

BEFORE THE HEARING PANEL

UNDER the Resource Management Act
1991

IN THE MATTER of submissions and further
submissions on Upper Hutt
District Council Plan Change
49- Variation 1 to the Operative
District Plan Silverstream Spur.

Submitter **GUILDFORD TIMBER
COMPANY LTD**
**(Submitter 82, Further
Submitter 12).**

**ADDITIONAL LEGAL SUBMISSIONS ON BEHALF OF GUILDFORD
TIMBER COMPANY LTD**

Dated: 22 March 2024

Solicitor Acting:
Luke Walker
Mallett Partners
Level 12, City Chambers
142 Featherston Street, PO Box 10341
The Terrace, Wellington
Tel: (04) 472 0022
Email: luke.walker@mallett.co.nz

Counsel Acting:
PD Tancock
Harbour Chambers
Level 1, 5 Cable Street
PO Box 10-242
Wellington
Tel: (04) 499 2684
Email:
[phernne.tancock@legalchambers.co
.nz](mailto:phernne.tancock@legalchambers.co.nz)

MAY IT PLEASE THE PANEL

1.0 Introduction

1.1 These further legal submissions are made on behalf of GTC in response to the revised s42 Report and brief of evidence filed by Mr. Nick Goldwater (Council's expert ecologist). GTC has filed further expert evidence in response to that material from Mr Hall (planning) and Dr Keesing (ecology).

1.2 These submissions respond to:

- (a) Reporting Officer's revised Officer's Report;
- (b) Extract of Legal advice from Buddle Findlay;
- (c) Ecology Evidence of Mr Goldwater on behalf of the Council;
- (d) Revised wording proposed by the Officer; and
- (e) Confirming GTC position following the revised report.

2.0 What is required "to give effect to" the NPS-IB?

2.1 GTC's position prior to the adjourned hearing was that the Panel should give serious consideration to its obligation to "give effect to", i.e. implementing the NPS-IB, by properly delineating the SNA in accordance with Appendix 1. It drew the Panel's attention to *Balmoral Developments (Outram) Ltd v Dunedin City Council* [2023] NZEnvC and the High Court Decision in *Southern Cross Healthcare Ltd v Auckland Council* [2023] NZHC 948 which both confirm the extent of the Council's, Court's (and in this case the Panel's) obligation to consider the recently notified NPS- IB and where there is scope 'to give effect to it' now as part of this current process. In oral submissions counsel noted:

'The mandatory direction in Subpart 2 cl.3.8 (6) NPS-IB would be applicable here, as an interim measure before the district wide assessment occurs.

'If a territorial authority becomes aware (as a result of a resource consent application, notice of requirement or any other means) that an area may be an area of significant indigenous vegetation or significant habitat that qualifies as an SNA, a territorial must:

(a) *Conduct an assessment of the area in accordance with subclause 2 as soon as practicable; and*

(b) *If a new SNA is identified as a result, include it in the next appropriate plan change or plan notified by the territorial authority.'*

2.2 UHCC have now obtained advice from Buddle Findlay, a portion of which is set out in the revised Officer's Report. It is unclear who the author of that advice was and whether or not they were asked to consider relevant case law. Buddle Findlay's advice, from the extract reproduced, was that they did not consider Clause 3.8.(6) was triggered, but accepted that Clause 3.8(5) was. While counsel disagrees with some of Buddle Findlay's reasoning, for the current purposes there is agreement that Plan Change 49-v1 identifies an area of significant indigenous vegetation that needs to be treated as a Significant Natural Area in the context of the NPS-IB.

2.3 GTC accepts that the correct legal position is that where evidence of an SNA is available to the Council (and the Panel) there is an obligation to identify that in accordance with the NPS-IB SNA criteria.

3.0 Signalled repeal of the SNA provisions

3.1 The Government have recently signalled a desire to repeal/amend the NPS-IB. Recently Associate Minister for the Environment Minister Hoggard made an announcement to suspend the need for Councils to comply with the SNA rules and advising Council to ignore SNAs:

"As part of the Act-National coalition agreement committed to ceasing the implementation of new SNA's. This work will be carried out as part of the governments RMA reforms. For now, the government has agreed to suspend the obligation for Councils to impose SNA's under the National Policy Statement for Indigenous Biodiversity, and we're sending a clear message that it would be unwise to bother."

