

ECOSYSTEMS AND INDIGENOUS BIODIVERSITY

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1 Scope of Report

- [1] This Recommendation Report relates to the Ecosystems and Indigenous Biodiversity chapter of the PDP and contains the Hearing Panel's recommendations to Council on the submissions and further submissions received on that chapter.
- [2] The Hearing Panel members for the Ecosystems and Indigenous Biodiversity chapter were:
- Lindsay Daysh
 - Malcolm Lyall¹
 - Robert van Voorthuysen (Chair)
 - Yvette Couch-Lewis
- [3] The initial Section 42A Report and the end of hearing Section 42A Report (Reply Report) for this topic were:
- Ecosystems and Indigenous Biodiversity, 1 July 2022, Rachael Carruthers
 - Ecosystems and Indigenous Biodiversity, 30 September 2022, Rachael Carruthers
- [4] The Hearing Panel's recommended amendments to the notified provisions of the Ecosystems and Indigenous Biodiversity chapter are set out in Appendix 1. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments recommended by the Hearing Panel are shown in strike out, underlining and red font.
- [5] The Hearing Panel's recommended amendments to the notified planning maps are also set out, in narrative form, in Appendix 1, including any amendments recommended by the Section 42A Report author that we have adopted. Significant changes are also illustrated using 'screen shots' from the Council's on-line mapping tool.
- [6] We note that some of the numbering of individual clauses in the chapter's provisions (particularly the recommended restructured rule framework) will need to be consequentially amended and not all such amendments are shown in Appendix 1. We understand that will occur in the amended version of the entire PDP that will accompany the release of all of the Recommendation Reports.
- [7] Readers should also note that we have, at their request, amended all references to 'Trustpower' to 'Manawa Energy'.
- [8] Further submitters are not listed in the tables in this Recommendation Report because further submissions are either accepted or rejected in conformance with our recommendations on the original submissions to which they relate.

2 Hearing and Submitters Heard

- [9] The hearing for the Ecosystems and Indigenous Biodiversity chapter was held on 1st and 2nd August 2022. The submitters who appeared at the hearing are listed below, together with an identification of whether they were an original submitter, a further submitter, or both.

¹ Commissioner Lyall recused himself from consideration of the Orion submission due to the SDC's part ownership of Orion causing a conflict of interest

Sub #	Submitter	Original	Further
DPR-0097	Flock Hill Holdings	✓	
DPR-0212	Ellesmere Sustainable Agriculture Incorporated	✓	✓
DPR-0233	Canterbury Botanical Society	✓	
DPR-0260	Canterbury Regional Council	✓	
DPR-0301	Upper Waimakariri/Rakaia Group	✓	✓
DPR-0353	Horticulture New Zealand	✓	
DPR-0407	Royal Forest & Bird Protection Society of NZ Inc.	✓	✓
DPR-0422	Federated Farmers of New Zealand - North Canterbury	✓	✓
DPR-0427	Director-General of Conservation	✓	✓
DPR-0439	Rayonier Matariki Forests	✓	✓
DPR-0440	Environmental Defence Society Incorporated	✓	
DPR-0441	Manawa Energy	✓	✓
DPR-0446	Transpower New Zealand Limited	✓	✓

- [10] Some of the submitters were represented by counsel or had expert witnesses appear on their behalf. The counsel and witnesses we heard from are listed in Appendix 3. Copies of all the legal submissions and evidence (expert and non-expert) received are held by the Council. We do not separately summarise that material here, but we refer to or quote from some of it in the remainder of this Recommendation Report.
- [11] We record that we considered all submissions and further submissions, regardless of whether the submitter or further submitter appeared at the hearing and whether or not they were represented by counsel or expert witnesses.

3 Sub-topic Recommendations

- [12] In this part of the Recommendation Report we assess the submissions by sub-topic, using the same headings as the initial Section 42A Report.
- [13] The Ecosystems and Indigenous Biodiversity chapter is not subject to a specific national policy statement. Government has released an Exposure Draft of a National Policy Statement for Indigenous Biodiversity (NPSIB), but that document has no legal status. We reject the submissions of counsel for DOC² that we should nevertheless “... *consider the draft NPSIB when making their decisions on the PDP.*” The National Policy Statement for Freshwater Management 2020 (NPS-FM) has some provisions affecting activities in wetlands, but that primarily affects the activities regulated by the Canterbury Regional Council (CRC).
- [14] As set out in the evidence of Daniel Cox for the CRC, Chapter 9 of the Canterbury RPS (CRPS) titled Ecosystems and Indigenous Biodiversity has a number of provisions³ that are directly relevant and that we must give effect to under s75(3)(c) of the RMA. Counsel for CRC⁴ helpfully summarised the intent of the CRPS provisions as follows:
- (a) halt the decline in the quality and quantity of Canterbury’s ecosystems and indigenous biodiversity;
 - (b) restore or enhance ecosystem functioning and indigenous biodiversity; and

