voting rights as members of the Committee under Standing Orders</p>
<b>Quorum:</b>	Half of the members
<b>Meeting Cycle</b>	Meets on an eight-weekly basis or at the requisition of the Chair
<b>Reports to:</b>	Council

### AREAS OF FOCUS:

- Undertake a full review of the District Plan and development of a Proposed District Plan
- Urban design and spatial planning
- Resource Management Act reform
- Mana Whenua partnership

### MANA WHENUA MEMBERSHIP:

Mana Whenua membership will facilitate a collaborative approach to the District Plan review, and other District Plan matters that arise to ensure that appropriate relationships

and processes are facilitated to:

- enable genuine partnership between Iwi and Hutt City Council at a governance level;
- promote shared decision-making in city planning; and
- ensure the perspectives and aspirations of iwi are effectively integrated into the District Plan Review.

Members are committed to ensuring Te Awa Kairangi ki Tai is able to develop in a prosperous manner, while also actively protecting significant natural, cultural, spiritual and built assets.

Members recognise the autonomy and right of Mana Whenua to exercise their respective authority in order to meet their responsibilities to their people.

#### **SHARED VALUES:**

- Whanaungatanga – building a strong partnership with an inter-generational view of the sustainable prosperity and wellbeing of Te Awa Kairangi ki Tai.
- Manaakitanga – placing the care of our whānau and community at the centre.
- Kaitiakitanga – caring for and protecting our environment.
- Whakapono – working together in good faith with honesty and transparency.
- Kotahitanga – working together with Mana Whenua and the wider community to achieve agreed outcomes.

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#### **DISTRICT PLAN DELEGATIONS:**

Undertake a full review of the City of Lower Hutt District Plan, including establishing a District Plan work programme and monitoring its implementation.

- Consideration of matters related to the preparation and ongoing monitoring of the City of Lower Hutt District Plan.
- Preparation of required Changes and Variations to the City of Lower Hutt District Plan for Council approval to call for submissions.
- Approval of the draft District Plan for consultation.
- Make recommendations to Council on the statutory notified proposed District Plan.
- Make recommendations to Council on private District Plan Change requests for Council to accept, adopt or reject.
- Approve Council submissions on Resource Management-related matters, as well as the ability to delegate this approval to the Chief Executive.
- The Chair of the committee, in conjunction with the Chief Executive, is authorised to appoint a District Plan Hearings Subcommittee of suitably qualified persons to conduct hearings on behalf of the committee.

**GENERAL:**

Any other matters delegated to the committee by Council in accordance with approved policies and bylaws.

**NOTE:**

Manatū mō te Taiao | Ministry for the Environment advocates that Councils offer specialist RMA training in areas of law that are difficult to grasp or where mistakes are commonly made. This is to complement the Good Decision Making RMA training that they run (which is an overview and basic summary of decision making, rather than an in-depth training in specific areas of the RMA). Therefore to facilitate this, the RMA training run for councillors that wish to become hearings commissioners is mandatory.

Reasons for the importance of the training:

1. Hearings commissioners are kept abreast of developments in the legislation.
2. Legal and technical errors that have been made previously are avoided (many of which have resulted in Environment Court action which is costly, time-consuming and often creates unrealistic expectations for the community).
3. The reputation of Council as good and fair decision-makers or judges (rather than legislators) is upheld.

## HUTT CITY COUNCIL

### KOMITI AROTAKE MAHERE Ā-ROHE DISTRICT PLAN REVIEW COMMITTEE

Meeting to be held in the Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt  
on  
Thursday 3 October 2024 commencing at 10:00 am.

#### ORDER PAPER

#### PUBLIC BUSINESS

#### 1. OPENING FORMALITIES - KARAKIA TŪTURU: TĒNEI AU

Tēnei au	This
Tēnei au te hōkai nei o taku	This is the journey of sacred footsteps
tapuwae	Journeyed about the earth journeyed
Ko te hōkai nuku ko te hōkai	about the heavens
rangi	The journey of the ancestral god
Ko te hōkai a tō tupuna a Tāne-	Tānenuiarangi Who ascended into the
nui-a- rangi	heavens to Te Tihi-o- Manono
Ka pikitia ai ki ngā rangi tūhāhā	Where he found Io, the parentless source
ki te Tihi-o-Manono	From there he retrieved the baskets of
Ka rokohina atu rā ko Io-Matua-	knowledge Te kete-tuauri
Kore anake	Te kete-tuatea Te kete-aronui
Ka tikina mai ngā kete o te	These were distributed and implanted
wānanga	about the earth
Ko te kete-tuauri	From which came human life Growing
Ko te kete-tuatea	from dim light to full light
Ko te kete-aronui	There was life.
Ka tiritiria ka poupoua	
Ka puta mai iho ko te ira tāngata	
Ki te wheiao ki te ao mārama	
Tihei-mauri ora!	

#### 2. APOLOGIES

No apologies have been received.

#### 3. PUBLIC COMMENT

Generally up to 30 minutes is set aside for public comment (three minutes per speaker on items appearing on the agenda). Speakers may be asked questions on the matters they raise.

#### 4. CONFLICT OF INTEREST DECLARATIONS

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

5. **OPTIONS FOR THE ECOSYSTEMS AND INDIGENOUS BIODIVERSITY CHAPTER FOR THE PROPOSED DISTRICT PLAN**
- Report No. DPRC2024/5/277 by the Policy Planning Manager 8
- CHAIR'S RECOMMENDATION:**
- "That the recommendations contained in the report be endorsed."
6. **UPDATE ON RURAL ZONES AND THE HIGHLY PRODUCTIVE LAND OVERLAY FOR THE PROPOSED DISTRICT PLAN**
- Report No. DPRC2024/5/279 by the Intermediate Policy Planner 20
- CHAIR'S RECOMMENDATION:**
- "That the recommendation contained in the report be endorsed."
7. **UPDATE ON THE NATURAL FEATURES AND LANDSCAPES AND COASTAL ENVIRONMENT CHAPTERS AND OVERLAYS FOR THE PROPOSED DISTRICT PLAN**
- Report No. DPRC2024/5/280 by the Head of Planning 26
- CHAIR'S RECOMMENDATION:**
- "That the recommendations contained in the report be endorsed."
8. **INFORMATION ITEM**
- District Plan Review Committee Forward Programme 2024**
- Memorandum dated 25 September 2024 by the Democracy Advisor 35
9. **QUESTIONS**
- With reference to section 32 of Standing Orders, before putting a question a member shall endeavour to obtain the information. Questions shall be concise and in writing and handed to the Chair prior to the commencement of the meeting.