3.2 Counsel understands that the Minister later backtracked on the direction to Councils to ignore the direction to map SNA's: (Beehive media release, **Appendix 1**)

"To be clear, there has been no change to the statutory or regulatory obligations to Councils at this point. These obligations continue to apply until and unless amended."

3.3 The Panel is therefore required to seek to implement the NPS-IB as best it can via identification of the SNA as part of Plan Change 49-1, but should be

alive to any changes to this position that may occur over the course of its deliberations.

- 3.4 The Government has also recently confirmed its intention to suspend the requirement to map SNAs via amendment to the RMA itself while it embarks on a review of the NPS-IB, but at the time of filing these submissions that has not yet occurred.
- 3.5 The regulatory uncertainty means that care should be taken that PC49-v1 provisions can stand on their own two feet in the event that the NPS-IB is repealed. Notably, until such time as any amendments come into law the Panel has an obligation to follow the law.
- 3.6 Many other Councils have informally heeded the Governments advice, and opted to put plan changes dealing with SNAs “on hold” or postponed these until such time as this uncertainty is resolved and that may be something that the Panel wish to consider. However, it is noted that any legislative amendments will not necessarily absolve the Council of its obligations under s6(c) of the RMA or GWRC RPS Policy 23.

Outstanding issues

- 3.7 It is evident from the briefs of evidence filed by Mr Goldwater and Dr Keesing that there is a high amount of agreement as to the extent and reasons for inclusion of parts of the Spur as an SNA. Notably Mr Goldwater agrees with Dr Keesing that the previous Wildlands assessment was incorrect in certain respects.
- (a) It has little value as a stepping stone habitat:¹
- (b) Agrees that a large area of emergent pine over tree ferns does not meet the representativeness criteria “in of itself”.²
- 3.8 One minor disagreement is whether the ‘narrow gully’ being a new area outlined in white, added by Wildlands between notification and hearing of PC49-v1 (towards the top of the Spur), should be removed and does not qualify as an SNA as recommended by Mr Goldwater.³ Dr Keesing has a different view, and he considers the indigenous cover to be better than the

¹ Mr Goldwater’s evidence in chief, paras 21, 22 and 27

² Ibid para 23

³ Ibid para 30

areas he seeks to remove, with greater representativeness, and he would retain that area as SNA⁴.

- 3.9 The primary area of disagreement is whether or not the area of ponga-mamaku tree fernland meets the ecological criteria under the NPS-IB and Policy 23.
- 3.10 Both ecology experts agree that ponga-mamaku tree fernland is of itself of low value and does not qualify as being significant in and of itself.
- 3.11 Mr Goldwater includes this area as part of an SNA because he says that the significance criteria and NPS-IB Appendix 1 are met in respect of the *'tree land providing a contiguous east-west linkage between the two beach forest remnants, while also providing a partial buffering function.'*⁵
- 3.12 Dr Keesing disagrees. He does not consider that there is sufficient evidence of this area having a linkage function and does not consider that inclusion of the ponga-mamaku tree fernland area should be included as an SNA. Dr Keesing does not agree that this area is needed to provide connection to the two SNA areas of beech-kamahi forest.
- 3.13 Dr Keesing sets out good reasons in his evidence as to why he does not consider that area of ponga-mamaku tree fernland plays 'an important' role or have any particular function in either linkage or buffering of the beech-kamahi SNA areas. Dr Keesing notes that:
- (a) There is little evidence of this linkage function;⁶
 - (b) To the extent that connectivity is relevant the existing mature pine canopy provides adequate opportunities for linkage function without the need to rely upon the tree fern land for this function.⁷
 - (c) Tree fern vegetation is not required for species movement.⁸
 - (d) The two SNA's containing beech-kamahi that Dr Keesing has delineated already (and Mr Goldwater agrees with) include a buffer of seral vegetation before the hardwood forest, that buffer's this vegetation. The additional areas for inclusion as a buffer for

⁴ Dr Keesing's rebuttal evidence para. [3.16]

⁵ Mr Goldwater Evidence in Chief para. [23].