² Legal Submissions for the Director-General of Conservation Tumuaki Ahurei, Submitter Number: DPR-0427, Hearing 10: Ecosystems and Indigenous Biodiversity, Dated: 25 July 2022, paragraph 15.

³ CRPS Objectives 9.2.1, 9.2.2 and 9.2.3 and associated Policies 9.3.1 to 9.3.6.

⁴ Legal Submissions on Behalf of Canterbury Regional Council in Relation to Ecosystems and Indigenous Biodiversity, 22 July 2022, paragraph 8.

(c) identify and protect areas of significant indigenous biodiversity and significant habitats of indigenous fauna.

- [15] Further to that, we must recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance under s6(c) of the RMA, while under s7(d) we must also have particular regard to the intrinsic values of ecosystems. We have been mindful of those obligations when considering the submissions and the relief sought by the submitters.
- [16] We also note that SDC has made a Plan wide clause 16(2) amendment to change the code used in the chapter from EIB to ECO to align with the November 2019 version of the National Planning Standards. We do not show that change as an underlined amendment in Appendix 1.
- [17] Ms Carruthers recommended a restructuring of the chapter's rules, replacing ECO-R1 and ECO-R2 with ECO-RC, ECO-RD, ECO-RE, ECO-RF and ECO-RG. We acknowledge that change to be potentially confusing and so to assist submitters we have included in Appendix 2 a table that relates the notified rule numbers to the recommended new rule numbers.
- [18] In the remainder of this Report, we generally refer to the new ECO rule numbering system, except where that would make it unnecessarily difficult for readers to understand the text.

3.1 Whole chapter

- [19] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0159	Lincoln Envirotown	002
DPR-0168	P Godfrey	002, 014, 016
DPR-0233	CBS	003, 005
DPR-0260	CRC	078
DPR-0301	UWRG	027
DPR-0357	S Fitzjohn	003
DPR-0358	RWRL	190
DPR-0384	RIDL	197
DPR-0407	Forest & Bird	011
DPR-0427	DOC	089

- [20] We note that the relief sought by UWRG is effectively implemented by Ms Carruthers' recommended amendments to ECO-R1 and ECO-SCHED3 made in response to the submission of DOC. Further to that, we also note that other provisions of the chapter are recommended to be amended in response to DOC's subsequent submission points.
- [21] Other than that, in terms of s32AA of the RMA, for these submissions and submission points we are satisfied that in response to the submission of CRC, Ms Carruthers' recommendation to insert an advice note at the beginning of the rule section of the chapter encouraging landowners to contact the SDC to determine whether or not they have an SNA on their property and to ensure that they don't unwillingly breach the rules is the most appropriate option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

3.2 Overview

- [22] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0233	CBS	004
DPR-0290	H Rennie	001, 002
DPR-0301	UWRG	010
DPR-0407	Forest & Bird	010
DPR-0422	FFNC	135, 136, 137, 138

- [23] In terms of s32AA of the RMA, we are satisfied that in response to these submissions, Ms Carruthers' recommended amendments to the Overview text (which were based on the assessment of submissions undertaken by Dr Lloyd) are generally the most appropriate options for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.
- [24] However, we queried whether the wording of the recommended first new paragraph could be simplified and in her answers to our written questions, Ms Carruthers agreed that it could be.⁵ We recommend accordingly.

3.3 Objectives

3.3.1 ECO-01

- [25] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. Of the fourteen submitters, seven sought to retain the objective as notified and one did not specify any amendment.