**10. CLOSING FORMALITIES - KARAKIA WHAKAMUTUNGA**

Unuhia!	<i>Release us from the supreme sacredness of our</i>
Unuhia!	<i>tasks</i>
Unuhia i te uru-tapu-nui	<i>To be clear and free</i>
Kia wātea, kia māmā	<i>in heart, body and soul in our continuing</i>
Te ngākau, te tinana, te	<i>journey</i>
wairua i te ara takatū	<i>Oh Rongo, raise these words up high</i>
Koia rā e Rongo	<i>so that we be cleansed and be free,</i>
whakairihia ake ki runga	<i>Yes indeed, we are free!</i>
Kia wātea, kia wātea!	<i>Good and peaceful</i>
Ae rā, kua wātea!	
Hau, pai mārire.	

Judy Randall  
DEMOCRACY ADVISOR

**16 September 2024**

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**Report no: DPRC2024/5/277**

## **Options for the Ecosystems and Indigenous Biodiversity chapter for the proposed District Plan**

### **Purpose of Report**

1. The purpose of this report is to:
  - a) Inform the District Plan Review Committee on the issues for the Ecosystems and Indigenous Biodiversity chapter for the District Plan Review,
  - b) Present options to the Committee for the Ecosystems and Indigenous Biodiversity chapter (including a recommended option), and
  - c) Seek direction from the Committee on how to proceed with the Ecosystems and Indigenous Biodiversity chapter.

### **Recommendations**

That the Committee:

- (1) notes the content of the report;
- (2) directs officers to prepare an Ecosystems and Indigenous Biodiversity chapter for the proposed District Plan under Option 3, specifically:
  - (a) protection of indigenous vegetation in Residential Zones (continuing the current approach of the Operative District Plan);
  - (b) protection of indigenous vegetation on public land in the Natural Open Space Zone;
  - (c) provisions to promote restoration and increase of indigenous biodiversity; and
  - (d) information requirements where resource consent is required for activities that have a more than minor impact on biodiversity; and
- (3) directs officers to investigate a workstream that would ensure the District Plan is updated to fully implement the requirements of the Resource Management Act, including national policy statements and the Regional Policy Statement for the Wellington Region.

## Background

2. The District Plan Review includes a review of the District Plan's approach in relation to indigenous biodiversity.
3. This part of the review had been on hold while central government worked on a National Policy Statement on Indigenous Biodiversity (the NPS-IB), released in July 2023.
4. The District Plan Review Committee was briefed on this part of the review in August 2023. At that meeting, the Committee resolved:

*"That the Committee:*

- (1) notes the National Policy Statement on Indigenous Biodiversity has now been released;*
  - (2) notes the release of the National Policy Statement addresses the previous Council resolution to defer work on Significant Natural Areas, and that officers may now re-commence this work;*
  - (3) notes that there is not sufficient time to address the requirements of the National Policy Statement in the Draft District Plan;*
  - (4) notes that officers need to complete further work to fully understand all the implications of the new National Policy Statement on the District Plan review process; and*
  - (5) notes that officers will report back to the District Plan Review Committee at a later date with further advice and recommendations on the timeframes and work required by Council to give effect to the National Policy Statement."*
5. Following this resolution, Council officers started looking into Council's options for implementing the NPS-IB. However, following the change of government in 2023, the incoming government signalled that it would cease the NPS-IB's requirements relating to Significant Natural Areas (SNAs). This created significant uncertainty on what the Council would be required to do for indigenous biodiversity.
  6. In May 2024, the government introduced the *Resource Management (Freshwater and Other Matters) Amendment Bill*, which would, among other things, suspend the NPS-IB requirements for councils to identify SNAs using the NPS-IB's assessment criteria and principles for three years.
  7. Of note, the bill would not remove other statutory requirements for indigenous biodiversity (summarised below), including the non-SNA requirements on the NPS-IB, requirements of the Regional Policy Statement for the Wellington Region, and other requirements of the Resource Management Act.
  8. As of the writing of this report, the bill is still going through its statutory process. However, it seems likely that the bill will ultimately pass, which

would effectively confirm that the Council should not identify SNA during the three-year suspension.

9. However, the Council needs to make decisions on how to proceed with the other statutory requirements.

#### Statutory Framework

10. This section outlines the statutory framework for the Ecosystems and Indigenous Biodiversity chapter.
11. The key requirements from the Resource Management Act (the RMA) for this part of the review are:
  - In achieving the purpose of the RMA, in relation to managing the use, development, and protection of natural and physical resources, the Council shall recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (s6(c)).
  - The Council has the function of controlling any actual or potential effects of the use, development, or protection of land, including for the purpose of the maintenance of indigenous biological diversity (s31(1)(b)(iii)).
  - The District Plan must give effect to the National Policy Statement on Indigenous Biodiversity, New Zealand Coastal Policy Statement and Regional Policy Statement for the Wellington Region (s75(3)).
  - The Council shall have regard to the Proposed Change 1 to the Regional Policy Statement (s74(2)(a)(i)).
12. The NPS-IB requires councils to identify SNAs, and includes:
  - The procedures to follow when identifying SNAs, and
  - Requirements on protecting the identified areas.
13. The NPS-IB also includes a range of non-SNA requirements, including requirements on:
  - Partnering with tangata whenua and engaging with people and communities on the management of indigenous biodiversity (clauses 3.2 to 3.7),
  - Identifying, maintaining, restoring and protecting taonga species (clauses 3.18 and 3.19),
  - Identifying and protecting areas of highly mobile fauna (clause 3.20),
  - Introducing objectives, policies and rules and methods to promote restoration and increase of indigenous biodiversity (clauses 3.21 and 3.22), and

- Introducing an information requirement in the plan to require a report prepared by a suitability qualified practitioner as part of any resource consent where activities will have a more than minor impact on biodiversity (clause 3.24).
14. The New Zealand Coastal Policy Statement (the NZCPS) requires avoidance of adverse effects of activities on aspects of indigenous biodiversity in the coastal environment (although in some cases this is only avoidance of significant adverse effects, or avoidance, remediation or mitigation of other adverse effects).
15. The Regional Policy Statement for the Wellington Region (the RPS) requires district plans to:
- Identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values based on criteria set by the RPS, effectively requiring identification of SNAs (Policy 23), and
  - To include policies, rules and methods to protect them from inappropriate subdivision, use and development (Policy 24),
- and requires Council to determine whether an activity may affect indigenous ecosystems and habitats with significant biodiversity when considering an application for a resource consent, notice of requirement, or a change, variation or review of the District Plan, with a specific list of matters to consider when determining whether a proposed activity is inappropriate (Policy 47).
16. Proposed Change 1 to the RPS would amend Policies 23, 24 and 47. However, with the proposed amendments, the policies would still effectively require identification of SNAs, management effects in the identified areas, and determination of whether an activity may affect indigenous ecosystems and habitats with significant biodiversity.