⁶ Dr Keesing evidence dated 15 March paras 3.8 – 3.13

⁷ Ibid para 3.14

⁸ Ibid at paras 3.14 – 3.15

this vegetation proposed by Mr Goldwater serve no useful purpose – they are just a “buffer on a buffer.”⁹

- 3.14 It is, unsurprisingly, GTC’s submission that Dr Keesing’s evidence should be preferred, Dr Keesing is very familiar with the site, has studied the site and carried out detailed ecological assessment over a long period of time (first assessed the site in 2007) and has been consistent and unequivocally reliable in the assessments he has made and the reasons why he holds those expert opinions over the course of the hearing.
- 3.15 Ultimately the Panel will need to test the evidence at the resumed hearing and reach a conclusion about whose testimony they prefer. The relevant considerations to assessing competing evidence were set out in opening submissions for GTC filed last year.

4.0 Expert Conferencing

- 4.1 Prior to the adjournment the Panel had directed expert conferencing of the ecology experts (which did not eventuate because Mr Goldwater had not filed a brief of evidence). GTC remains willing and able to make Dr Keesing available for expert conferencing with Mr Goldwater, should that assist in resolving any areas of disagreement between the two ecology experts.

Evidential basis for delineating “SNAs”

- 4.2 As canvased in opening legal submissions, it remains GTC’s position that there needs to be an evidential basis for identification of the area as a Significant Natural Area under the NPS-IB to warrant its inclusion of the overlay in the plan. This means that:
- (a) Land that that does not have significant value should not be included in the SNA or be subject to the protection that the overlay provides it is not warranted.
 - (b) Only areas that are assessed as being SNAs meeting the Appendix 1 NPS-IB criteria should be identified as such. Areas that do not display the necessary characteristics should not be included.

⁹ Ibid at paras 3.14 – 3.15

- (c) There needs to be a clear factual basis for the identification and protection of land as an SNA, this should be done in accordance with the NPS-IB Appendix 1 and Policy 23.
- 4.3 In GTC's submission whether or not an area is an SNA is a factual assessment applying the assessment criteria set out in Policy 23 and NPS-IB Appendix 1. Care is needed to ensure that Council does not stray from that criteria.
- 4.4 The NPS-IB seeks to seek to standardise delineation of SNAs to ensure that these are defined consistently across the country. Policy 6 of the NPS-IB stating:
- 'Significant indigenous vegetation and significant habitats of indigenous fauna are identified as SNA's **using a consistent approach.**'*
- 4.5 The NPS-IB defines "Significant Natural Area" as 'following an assessment in accordance with Appendix 1.' Appendix 1 sets out strict criteria for identifying areas that qualify as SNAs.

Correct Approach

- 4.6 In GTC's submission delineating the SNA is a distinctly separate factual exercise to assessing the effectiveness of the proposed Plan Change 49-variation 1 provisions. The delineation needs to be determined with reference to both Policy 23 of the RPS and the NPS-IB Appendix 1.
- 4.7 It is important that the object and purpose of Plan Change 49-v1 do not influence the SNA assessment in order to procure a particular outcome.
- 4.8 While it is entirely appropriate for Mr Goldwater to provide ecology evidence on the potential effects Proposed Plan Change 49-v1 provisions proposed by Council, it is important to ensure that his views about Plan Change 49 v1 provisions and his assessment of the SNA do remain separate.
- 4.9 It is unclear whether or not Mr Goldwater's SNA assessment as to the size and extent of the SNA (and in turn the Officer's recommended changes) have been influenced by the number of submitters opposing a new transport corridor,¹⁰ or erroneous assumptions about the likely scale and location of a future roading/infrastructure corridor dissecting the Spur.

¹⁰ Mr Goldwater, Statement of Evidence, paragraphs 31 and 39.