Sub #	Submitter	Submission Points
DPR-0260	CRC	065
DPR-0301	UWRG	011
DPR-0305	A Fitzjohn	003
DPR-0343	CDHB	022
DPR-0368	Beef + Lamb NZ & Deer NZ	005
DPR-0372	Dairy Holdings	041
DPR-0375	WKNZTA	087
DPR-0390	RIL	030
DPR-0407	Forest & Bird	012
DPR-0422	FFNC	139
DPR-0427	DOC	090
DPR-0440	EDSI	007
DPR-0441	Manawa Energy	096
DPR-0446	Transpower	080

- [26] In terms of s32AA of the RMA, we are satisfied that in response to the submissions of UWRG, Forest & Bird, EDSI and DOC, Ms Carruthers' recommended amendment to focus clause 1 on the 'protection of significant indigenous vegetation and significant habitats of indigenous fauna' is the most appropriate option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

⁵ Officer's Response to Questions from the hearings Panel, 28 July 2022

- [27] We note the DOC planner, Amy Young⁶, supported the recommended amendments because they would strengthen the objective by narrowing the scope to the 'protection of' rather than 'protection to ensure no net loss'. We agree.

3.3.2 ECO-02

- [28] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. Of the eight submitters, seven sought to retain the objective as notified.

Sub #	Submitter	Submission Points
DPR-0260	CRC	066
DPR-0301	UWRG	012
DPR-0343	CDHB	023
DPR-0372	Dairy Holdings	042
DPR-0390	RIL	031
DPR-0422	FFNC	140
DPR-0427	DOC	091
DPR-0441	Manawa Energy	097

- [29] In terms of s32AA of the RMA, we are satisfied that in response to the submission of Manawa Energy, Ms Carruthers' recommended amendment to clarify in clause 2 that restoration will necessarily focus on degraded habitats that sustain mahinga kai is the most appropriate option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

3.3.3 New objective requested

- [30] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0290	H Rennie	003
DPR-0422	FFNC	141

- [31] We note that in response to the submission of FFNC to recognise the traditional value of indigenous vegetation cover in extensive dryland pastoral systems, Ms Carruthers has recommended a new policy ECO-PA.⁷ In terms of s32AA of the RMA, we are satisfied including that new policy is the most appropriate option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

3.4 Policies

3.4.1 ECO-P1

- [32] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0019	S Jarvis	003
DPR-0260	CRC	067
DPR-0301	UWRG	013, 014

⁶ EIC Amy Young, paragraph 23.

⁷ Shown as ECO-P12 in Appendix 1

Sub #	Submitter	Submission Points
DPR-0343	CDHB	024
DPR-0353	HortNZ	124
DPR-0368	Beef + Lamb NZ & Deer NZ	006
DPR-0372	Dairy Holdings	043
DPR-0390	RIL	032
DPR-0407	Forest & Bird	013
DPR-0422	FFNC	142
DPR-0427	DOC	092
DPR-0437	The Stations	002
DPR-0440	EDSI	008
DPR-0441	Manawa Energy	098
DPR-0468	Fish & Game	007

[33] In terms of s32AA of the RMA, for these submissions and submission points we are satisfied that Ms Carruthers' recommendations to:

- in response to the submissions of Forest & Bird, EDSI, Fish & Game and DOC to remove the reference to landowner agreement being required to include a SNA⁸ within the PDP;
- in response to the submission of DOC, amend the start of the Policy to refer to 'Identify and map' instead of 'Schedule' SNA's

are the most appropriate options for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

[34] In saying that we acknowledge that ECO-SCHED4 – Significant Natural Areas will, if our recommendations are accepted, contain only one entry in response to the submission of CRC. However, ECO-SCHED1 sets out criteria for the identification of SNA's and those criteria are consistent with CRPS Policy 9.3.1, which in turn sets out significance criteria for determining the significance of ecosystems and indigenous biodiversity. We understand that ECO-SCHED4 will be populated over time as the SDC gives effect to the eventual NPSIB.

3.4.2 ECO-P2

[35] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0260	CRC	068
DPR-0301	UWRG	015
DPR-0343	CDHB	025
DPR-0353	HortNZ	125
DPR-0368	Beef + Lamb NZ & Deer NZ	007
DPR-0372	Dairy Holdings	044
DPR-0390	RIL	033
DPR-0407	Forest & Bird	014
DPR-0422	FFNC	143
DPR-0427	DOC	093
DPR-0440	EDSI	009
DPR-0441	Manawa Energy	099

⁸ Significant natural area. We use the term SNA as shorthand for the phrase "areas of significant indigenous vegetation and significant habitats of indigenous fauna".