#### Current District Plan approach to indigenous biodiversity

17. The current District Plan addresses indigenous biodiversity through a combination of Significant Natural Resources and controls of vegetation removal in residential zones.
18. Significant Natural Resources identify areas of significant flora and fauna, habitats, wetlands, lakes, the coastal environment and geological features. These were added to the District Plan when the District Plan was first developed in the 1990s/early 2000s.
19. 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. The decision for these rules to not apply to private land was made by the Council and Environment Court in the early 2000s.

20. 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 4000m<sup>2</sup> 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 10m<sup>2</sup>,
    - 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.
21. 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).
22. In addition to giving effect to the NPS-IB, NZCPS or RPS, in my opinion there are additional flaws in this approach. Specifically:
- 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. It also presents a challenge in communicating rules that apply when responding to enquiries from property owners and enforcing compliance with the rules.
  - 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.

## **Discussion**

23. Council has a decision to make on how to proceed with this part of the District Plan Review. This discussion outlines some matters that should be considered as part of this decision.

### *Environmental effects*

24. While issues relating to indigenous biodiversity can get bogged down in discussions of statutory requirements, it is worth keeping some of the key environmental effects in mind (noting that specific effects of an activity will be site and activity dependent).
25. Indigenous biodiversity is highly valued, and it can be affected by land use if they are not located, designed and carried out in an appropriate manner. The key activities that have these effects are vegetation removal and earthworks. Vegetation removal can reduce the habitats of indigenous fauna, and can have an impact on amenity values derived from the presence of indigenous biodiversity. Removal of vegetation also reduces carbon sequestration.
26. However, the protection of indigenous biodiversity can reduce opportunities for new land use and development, reducing the benefits that can be derived from them. This can include reductions in opportunities for new business activities, provision of housing, and development of infrastructure. Protection can have an impact on property values if the protection results in a reduction of development potential (although, in some cases, the presence of indigenous biodiversity could increase property values, particularly in residential areas).

### *SNA requirements*

27. While the government has signalled that it will suspend the Council's requirements (and the ability) to identify SNAs under the NPS-IB, currently, these requirements still exist. In addition, as currently worded, the Bill that would suspend the SNA requirements of the NPS-IB would not suspend the SNA requirements of the RPS.
28. However, even if officers were directed to, we would be unable to identify SNAs in time for their inclusion in the Proposed District Plan later this year. The identification of SNAs requires a significant amount of information gathering on ecological values, engagement with the property owners and Mana Whenua, and site visits, none of which has been undertaken as part of

this Review. While some of this work was undertaken as part of Council's Ecology and Landscape Project in 2017/2018, that work would now be outdated and need to be re-done.

*Non-SNA requirements*

29. As outlined above, there is a range of non-SNA requirements set by the NPS-IB, NZCPS and RPS, all documents that the District Plan must give effect to.
30. While some of these requirements can be met in part, there is not enough time for these requirements to be met for inclusion in the Proposed District Plan. A separate piece of work would be required to ensure that these requirements (and any SNA requirements that are not suspended or removed) are met, with a future variation or plan change ensuring that these requirements are met once the work is complete.

*Relevance of the NPS-IB for Significant Natural Resources of the operative District Plan*

31. As noted above, while the operative District Plan does not identify Significant Natural Areas, it does identify Significant Natural Resources (SNRs) - areas of significant flora and fauna, habitats, wetlands, lakes, the coastal environment and geological features.
32. While the SNRs pre-date the NPS-IB (which means they were not identified using the criteria and methodology set by the NPS-IB), the NPS-IB is still of some relevance for SNRs.
33. The NPS-IB definition of an SNA is:
  - (a) *any area that, after the commencement date, is notified or included in a district plan as an SNA following an assessment of the area in accordance with Appendix 1; and*
  - (b) *any area that, on the commencement date, is already identified in a policy statement or plan as an area of significant indigenous vegetation or significant habitat of indigenous fauna (regardless of how it is described); in which case it remains as an SNA unless or until a suitably qualified ecologist engaged by the relevant local authority determines that it is not an area of significant indigenous vegetation or significant habitat of indigenous fauna.*
34. Based on this definition, the SNRs of the operative District Plan should be treated as Significant Natural Areas when applying the NPS-IB. This means that the requirements of the NPS-IB should be applied to SNRs where resource consent is required under the operative District Plan, including on how to manage adverse effects on indigenous biodiversity from new subdivision, use, and development (but only where resource consent is required, and only where the District Plan allows Council to have discretion to effects on indigenous biodiversity).
35. However, with regard to the identification of SNAs for a proposed District Plan, there is no requirement in the NPS-IB for the existing SNRs to be carried through to the proposed District Plan, and the same criteria and methodology would need to be applied to confirming whether these SNRs

should be included in the proposed District Plan that would be applied to any other location.

*Natural Features and Landscapes, Coastal Natural Character Areas, and coastal and riparian margins*

36. The Proposed District Plan, as currently drafted, would include some provisions that would protect vegetation. Specifically:
- The *Natural Features and Landscapes* chapter would include rules that would require resource consent for removal of indigenous vegetation in Outstanding Natural Features and Landscapes, due to the contribution that vegetation makes to the natural landscape values of identified features and landscapes.
  - The *Coastal Environment* chapter would include rules that would require resource consent for the removal of indigenous vegetation in High, Very High, and Outstanding Coastal Natural Character Areas, also due to the contribution that vegetation makes to the natural character values of the identified areas.
  - The *Natural Character* chapter would include rules that would require resource consent in coastal and riparian margins, areas within 10m of the coastal marine area and the banks of lakes, rivers and streams.
37. In all three of these cases, relatively small-scale vegetation removal would still be permitted, as well as vegetation removed as part of some specific activities (such as maintenance of buildings, tracks and fences).