- 4.10 As noted in opening submissions, the RMA is not a numbers game (SNAs are not to be delineated by popular vote) and the size, scale and location of a future roading/infrastructure corridor (and resulting ecological effects) is not known at this point,¹¹ and will be subject to a future consenting process. These matters are not relevant to the assessment of an SNA.
- 4.11 The delineation of an SNA must be done in accordance with methodology and criteria in Appendix 1 of the NPS-IB. Care must be taken not to take into account any irrelevant considerations, including any areas of land within an SNA simply because it will provide a perceived greater level of protection for this land from any future infrastructure corridor.
- 4.12 The Open Space zoning and provisions of the Plan Change 49- v.1 (initial Officer's report) do already provide a level of protection for land within the Spur that does not meet the SNA criteria.

GTC position – no change required

- 4.13 GTC submit that Dr Keesing's evidence should be preferred (along with the changes to the wording of Plan Change 49 set out in opening submissions) and the first statement of evidence of Mr Hall. If the Panel adopts that approach, none of the further changes suggested in the revised Officer's Report are required.

Response to Officer's revised provisions

- 4.14 In the event that the Panel prefer the delineation of the SNA in the form proposed by Mr Goldwater, and wish to consider the changes suggested in the revised Officer's Report, GTC remains opposed to the proposed amendments on the basis that:
- (a) The additional changes proposed by the Officer are unnecessary to give effect to the SNA delineated by Mr Goldwater; and
 - (b) changes give rise to unanticipated consequences that impact on the intent and workability of the provisions.
- 4.15 Council's initial approach to variation 1 to introduce provisions that preserve the opportunity for access for roading and infrastructure *so to not preclude* future development of the SGA, and provides rules that allow for

development options within and outside of the SNA's is correct here. The reasons for this are explained in detail below.

- 4.16 Plan Change 49 (PC49) was publicly notified on 11 August 2021 and introduces Natural Open Space Zones (NOSZ) into the operative Upper Hutt District Plan (District Plan). The purpose of the NOSZ is to enable a range of passive recreation, customary and conservation activities with ancillary structures which occur within the natural environment and have a high degree of interaction with natural features.
- 4.17 PC49 introduces objectives and policies to manage activities in the NOSZ. Each activity in the NOSZ shall comply with the relevant permitted activity standards in the district-wide matters of the Plan. Rules in the NOSZ generally address a wide range of activities, but do not include infrastructure (including a transport corridor); the removal of indigenous vegetation; or any Significant Natural Area.
- 4.18 Variation 1 to PC49 was publicly notified on 5 October 2022 to include the Silverstream Spur. The purpose of Variation 1 is to rezone the Silverstream Spur as Natural Open Space Zone (NOSZ). Variation 1 as notified included:
- Two new policies – NOSZ – P6 Silverstream Infrastructure intended to enable infrastructure including a transport corridor within the Silverstream Spur to provide for passive recreation and to support the development of the Southern Growth Area.
 - NOSZ – P7 Silverstream Natural Area intended to manage the adverse effects on the identified Silverstream Spur *Significant* Natural Area by the measures set out in the policy.
- 4.19 Two new rules – NOSZ – R15 provided for road and associated network utility infrastructure, including storage tanks or reservoirs on the Silverstream Spur Natural Area, as a controlled activity subject to matters of control listed; NOSZ – R22 provided for the removal of indigenous vegetation on the Silverstream Spur Natural Area as a discretionary activity.
- 4.20 A map showing the proposed Silverstream Spur NOSZ.

Assessment of Amendments proposed to Variation 1 in the revised s.42A Report.

- 4.21 The original s.42A Report (dated 3 November 2023) for the hearing recommended a number of amendments to Variation 1, including amendments to the two policies; minor amendments to the conditions of

Rule NOSZ – R15; and amending the activity status of NOSZ – R22 from discretionary to restricted discretionary.

- 4.22 In response to the hearings process, a revised s.42A Report (dated 5 March 2024) recommended further amendments to the Variation 1 provisions. GTC's position on these amendments is as follows:

New Policy NOSZ – P6 – Silverstream Spur Infrastructure

- 4.23 There are no amendments proposed in Policy NOSZ – P6 in the updated s.42A Report, and therefore the issues with this policy are as per GTC's submission and evidence provided to the hearing panel in November 2023.