[36] In terms of s32AA of the RMA, for these submissions and submission points we are satisfied that Ms Carruthers' recommendations to:

- in response to the submission of UWRG, remove the reference to 'further' areas of SNAs, because the PDP does not currently schedule any such areas; and
- in response to the submissions of Forest & Bird and EDSI, delete the phrase 'with a focus on national priorities for biodiversity protection'

are the most appropriate options for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

3.4.3 ECO-P3

[37] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0301	UWRG	016
DPR-0343	CDHB	026
DPR-0353	HortNZ	126
DPR-0368	Beef + Lamb NZ & Deer NZ	008
DPR-0372	Dairy Holdings	045
DPR-0388	Craigmore	020
DPR-0390	RIL	034
DPR-0407	Forest & Bird	015
DPR-0422	FFNC	144
DPR-0427	DOC	094
DPR-0437	The Stations	003
DPR-0440	EDSI	010
DPR-0446	Transpower	081

[38] For these submissions and submission points we are generally satisfied that in response to the submission of Forest & Bird, Ms Carruthers' recommendation to amend ECO-P3 so that it applies outside of SNAs is the most appropriate option for achieving the objectives of this Plan and for giving effect to the CRPS.

[39] We agree with Ms Carruthers that the amendment proposed by Ms Young in her Appendix 1⁹ would improve clarity and certainty for Plan users. We have however amended the format of the provision by using sub-clauses so that its intended meaning is clarified.

[40] We reject the submissions (including that of EDSI) that sought the deletion of ECO-P3 and its corresponding rule (now ECO-RC.3). In that regard for EDSI Ms Woodhouse advised that her concern related to vegetation clearance associated with the maintenance of infrastructure, particularly irrigation schemes, stock water schemes and drainage schemes. However, when we asked her about that she was not aware of any situation within the Selwyn District where that had been problematic in the past.

3.4.4 ECO-P4

[41] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

⁹ Evidence of Amy Young for DOC, Appendix 1

Sub #	Submitter	Submission Points
DPR-0260	CRC	069
DPR-0301	UWRG	017
DPR-0343	CDHB	027
DPR-0353	HortNZ	127
DPR-0368	Beef + Lamb NZ & Deer NZ	009
DPR-0372	Dairy Holdings	046
DPR-0388	Craigmore	021
DPR-0390	RIL	035
DPR-0407	Forest & Bird	016
DPR-0422	FFNC	145
DPR-0427	DOC	095
DPR-0439	Rayonier	018
DPR-0440	EDSI	011

[42] For these submissions and submission points we are satisfied that Ms Carruthers' recommendations to:

- in response to the submission of DOC, delete the reference to scheduled SNAs and the reference to other areas that meet the criteria set out in ECO-SCHED1, because both types of area are within the proposed definition of a 'Significant Natural Area';
- in response to the submission of HortNZ, amend the policy to enable the clearance of indigenous vegetation within an SNA, where that is necessary for the clearance of material infected by unwanted organisms. In that regard we note that as a result of the recommendations arising from Hearing 6 Hazardous Substances and Contaminated Land, the PDP will include a new 'Plan wide' definition of 'Material Infected by Unwanted Organisms' that will read "*means material infected by unwanted organisms as declared by MPI Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993*";
- in response to the submission of DOC, amend the policy so that activities that would adversely affect the ecological values of a SNA are to be avoided, rather than activities that would adversely affect indigenous biodiversity values;

are the most appropriate options for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

[43] Ms Carruthers¹⁰ also recommended the insertion of a definition of 'ecological integrity' that would be based on the wording used in the NPSIB. We agree that would more appropriately focus the policy on the values of each particular SNA. We note that this requires consequential amendments to ECO-RF.1.b, ECO-REQG.1 and ECO-MAT1.d so that the defined term is used, rather than something with the same intent but different phrasing.

[44] We note that in response to submissions from Manawa Energy and Transpower, Ms Carruthers recommended that a new policy be inserted into the ECO chapter to separately provide for infrastructure projects (her recommended ECO-PB). We are not persuaded that is necessary. Having regard to the evidence of Ainsley McLeod for Transpower,¹¹ who considered that Ms Carruthers' recommended ECO-PB unnecessarily repeated elements of

¹⁰ Section 42A reply Report, paragraph 4.5

¹¹ Statement of Evidence of Ainsley Jean McLeod on behalf of Transpower New Zealand Limited, (Submitter ref: DPR-0446), Dated 15 July 2022, paragraphs 32 and 33

the approach to the management of important infrastructure in SNAs that was embodied in EI-P2, we find that a more efficient and effective response is to amend ECO-P4 by making an exception for important infrastructure managed under EI-P2.