*Non-regulatory protection*

38. For the most part, this report only addresses Council's requirements for indigenous biodiversity in the District Plan. However, non-regulatory measures are available that would supplement whatever approach is adopted in the District Plan. This includes the work Council does in managing indigenous biodiversity on public land.
39. There are other opportunities for funding and assisting community groups and individuals with activities that have a positive effect on indigenous biodiversity (some of which already occur), although these opportunities all come with a cost. Council's Indigenous Biodiversity Strategy 2023 sets a vision, goals and focus areas for indigenous biodiversity, and sets the Council's strategic direction for indigenous biodiversity, including for non-regulatory measures and what Council does in managing indigenous biodiversity on public land.

**Options**

40. The following table presents options for addressing indigenous biodiversity in the Proposed District Plan, based on the considerations outlined in the discussion section of this report.

<b>Table 1. Options for addressing indigenous biodiversity in the Proposed District Plan.</b>
<p><b>Option 1: No provisions on indigenous biodiversity</b></p> <p>Under this option, no provisions would be included in the Proposed District Plan to address indigenous biodiversity, with the intention of updating the District Plan once the statutory requirements are more certain. One reason for choosing this option would be that it would remove the implementation issues of the current residential rules and SNRs by removing them altogether.</p> <p>The benefits of this option are that it would be the most straightforward to implement and would enable the most new land use and development.</p> <p>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.</p> <p>Option 1 would be furthest from meeting the requirements of the NPS-IB, NZCPS and RPS, and is not recommended for that reason.</p>
<p><b>Option 2: Continue the existing approach</b></p> <p>Under this option, the current provisions of the Operative District Plan would be retained, specifically:</p> <ul style="list-style-type: none"> <li>• Identification of the SNRs with rules to protect the areas identified, and</li> <li>• Vegetation protection rules in residential zones.</li> </ul> <p>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.</p> <p>Option 2 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.</p> <p>This option 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.</p>
<p><b>Option 3: Continue the existing approach, with the following amendments:</b></p> <ul style="list-style-type: none"> <li>• <b>Protection of indigenous vegetation on public land in the Natural Open Space Zone, and</b></li> <li>• <b>Introduction of two non-SNA requirements of the NPS-IB (recommended option).</b></li> </ul> <p>This option is the same as Option 2, except with new provisions. It would involve:</p> <ul style="list-style-type: none"> <li>• Protection of indigenous vegetation in Residential Zones (continuing the current</li> </ul>

approach of the Operative District Plan),

- Protection of indigenous vegetation on public land in the Natural Open Space Zone (replacing the SNR approach of the Operative District Plan, protecting a larger area of public land),
- 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.

For the Natural Open Space Zone, the rules would permit relatively small-scale vegetation removal and removal in specific circumstances to ensure existing activities in the zone continue to be provided for (such as removal of exotic vegetation, removal of vegetation for the maintenance of tracks, buildings and fences, and removal for the purpose of managing risks to safety of people and property).

***This is the recommended option for the following reasons:***

- It would represent an increase in effectiveness from the Operative District Plan, particularly through greater protection in public land, promotion of restoration, and information requirements,
- There would be added protection of indigenous biodiversity on public land in the Natural Open Space Zones, a zone that is characterised by high levels of natural, ecological and landscape values. These are areas that the Council is able to manage in partnership with Greater Wellington Regional Council and the Department of Conservation (a small portion of land in the zone is also owned by Upper Hutt City Council).
- It avoids the key drawback of Option 4, which would apply new rules to private land without engagement with property owners.

**Option 4: Continue the existing approach plus:**

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

This option 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 option 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 option 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. While this is reiterated in the NPS-IB multiple times, section 3.2(1) of the NPS-IB states it as follows:

*Local authorities must engage with tangata whenua, people and communities (including landowners) to ensure that the decision-making principles inform and are given effect when implementing this National Policy Statement in their regions and districts.*

It is for this reason that this option is not recommended.

41. In summary, the recommended option is Option 3: Continue the existing approach plus:
- Protection of indigenous vegetation on public land in the Natural Open Space Zone, and
  - Introduction of two non-SNA requirements of the NPS-IB for:
    - Promotion of 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.

Risks of appeal and recommended workstream to mitigate that risk

42. Regardless of the option adopted by Council, there is a very high risk that this part of the proposed District Plan will get appealed. This is particularly the case given that there are requirements to identify SNAs, and we are unable to identify SNAs for the inclusion in the Proposed District Plan without significantly delaying the entire District Plan (which would have significant effects through delaying the introduction of the new provisions that would be proposed by the District Plan, particularly in relation to Natural Hazards, Historic Heritage, Sites and Areas of Significance to Māori, and Commercial and Industrial Zones).
43. However, to mitigate this risk to some extent, Council could set up a clear workstream to ensure that there is clear progress in resolving this issue. This would include ongoing monitoring of changes to the regulatory requirements, engagement with the community and Mana Whenua, and could bring together the regulatory and non-regulatory approaches to managing indigenous biodiversity.
44. Advice on what should specifically be involved in the workstream would be presented at a future Committee meeting, with advice on the financial implications of the work.

**Climate Change Impact and Considerations**

45. The retention and planting of vegetation has benefits for mitigating Lower Hutt's impacts on the climate through sequestration of carbon.

**Consultation**

46. Once approved by Council, the Proposed District Plan will go through a statutory consultation process (set by Schedule 1 of the RMA) that provides

for input from the community, other stakeholders, and Mana Whenua. This includes:

- a public submission period,
- a second round of further submissions (allowing people to support or oppose other people's submissions lodged in the first round of submissions), and
- the opportunity for submitters to present in support of their submission in front of an independent hearing panel.

### **Legal Considerations**

47. The legal considerations for this decision are those set by the Resource Management Act, as set out in the Statutory Framework section of this report.
48. In addition, regardless of the approach adopted by Council, the proposal will go through the statutory consultation process set by Schedule 1 of the RMA. This process includes the opportunity for submitters on the Proposed District Plan to appeal Council's decision to the Environment Court.