New Policy NOSZ – P7 – Silverstream Spur Natural Area

- 4.24 Policy NOSZ – P7 is problematic as the area the policy applies to has not been consistently identified and has changed through the submissions and hearings process. Variation 1 as notified included Policy NOSZ – P7 that had an inconsistency in it as the heading indicated it applied to the *Silverstream Spur Natural Area*, whereas the text referred to adverse effects from development on the identified *Silverstream Spur Significant Natural Area*.

- 4.25 The original s.42A Report provided to the hearing panel recommended the text be amended to refer to the *Silverstream Spur Natural Area* (i.e. 'significant' be deleted from the text of the policy), while the revised s.42A Report recommends the policy heading to be amended to apply to the *Silverstream Spur Significant Natural Area*, and the text be amended back to referring to the identified *Silverstream Spur Significant Natural Area* as originally notified.

- 4.26 The terminology used in the policies and rules is critical and the amendments proposed in the revised s.42A Report create a new problem. Essentially the Silverstream Spur consists of two areas: one area being the recognised Significant Natural Area (SNA) (the extent of which is subject to disagreement between the expert ecologists); and the second is the area outside of the SNA. While the amendments recommended in the updated s.42A Report seem reasonable at first glance, the implications of the amended Policy NOSZ – P7 as cross-referenced in Policy NOSZ – P6 on any infrastructure required to support development of the Southern Growth Area will depend on the final extent of the SNA.

- 4.27 If Dr Keesing's SNA extent is accepted, Policy NOSZ – P7 would assist in the enabling implementation Policy NOSZ – P6 as the infrastructure would be in the area outside of the SNA. However, if Mr Goldwater's SNA extent is accepted, Policy NOSZ – P7 may not assist to implement Policy NOSZ – P6 as the infrastructure would need to be within the SNA and avoidance is a final requirement if biodiversity offsetting is not appropriate. Under this scenario it is questionable whether the infrastructure could be placed on the Silverstream Spur, which would be contrary to the enabling intent of Policy NOSZ – P6. The proposed deletions mean that there are no rules that provide for the development of infrastructure on the Silverstream Spur outside of the SNA. These revisions mean that these rules only apply to infrastructure in the SNA.

New rule NOSZ – R15 - Road and associated network utility infrastructure, including storage tanks or reservoirs on the Silverstream Spur Natural Area (Pt Sec 1 SO 34755, Parcel ID: 3875189)

- 4.28 Variation 1 as notified provided for new roads and associated network utility infrastructure in the *Silverstream Spur Natural Area* as a controlled activity in Rule NOSZ – R15.1, subject to conditions (one of which was the effects on biodiversity in the identified *Significant Silverstream Spur Natural Area*) (again, inconsistent terminology). Condition a) required compliance with new Standards NOSZ – S4 which provided new standards for the proposed new road; non-compliance with NOSZ – S4 required a discretionary activity in Rule NOSZ – R15.2.
- 4.29 The s.42A Report provided to the hearing panel recommended minor amendments to Conditions d) and e), deletion of Condition f) (protecting special amenity features), including the deletion of 'significant' when referring to the Silverstream Spur Natural Area in Condition h). Non-compliance with Standards NOSZ – S4 was recommended to be a restricted discretionary activity.
- 4.30 The updated s.42A Report recommends Rule NOSZ – R15 apply to the *Silverstream Spur Significant Natural Area*, and the activity status be amended to discretionary, and the deletion of the conditions, Rule NOSZ – R15.2 and Standards NOSZ – S4. The reason given in the updated s.42A Report for the recommended amendments is *"to address the concerns raised by submitters, and the effects raised by Mr Goldwater..."* (Para.265; page 51).