[45] We put the suggestion to amend ECO-P4 to Ms McLeod at the hearing and she agreed that would be a suitable amendment and that it would address Transpower's concerns. We also put that suggestion to Romae Collard (the Manawa Energy representative) and she also agreed that it would be appropriate. We find that, as a consequential amendment and in terms of consistency, an exception should also be made for land transport infrastructure under TRAN-P13.

[46] We note that this results in there being no need to insert a new ECO-PB.

[47] We therefore recommend:

Sub #	Submitter	Submission Points	Recommendation
DPR-0441	Manawa	100	Accept in part
DPR-0446	Transpower	082	Accept in part

3.4.5 ECO-P5 and ECO-P7

[48] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author that ECO-P5 and ECO-P7 be deleted.

ECO-P5

Sub #	Submitter	Submission Points
DPR-0260	CRC	094
DPR-0301	UWRG	018
DPR-0343	CDHB	028
DPR-0353	HortNZ	128
DPR-0368	Beef + Lamb NZ & Deer NZ	010
DPR-0372	Dairy Holdings	047
DPR-0375	WKNZTA	089
DPR-0388	Craigmore	022
DPR-0390	RIL	036
DPR-0407	Forest & Bird	017
DPR-0422	FFNC	146
DPR-0427	DOC	096
DPR-0441	Manawa Energy	101
DPR-0446	Transpower	084

ECO-P7

Sub #	Submitter	Submission Points
DPR-0168	P Godfrey	004
DPR-0233	CBS	006
DPR-0260	CRC	070
DPR-0301	UWRG	020
DPR-0343	CDHB	030
DPR-0353	HortNZ	129
DPR-0368	Beef + Lamb NZ & Deer NZ	012
DPR-0372	Dairy Holdings	049
DPR-0390	RIL	038
DPR-0407	Forest & Bird	021

Sub #	Submitter	Submission Points
DPR-0422	FFNC	148
DPR-0441	Manawa Energy	103

[49] In particular, we agree with Ms Carruthers that:

- as a result of the recommended changes to ECO-P3 and ECO-P4, ECO-P5 is no longer required; and
- Biodiversity Management Plans are used in the PDP as thresholds in rules and a less restrictive activity status applies where one has been prepared in accordance with ECO-SCHED2. Consequently, a separate policy (ECO-P7) to encourage their use is not necessary.

[50] In terms of s32AA of the RMA, for these submissions and submission points we are satisfied that deleting the notified policies is the most efficient and effective option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

[51] We note that the Director General of Conservation¹² supported the deletion of ECO-P5 and ECO-P7 and the CRC¹³ supported the deletion of ECO-P7.

3.4.6 ECO-P6

[52] For the following submitters and their submission points we generally adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0260	CRC	178
DPR-0343	CDHB	029
DPR-0368	Beef + Lamb NZ & Deer NZ	011
DPR-0372	Dairy Holdings	048
DPR-0390	RIL	037
DPR-0422	FFNC	147
DPR-0427	DOC	097
DPR-0441	Manawa Energy	102
DPR-0446	Transpower	085

[53] In terms of s32AA of the RMA, for these submissions and submission points we are satisfied that Ms Carruthers' recommendations to:

- in response to the submissions of DOC and EDSI, refer to all threatened or at risk species (now a defined term), without restricting ECO-P6 to crested grebe and canterbury mudfish and their habitats; and
- in response to the submission of Transpower, amend the focus of ECO-P6 from managing activities to managing the effects of activities

are the most appropriate options for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

¹² EIC Amy Young, paragraphs 52 and 59.

¹³ EIC Daniel Cox, paragraph 32.

- [54] However, we consider that the policy should be limited to avoiding or managing effects on the habitats rather than the species themselves as that is more closely aligned with the SDC functions under s31(1)(a) of the RMA.
- [55] In response to the submissions of UWRG, Forest & Bird, and EDSI we are not persuaded that the word ‘manage’ would provide adequate guidance to future decision-makers. The word ‘manage’ is neutral and does not dictate a particular course of action. Instead, drawing on text used in Policy 11(b) of the NZCPS, we consider a better option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS would be to amend the policy to say instead ‘Protect ... by avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities that would adversely affect on those habitats.’ We note that in her Reply Report¹⁴ Ms Carruthers was in general agreement with that approach.
- [56] We accordingly recommend that UWRG DPR-0301.019, Forest & Bird DPR-0407.019, EDSI DPR-0440.013 and 014 are accepted in part.