### **Financial Considerations**

49. With regard to preparing the Proposed District Plan (based on the recommended option), there are no specific financial considerations at this stage, noting that this work falls within the overall District Plan Review budget set in Council's Long Term Plan.
50. However, the additional workstream recommended to ensure that the District Plan is ultimately brought into line with higher-order documents will need to be resourced. If Council decides to investigate that additional workstream, an estimate of the costs would be provided once the work details are finalised.

### **Appendices**

There are no appendices for this report.

**Author:** Nathan Geard  
Policy Planning Manager

**Approved By:** Alison Geddes  
Director Environment and Sustainability

**Report no: DPRC2024/5/279**

## **Update on Rural Zones and the Highly Productive Land Overlay for the Proposed District Plan**

### **Purpose of Report**

1. The purpose of the report is to:
  - a. brief the Committee on the feedback received on the General Rural Zone and Rural Lifestyle Zone chapters of the Draft District Plan, including the Highly Productive Land Overlay, and
  - b. update the Committee on changes to the approach of the Proposed District Plan for these chapters.

### **Recommendation**

That the Committee receives and notes the report.

### **Background**

2. The District Plan Review includes a review of the District Plan's approach to the rural zones. This includes looking at the requirements of the National Policy Statement for Highly Productive Land.
3. During the Review, Council engaged with Mana Whenua, the community and other stakeholders in late 2023/early 2024 through a Draft District Plan.
4. This report:
  - summarises the feedback received during engagement of the Draft District Plan for the Rural Zone chapters, and
  - gives an update on the work done with the zone since that engagement.

### General Rural Zone and Rural Lifestyle Zone in the Draft District Plan

5. The Draft District Plan included two rural zones:
  - General Rural Zone, and

- Rural Lifestyle Zone.
6. The draft General Rural Zone was based on the General Rural Activity Area of the current District Plan. It would primarily provide for rural activities and residential activity in a rural environment.
  7. The draft Rural Lifestyle Zone was based on the Rural Residential Activity Area of the current District Plan. It would primarily provide for relatively small-scale rural activities and a relatively low-density of residential development.
  8. The key differences between the Draft District Plan and the current District Plan for the General Rural Zone chapter were:
    - removal of provisions on plantation forestry (now managed through the National Environmental Standard for Commercial Forestry).
    - restrictions on land use, subdivision and development within the Highly Productive Land Overlay.
    - rezoning land in the Remutaka Forest Park and Regional Parks to the Natural Open Space Zone (currently in the General Rural Activity Area).
    - changes to the activity status for some activities, most notably, changing the default status for activities not specifically listed from permitted to non-complying.
  9. The key differences between the Draft District Plan and the current District Plan for the Rural Lifestyle Zone chapter were:
    - a reduction in the minimum lot size for subdivision, from two hectares to one hectare per residential unit.
    - a new rule that would permit an additional minor residential unit.
    - changes to the activity status for some activities, most notably, changing the default status for activities not specifically listed from permitted to non-complying.

### Highly Productive Land

10. The Draft District Plan included a new Highly Productive Land Overlay. As mentioned above, the Draft District Plan included provisions restricting land use subdivision and development within the overlay.
11. This overlay was included in response to the National Policy Statement for Highly Productive Land (NPS-HPL), which came into effect in 2022. The District Plan must give effect to the NPS-HPL.
12. Of significance for Hutt City Council, section 3.5(7) of the NPS-HPL states:

*Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority*

*must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:*

(a) *is:*

(i) *zoned general rural or rural production; and*

(ii) *LUC 1, 2, or 3 land; but*

(b) *is not:*

(i) *identified for future urban development; or*

(ii) *subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.*

13. LUC 1, 2 or 3 land is defined in the NPS-HPL as land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification.
14. This area has been identified in the Highly Productive Land Overlay of the Draft District Plan. While a good case can be made that this includes some areas with land that isn't particularly productive, the direction of the NPS-HPL is very specific. The government has indicated that it may amend the NPS-HPL so that LUC 3 land does not need to be identified. This would effectively enable the Council to remove the Highly Productive Land Overlay entirely (there is no LUC 1 or 2 land in Lower Hutt).

### **Summary of feedback on the draft District Plan**

15. Most feedback received during engagement on the Draft District Plan in relation to Rural Zones chapters was from the owners of properties within these zones.
16. The following is a summary of the feedback on the zones:
  - feedback was split on the issue of minimum lot size in the General Rural Zone. Roughly equal numbers of respondents opposed reducing the minimum lot size as opposed to reducing the minimum lot size.
  - feedback was also split on the issue of minimum lot size in the Rural Lifestyle Zone, with support and opposition to the reduction in lot size.
  - there was support for enabling minor additional dwellings in both the General Rural Zone and Rural Lifestyle Zone.
  - submitters noted that current roading and three waters infrastructure is insufficient to enable urban development in the proposed Rural Lifestyle Zone. Feedback indicated that this could be a reason to either: restrict further development or to provide infrastructure development to enable development,

- feedback from owners of properties that lie within the Highly Productive Land overlay generally opposed the overlay and the associated restrictive provisions. The key issues raised related to the process used to define and map highly productive land.
- feedback from submitters who owned larger rural properties requested more enabling provisions within the General Rural Zone, including enabling tourist activities.
- Council received feedback from both owners of properties in the Quarry Protection Area overlay (an overlay that identifies an area within the General Rural and Rural Lifestyle Zones adjoining the site of the Belmont Quarry, where development is restricted to protect the Belmont Quarry from sensitive activities) and from the owner/operator of the quarry. Owners of rural properties sought fewer restrictions within the identified area. This would enable the development and subdivision of their properties. The owner/operator of the quarry sought more restrictions. They seek to ensure quarry activities are not compromised by future development in the identified area.
- There were requests for rezoning of properties, most frequently from the Rural Lifestyle Zone to a residential zone. There was also the request to apply the General Rural Zone to the site at 30 Benmore Crescent, Manor Park (the Committee was advised on this matter at its meeting on 4 July, where the Committee directed officers to apply the General Rural Zone to this property).