- 4.31 The recommended amendment that Rule NOSZ R-15 only apply to the Silverstream Spur SNA raises the same issue discussed above in regard to Policy NOSZ – P7. The amended Rule NOSZ – R15 only applies to roads and associated infrastructure located inside the SNA, and not on areas outside of the SNA. There is no provision in PC49 for roads and associated infrastructure in Natural Open Space Zone, and it therefore appear roads and associated infrastructure would default to the Transport and Parking provisions contained in the Energy, Infrastructure and Transport of the District Plan. This is contrary to the stated purpose of Plan Change 49 -v1 and the intent of Policy NOSZ – P6 as it is not enabling.
- 4.32 In GTC’s submission these provisions are unworkable, it is unclear whether this is an intended or unintended consequence of the Officer’s amendments as there is little by way of explanation or reasoning provided to support this. GTC considers that there needs to be separate rules for roads and associated network utility infrastructure inside and outside of the SNA, (regardless of its extent).
- 4.33 For roading and network utility infrastructure outside of the SNA, controlled activity Rule NOSZ – R15 as originally notified should be retained, with non-compliance with Standard NOSZ – S4 a restricted discretionary activity with consideration restricted to the standard(s) that cannot be met.
- 4.34 For roading and network utility infrastructure inside the SNA, (in the event that the Panel are inclined to go with this approach) a new restricted discretionary Rule NOSZ – R15A should be included, with matters of discretion addressing similar matters for roads and associated network utility infrastructure outside of the SNA, with non-compliance a discretionary activity.
- 4.35 The recommended change in activity status of Rule NOSZ – R15 to discretionary in the updated s.42A Report is addressed by Mr Hall in his planning evidence.
- New Rule NOSZ – R22 - Removal of indigenous vegetation on the Silverstream Spur Natural Area (Pt Sec 1 SO 34755, Parcel ID: 3875189)*
1.
- 4.36 Variation 1 provided for the removal of indigenous vegetation on the Silverstream Spur Natural Area as a discretionary activity. The s.42A Report provided to the hearing panel recommended the activity status be amended to a restricted discretionary activity.

- 4.37 The updated s.42A Report recommends Rule NOSZ – R22 apply to the *Silverstream Spur Significant Natural Area*, and the activity status be retained as restricted discretionary activity. The recommendation also includes matters discretion is restricted to, as the s.42A Report to the hearing panel did not include such matters.
- 4.38 The same issue arises here with the Officer’s revised amendments as per Rule NOSZ – R15 in that the removal of indigenous vegetation is only provided for inside the SNA, and not in areas outside the SNA. There is no provision in PC49 for the removal of indigenous vegetation in Natural Open Space Zone, and it appears the only provisions apply to subdivision in the District Plan.
- 4.39 Again, if the Panel is minded to adopt this approach (which is unsupported by GTC) there do need to be separate rules for the removal of indigenous vegetation inside and outside of the SNA (regardless of its extent).
- 4.40 For the removal of indigenous vegetation outside of the SNA, as this vegetation is not significant, a new controlled activity Rule NOSZ – R22 should be provided with matters of control similar to those recommended in the updated s.42A Report. Non-compliance with the matters of control should be a restricted discretionary activity.
- 4.41 For the removal of indigenous vegetation inside the SNA, the restricted discretionary Rule NOSZ – R22 included in the updated s.42A Report should be re-numbered Rule NOSZ – R22A, with non-compliance with the matters of Council has restricted its discretion to a discretionary activity.
- 4.42 GTC does not support the approach set out above. It is clear from the detailed explanation set out above, that there are difficulties with the amendments proposed by the Officer. While GTC has offered a view on how those difficulties could be fixed up (if the Panel were convinced that the approach suggested by the Officer was necessary) it does not support that approach or consider that it is warranted.

5.0 Concluding comments

- 5.1 The revised Officer’s Report and evidence filed by Mr Goldwater does not alter GTC’s position, which remains as set out in the evidence filed and legal submissions heard on 28 November 2023.