#### **Update on the General Rural Zone Content**

17. Since engagement on the draft District Plan, officers have continued to work on the Rural Zone chapters. This work has largely responded to the feedback on the draft District Plan.
18. The additional work has involved:
  - reviewing the appropriate areas to include in the General Rural Zone and Rural Lifestyle Zone for the Proposed District Plan.
  - reviewing the draft General Rural Zone and Rural Lifestyle Zone chapters, including:
    - The appropriate permitted activity standards for residential activities, particularly minimum lot sizes and provisions for minor additional dwellings.
    - The policies and rules controlling subdivision, use and development in the Highly Productive Land overlay.
    - The policies and rules for activities in the General Rural Zone that are neither agricultural or residential, including community facilities and tourism and hospitality activities.

- Preparing an evaluation report that assesses the appropriateness of the objectives, policies and rules of the Rural Zone chapters (required under section 32 of the Resource Management Act).
19. In reviewing whether the General Rural Zone or Rural Lifestyle Zone (or a residential zone) is the most appropriate for a property, officers have primarily been informed by:
    - a. The size of the property and properties in the surrounding area,
    - b. In the case of potentially rezoning to a residential zone, the presence of three waters infrastructure and transport infrastructure to support more dense development,
    - c. The existing use of the property, and
    - d. Any relevant strategic documents (particularly Council's Urban Growth Strategy).
  20. Council's Urban Growth Strategy has also been a key consideration in deciding on appropriate minimum lot sizes.
  21. This work has resulted in changes to the Draft District Plan. In summary, the changes are:
    - a. provisions to enable tourism and hospitality activities in the General Rural Zone where it can be demonstrated that the effects on amenity and rural character are acceptable.
    - b. amendments to provide for minor additional dwellings in both the General Rural Zone and Rural Lifestyle Zone.
    - c. amendments to enable development of Highly Productive Land. This includes policies and rules that provide for the operation, maintenance and upgrade of existing activities, as well as new land use and development (through a resource consent process).
    - d. amendments to enable subdivision of Highly Productive Land for specified Māori land, specified infrastructure, defence force facilities, and where the subdivision will retain the overall productive capacity of the area.
    - e. changes to the Earthworks chapter include provisions that ensure that earthworks do not result in the loss of productive land whilst still providing for rural activities and existing uses.
    - f. new rules to specifically provide for conservation activities, public and community gardens.
    - g. a new rule for boarding of domestic pets, which would require resource consent as a discretionary activity.

- h. support for Commercial activities, Childcare facilities, Healthcare facilities, and Community facilities that support the community within the zone and surrounding area (although resource consent may be required).
- i. support for activities that require access to open spaces, a rural location, or natural features and landscapes, such as some forms of educational facilities, recreation activities, and hospitality and tourism (although resource consent may be required).
- j. a change to the default status for activities not specifically listed from non-complying to discretionary.
- k. rezoning the site at 30 Benmore Crescent, Manor Park, to the General Rural Zone.

### **Climate Change Impact and Considerations**

- 22. The matters addressed in this report have been considered in accordance with the process set out in Council's Climate Change Considerations Guide.
- 23. Climate change is a fundamental consideration that is being addressed as part of the overall District Plan Review process.

### **Consultation**

- 24. As discussed above, the development of the proposed District Plan, including the Rural Zones, has been informed by the input received during engagement on the draft District Plan.
- 25. The notification of the Proposed District Plan requires a formal and comprehensive consultation process. Any interested person can lodge a submission on the proposed plan and speak to that submission at the relevant hearing.

### **Legal and Financial Considerations**

- 26. There are no specific legal or financial considerations for the Rural Zones chapters other than those for the District Plan Review as whole, noting that this work falls within the overall District Plan Review budget set in Council's Long Term Plan.

### **Appendices**

There are no appendices for this report.

**Author:** Sean Bellamy  
Intermediate Policy Planner

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**Reviewed By:** Nathan Geard  
Policy Planning Manager

**Approved By:** Alison Geddes  
Director Environment and Sustainability

**11 September 2024**

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Report no: DPRC2024/5/280

## **Update on the Natural Features and Landscapes and Coastal Environment chapters and overlays for the Proposed District Plan**

### **Purpose of Report**

1. The purpose of this report is to update the Committee on feedback received and proposed changes to the Natural Features and Landscapes and Coastal Environment Chapters and overlays for the Proposed District Plan.

### **Recommendations**

That the Committee:

- (1) notes the content of the report; and
- (2) directs officers to complete the Natural Features and Landscapes and Coastal Environment chapters and overlays for the Proposed District Plan.

### **Background**

#### **Natural Features and Landscapes**

2. The purpose of the Natural Features and Landscapes Chapter is to protect identified Outstanding Natural Features and Landscapes and to manage the effects of subdivision, use and development on the identified values.
3. The main difference between an Outstanding Natural Landscape (ONL) and an Outstanding Natural Feature (ONF) is scale - Outstanding Natural Features are smaller.
4. The key statutory requirements to identify and protect ONLs and ONFs are summarised as follows:
  - RMA Section 6 - Matters of national importance: "*(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.*"

- New Zealand Coastal Policy Statement Policy 15: *“To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development: (a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; ...”*
  - Wellington Regional Policy Statement Policy 25: *“District and regional plans shall identify outstanding natural features and landscapes having determined that the natural feature or landscape is: (a) exceptional or out of the ordinary; and (b) that its natural components dominate over the influence of human activity.”*
  - Wellington Regional Policy Statement Policy 26: *“Where outstanding natural features and landscapes have been identified in accordance with policy 25, district and regional plans shall include policies, rules and/or methods that protect outstanding natural features and landscape values from inappropriate subdivision, use or development.”*
5. The following ONFs and ONLs have been identified in Lower Hutt:
- South Coast (ONL)
  - Turakirae Head (ONF)
  - Baring Head / Ōrua-pouanui (ONF)
  - Parangārahu Lakes (Lake Kohangapiripiri & Lake Kohangatera) (ONF)
  - Matiu / Somes Island (ONL)
  - Mākaro / Ward Island (ONF)
  - Rimutaka Range (ONL)
6. The relevant evaluation report (Hutt City Landscape Evaluation prepared by Boffa Miskell) can be found here:

[https://hccpublicdocs.azurewebsites.net/api/download/16806b6c074d4d4b892a27a723e4a5e6/\\_dplanreview/3a0a21a32726b27145dda248abfcb9c8c854](https://hccpublicdocs.azurewebsites.net/api/download/16806b6c074d4d4b892a27a723e4a5e6/_dplanreview/3a0a21a32726b27145dda248abfcb9c8c854)

### **Coastal Environment**

7. This Coastal Environment Chapter contains provisions for the protection of the identified coastal natural character values of High, Very High and Outstanding Coastal Natural Character Areas.
8. Lower Hutt has over 42km of coastline, which varies from the developed areas of Petone, Seaview, Gracefield and Eastbourne to rural and remote undeveloped areas with beaches and coastal mountains and escarpments such as Turakirae Head.
9. The key statutory requirements relating to the coastal environment are summarised as follows:

- RMA Section 6 - Matters of national importance: *“(a) 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.”*
- New Zealand Coastal Policy Statement Policy 13:
  - “(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:*
    - (a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and*
    - (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;*  
*including by:*
      - (c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and*
      - (d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.*
- Wellington Regional Policy Statement Policy 4: *“District plans shall include policies and/or rules to identify the landward extent of the coastal environment using the following criteria: ...”*

10. In accordance with the above requirements, Hutt City Council has identified the inland extent of the Coastal Environment as well as areas of High, Very High and Outstanding Coastal Natural Character.
11. The relevant evaluation report (Wellington City and Lower Hutt Coastal Natural Character Assessment prepared by Boffa Miskell) can be found here:
 

[https://hccpublicdocs.azurewebsites.net/api/download/16806b6c074d4d4b892a27a723e4a5e6/\\_dplanreview/8674d24427254d7f40b7a260ec7dfb28beb2](https://hccpublicdocs.azurewebsites.net/api/download/16806b6c074d4d4b892a27a723e4a5e6/_dplanreview/8674d24427254d7f40b7a260ec7dfb28beb2)

## Discussion

12. In accordance with the above requirements, the Draft District Plan included:
  - A Natural Features and Landscapes Chapter and mapped overlays identifying new Outstanding Natural Features and Outstanding Natural Landscapes, and containing new provisions to manage the effects of subdivision, use and development on the identified values of these features and landscapes (while still enabling a level of ongoing use and development, either as a permitted activity or with resource consent required).

- A Coastal Environment Chapter and mapped overlays identifying High, Very High and Outstanding Coastal Natural Character Areas, and including new provisions relating to the protection of the identified coastal natural character values.
- New quarrying, mining and commercial forestry are proposed to be prohibited activities within the ONFS and ONLS in the Coastal Environment, and also in the High, Very High and Outstanding Coastal Natural Character Areas.

### Summary of Draft District Plan consultation feedback

13. The following is a **high level summary only** of feedback received on the Draft District Plan in relation to these topics. A full copy of all submissions received on the Draft District Plan is available on the Council website (noting that personal information has been redacted from these submissions to comply with the Privacy Act).
- Objections to the ONFS and ONLS being applied over private land, also noting that this appears to be in conflict with recent changes in policy direction from the government in relation to Significant Natural Areas.
  - Concerns on impacts on current and future activities and development opportunities and what people can do with their land.
  - No reference to any compensation framework and that Council should pay compensation for loss of value and rights.
  - Preference for a more voluntary approach.
  - Areas identified are private land that are generally not visible or accessible to the public.
  - Protection of other areas should be prioritised, such as bush covered hills on the western hills that are publicly owned and visible to the built-up areas.
  - Unclear how Council has identified these areas, and questioning why they include areas of pasture, dense scrub, exotic vegetation, plantation forestry and some buildings.
  - Concerns that mapping is based on desktop studies and not on any actual site visits, and that mapping should be done in conjunction with landowners.
  - Objection to non-complying status applying to some infrastructure activities in Coastal Natural Character Areas and Outstanding Natural Features and Landscapes.
  - Request more enabling policies and rules for activities and works undertaken by DOC, regional or territorial authorities. For example, new buildings for the purpose of public recreation.

- A specific reference to one property being a designated Wildlife Reserve under the Wildlife Act and therefore these additional overlays are not necessary.
- Some support for protecting these areas and a request for natural coastal areas to be extended further along the coast to protect those areas.
- Support for allowing removal of vegetation where required on the grounds of fire and emergency management.

### **Proposed changes to be included in the Proposed District Plan**

14. Council officers and the consultant experts that are supporting Council with this work have reviewed all the relevant feedback received on the Draft District Plan.
15. Officers and the relevant consultants have had meetings with some landowners at the request of these landowners to discuss their concerns in more detail.
16. The following points are noted in response to some of the submissions received:
  - The recent announcements from central government only relate to Significant Natural Areas (SNAs) as set out in the National Policy Statement on Indigenous Biodiversity (NPS-IB). Outstanding Natural Features and Landscapes are not the same as SNAs. They are identified using different criteria and are not subject to the NPS-IB.
  - The provisions on vegetation removal are now proposed to relate to native vegetation only, so removal of exotic vegetation would not be restricted by the new rules.
  - The approach being taken by Hutt City Council to identify and protect Outstanding Natural Features and Landscapes and the Coastal Natural Character Areas in the Proposed District Plan is consistent with the approach being taken across the Wellington region, as shown in the table of Appendix 1 to this report.
  - The process of identifying Outstanding Natural Features and Landscapes and the Coastal Natural Character Areas involved a combination of desktop research, interrogation of GIS datasets, and fieldwork, including site visits to some locations by foot. An aerial reconnaissance by helicopter was also undertaken for the coastal study.
  - In relation to the request for more enabling policies and rules for activities and works undertaken by DOC, regional or territorial authorities: this is not considered appropriate in the absence of specific details on what these operational activities are. The adverse effects on identified values may be comparable to any other buildings and structures and, therefore, must be assessed and managed.

- In relation to the reference to a property being a designated as Wildlife Reserve under the Wildlife Act: this aims to protect wildlife and is not intended to protect landscape values.
17. Taking into account the feedback received, the Natural Features and Landscapes and Coastal Environment Chapters are currently being re-drafted to incorporate the following changes:
- The previously introduced requirement for resource consent applications to include an assessment by a suitably qualified landscape architect has been significantly reduced and now applies only to applications for non-complying activities.
  - The vegetation clearance provisions have been changed to only apply to indigenous vegetation and exclude exotic vegetation. The list of exemptions has also been extended to include clearance for beehives and new farming tracks and fences, in addition to existing tracks and fences.
  - The rules relating to earthworks have also been made more permissive to allow for new farm tracks and walking tracks.
  - The rules relating to subdivision, additions and new buildings in Outstanding Natural Features and Landscapes have been made more permissive, and the policies have been amended to acknowledge the benefits of clustering development to mitigate adverse effects on landscape values.
  - The activity classification for some types of applications has been reduced from discretionary to restricted discretionary or from restricted discretionary to controlled to allow more clarity and certainty for landowners.
  - As a result of additional site visits carried out some small changes are to be made to the boundaries of the overlays for three properties.