- 5.2 The new ecological evidence and revisions to the Officer's suggested plan wording are opposed for the reasons set out in these submissions and in the further evidence of Mr Hall and Dr Keesing. In GTC's submission, Dr Keesing's, Mr Read's and Mr Hall's evidence and the mapping and wording sought as a result of that evidence should be preferred.
- 5.3 Should the Panel take an alternative view on the Officer's revised amendments it will need to look carefully and resolve the issues raised by GTC in paragraphs 3.1 – 3.15 of these submissions.
- 5.4 It is important that there is balance struck between the Natural Open Space Zoning and the potential for future roading infrastructure to service the SGA is not foreclosed. The relief sought by GTC, (on the Officers initial s42A Report) and delineation of the SNA proposed by Dr Keesing achieves that.



P D Tancock

Counsel for Guilford Timber Company Ltd

Dated 22nd March 2024

APPENDIX 1

Go to

[- Minister or Govt Spokesper:](#)[View all Ministers \(/ministers\)](/ministers)

Go to

[- Portfolio -](#)[View all Portfolios \(/portfolios\)](/portfolios)

Search

[Advanced search \(/advanced_search\)](/advanced_search)[Home \(/\)](#) [Releases \(/releases\)](/releases)

Releases (/releases)

SHARE THIS

14 MARCH 2024

Significant Natural Areas requirement to be suspended

**HON ANDREW HOGGARD**[\(/MINISTER/HON-ANDREW-HOGGARD\)](/MINISTER/HON-ANDREW-HOGGARD)[Environment \(/portfolio/nationalactnew-zealand-first-coalition-government-2023-2026/environment\)](/portfolio/nationalactnew-zealand-first-coalition-government-2023-2026/environment)

Associate Environment Minister Andrew Hoggard has today announced that the Government has agreed to suspend the requirement for councils to comply with the Significant Natural Areas (SNA) provisions of the National Policy Statement for Indigenous Biodiversity for three years, while it replaces the Resource Management Act (RMA).

“As it stands, SNAs identified on private property limit new activities and development that can take place on that property. In their current form they represent a confiscation of property rights and undermine conservation efforts by the people who care most about the environment: the people who make a living from it,” says Mr Hoggard.

“As part of the ACT-National coalition agreement the Government committed to ceasing the implementation of new SNAs. This work will be carried out as part of the Government’s RMA reforms. For now, the Government has agreed to suspend the obligation for councils to impose SNAs under the NPS Indigenous Biodiversity, and we’re sending a clear message that it would be unwise to bother.

“The Government is proposing to make the changes as quickly as possible to ensure councils and communities do not waste resources and effort implementing national direction requirements that may change following a review.

“I have also asked for a review of the operation of existing SNAs more broadly, including those implemented under the powers that councils have in the RMA. This review is being scoped now.

“New Zealand currently has 180,000 hectares of privately-owned land in QEII covenants. The impressive engagement and growth of QEII covenants – all voluntary – shows that private landowners do care about conservation. This Government will be taking a collaborative approach with them, rather than undermining their rights.

“This Government is firmly committed to protecting New Zealanders’ property rights.

“If government takes away property rights there’s no incentive to be a conservationist. Ill-conceived regulations such as SNAs and the NPS Indigenous Biodiversity put roadblocks in place and turn biodiversity and conservation efforts into a liability.”

Note to editors:

All councils have had to protect areas with significant indigenous biodiversity since the Resource Management Act (RMA) was introduced in 1991. This requirement remains in place and isn’t affected by the suspension. Other NPSIB provisions including the management of existing SNAs will continue to apply.



Beehive.govt.nz

[Home \(/\)](#)

[Releases \(/releases\)](/releases)

[Speeches \(/speeches\)](/speeches)

[Features \(/features\)](/features)

[Archive](#)

[\(/advanced_search\)](/advanced_search)

[News Feeds \(/feeds\)](/feeds)

About this site

[About \(/about-this-site\)](/about-this-site)

[Contact us](#)

[\(/feedback\)](/feedback)

[Site Map \(/sitemap\)](/sitemap)

[Disclaimer \(/legal\)](/legal)

[Privacy Policy](#)

[\(/privacy\)](/privacy)

[Copyright](#)



[\(https://www.govt.nz/\)](https://www.govt.nz/)

(/copyright)

Accessibility

(/accessibility)