## Summary

18. The Natural Features and Landscapes and Coastal Environment Chapters are new chapters that are not currently included in the Operative District Plan.
19. These new chapters and the associated overlays are required to be included in the Proposed District Plan in order to meet Council's higher order statutory requirements set out in Section 6 of the RMA, the New Zealand Coastal Policy Statement, and the Regional Policy Statement.
20. The Outstanding Natural Features and Landscapes and Coastal Natural Character Areas have been identified through robust technical assessments that follow the methodology set by the relevant statutory documents.

21. Council officers and the consultant experts supporting Council with this work have reviewed all the relevant feedback received on the Draft District Plan, and further changes are now proposed to be included in the Proposed District Plan as a result of this feedback.
22. It is acknowledged that these changes will not address all the concerns raised in the feedback received on the Draft District Plan. However, the proposed approach is considered to be a sound one in relation to achieving protection of the identified values and enabling a level of ongoing use and development, as far as is practicable, within the relevant statutory context that applies.
23. The approach being taken by Hutt City Council to identify Outstanding Natural Features and Landscapes and Coastal Natural Character Areas is consistent with the approach being taken across the Wellington region.
24. It is also noted that the notification of the Proposed District Plan requires a formal and comprehensive consultation process. Any interested person can lodge a submission on the proposed plan and speak to that submission at the relevant hearing. This process also includes the opportunity for submitters to appeal to the Environment Court.

### **Climate Change Impact and Considerations**

25. Climate change is a fundamental consideration that is being addressed as part of the overall District Plan Review process. The chapters that are the subject of this report are only a small part of the overall content for the Proposed District Plan. However, it is noted that these chapters do play an important role in supporting the retention and planting of native vegetation, and in achieving a compact, and environmentally responsive regional form.

### **Consultation**

26. The notification of the Proposed District Plan requires a formal and comprehensive consultation process (set by Schedule 1 of the RMA). This process includes:
  - a public submission period;
  - a second round of further submissions (allowing people to support or oppose other people's submission lodged in the first round of submissions); and
  - the opportunity for submitters to present in support of their submission in front of an independent hearing panel.
27. This process also includes the opportunity for submitters to appeal to the Environment Court.

### **Legal and Financial Considerations**

28. There are no specific legal or financial considerations at this stage.

**Appendices**

No.	Title	Page
1↓	Natural and Coastal Environment Overlays in District Plans across the Wellington Region	34

**Author:** Tim Johnstone  
Head of Planning

**Approved By:** Alison Geddes  
Director Environment and Sustainability

## Natural and Coastal Environment Overlays in District Plans across the Wellington Region

OVERLAY		COUNCIL			
		HCC	WCC	PCC	Wairarapa
Landscapes	Outstanding Natural Features and Landscapes	IN	IN	IN	IN
	Special Amenity Landscapes	OUT	IN	IN	IN
	Ridgelines & Hilltops	OUT	IN	OUT	OUT
Coastal Environment	Coastal Environment	IN	IN	IN	IN
	Coastal Natural Character	IN	IN	IN	IN
	Foreshore Protection Area	OUT	OUT	OUT	IN
Natural Character	Coastal & Riparian Margins	IN	IN	IN	IN
	Riparian Margins in CE	OUT	IN	OUT	OUT
	Significant Water Bodies	OUT	OUT	OUT	IN
Ecology	SNA	OUT	IN	IN	IN

*Our Reference*



**TO:** Chair and Members  
District Plan Review Committee

**FROM:** Judy Randall

**DATE:** 25 September 2024

**SUBJECT:** DISTRICT PLAN REVIEW COMMITTEE FORWARD PROGRAMME 2024

### **Purpose of Memorandum**

1. To provide the Committee with a Forward Programme of work planned for 2024.

### **Recommendation**

That the Committee receives and notes the Forward Programme for the District Plan Review Committee for the remainder of 2024.

### **Background**

2. The Terms of Reference for the Committee requires the Committee to undertake a full review of the District Plan and development of a Proposed District Plan.
3. The Committee's programme of work for 2024 is attached as Appendix 1 to the report.
4. The Forward Programme for 2024 provides a planning tool for members and officers to coordinate work programmes for the year.

### **Forward Programme**

5. The Forward Programme is subject to change on a regular basis. The timeframes in the Forward Programme attached as Appendix 1 to the memorandum have been revised since the last District Plan Review Committee meeting. Further details of the revised timeframe and rationale for the changes are provided in Appendix 1 to the memorandum.

### **Appendices**

No.	Title	Page
1	Forward Programme 2024	36

**Author:** Judy Randall  
Democracy Advisor

**Author:** Tim Johnstone  
Head of Planning

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**Approved By:** Kathryn Stannard  
Head of Democratic Services

**Komiti Arotake Mahere Ā-Rohe**  
**District Plan Review Committee Forward Programme 2024**

Description	Author	Cycle 5 14 Nov	Additional 4 Dec	Pending
Forward Programme	Head of Planning/Democracy Advisor	✓	✓	
Seek direction and provide updates to Committee on specific topics and issues for the proposed District Plan	Head of Planning	✓		
Approval of complete Draft Sustainable Growth Strategy 2025-2055 (Draft Spatial Plan) document to proceed to community engagement	Head of Urban Development	✓		
Seek recommendation to notify Proposed District Plan	Head of Planning		✓	
Adoption of Sustainable Growth Strategy 2025-2055 (Spatial Plan)	Head of Urban Development			✓

Statutory consultation on the Proposed District Plan is currently planned to take place in February / March 2025. Community engagement on the Draft Spatial Plan will take place at the same time as the statutory consultation on the Proposed District Plan.

**Chapters for 14 November District Plan Review Committee:**

- Māori Purpose Zone
- Papakāinga Chapter
- Sites and Areas of Significance to Māori
- Strategic Directions