3.4.7 ECO-P8

- [57] For the following submitters and their submission points we generally adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0260	CRC	071
DPR-0343	CDHB	031
DPR-0353	HortNZ	130
DPR-0367	Orion	054
DPR-0368	Beef + Lamb NZ & Deer NZ	013
DPR-0372	Dairy Holdings	050
DPR-0388	Craigmore	023
DPR-0390	RIL	040
DPR-0422	FFNC	149
DPR-0427	DOC	098
DPR-0441	Manawa Energy	104
DPR-0446	Transpower	086
DPR-0468	Fish & Game	009

- [58] In terms of s32AA of the RMA, for these submissions and submission points we are satisfied that Ms Carruthers’ recommendations to:

- in response to the submissions of DOC, introducing a requirement to consider whether offsetting would be likely to actually achieve the desired outcome is a practical clarification that might also address the concern raised by Fish & Game that very few places in Selwyn would be suitable for biodiversity offsetting; and
- in response to the submission of Transpower expand the policy to cover notices of requirement for a designation

are the most appropriate options for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

¹⁴ Paragraph 4.10(b).

[59] However, in response to the submission of Transpower, we consider that ECO-P8 should be amended to refer to offsets 'that are offered or agreed by applicants'. The reason for that addition is that we agree with Ainsley McLeod¹⁵ that the onus is on an applicant or project proponent to offer or agree offsetting measures. Such an approach would be consistent with the approach in the RMA and would also give effect to the CRPS, the NPSET and the NESETA. In particular we note that RMA s108AA(1) restricts the imposition of a condition unless (a) the applicant for the resource consent agrees to the condition or (b)(i) the condition is directly connected an adverse effect of the activity on the environment. An offset might not necessarily qualify under clause (i).

[60] We therefore recommend that Transpower DPR-0446.086 is accepted.

3.4.8 ECO-P9

[61] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note that this results in no change to the notified policy wording.

Sub #	Submitter	Submission Points
DPR-0260	CRC	072
DPR-0343	CDHB	032
DPR-0372	Dairy Holdings	051
DPR-0422	FFNC	150
DPR-0427	DOC	099

3.4.9 ECO-P10

[62] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0260	CRC	073
DPR-0301	UWRG	021
DPR-0343	CDHB	033
DPR-0372	Dairy Holdings	052
DPR-0390	RIL	039
DPR-0427	DOC	100

[63] In terms of s32AA of the RMA, for these submissions and submission points we are satisfied that in response to the submission of DOC, Ms Carruthers' recommendation to improve certainty and clarity for Plan users by providing examples of what might be considered by way of the protection, enhancement and restoration of indigenous biodiversity is the most appropriate option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

[64] However, to better align the policy with the amendment we have recommended to ECO-02, we consider the wording 'Encourage the protection and enhancement of indigenous biodiversity and the restoration of degraded indigenous biodiversity ...' better gives effect to the relevant objectives of this Plan.

¹⁵ Statement of Evidence of Ainsley Jean McLeod on behalf of Transpower New Zealand Limited, (Submitter ref: DPR-0446), Dated 15 July 2022, paragraph 42.

3.4.10 ECO-P11

- [65] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Point
DPR-0168	P Godfrey	005
DPR-0233	CBS	007
DPR-0260	CRC	074
DPR-0301	UWRG	022
DPR-0343	CDHB	034
DPR-0372	Dairy Holdings	053
DPR-0407	Forest & Bird	022
DPR-0422	FFNC	151

- [66] However, we agree with DOC planner Amy Young that it would be appropriate to refer to the species in ECO-SCHEDI – Potential Pest Species (Ms Young referred to that as ECO-TABLE1 and ECO-TABLE2) and plant pests managed under progressive containment programmes in the Canterbury Regional Pest Management Plan 2018-2038. We therefore recommend that DOC DPR-047.101 is accepted in part.
- [67] We note that Ms Carruthers did not support¹⁶ reference to the Canterbury Regional Pest Management Plan because it is a regional council document subject to its own review processes. We do not share her concern as it is common to refer to and incorporate by reference other documents prepared by other agencies into district plans. In this case the Regional Pest Management Plan 2018-2038 will remain current well past the date of the next review of the PDP.

3.4.11 New policies requested

- [68] For the following submitters and their submission points we generally adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Point
DPR-0367	Orion	055, 056
DPR-0375	WKNZTA	090
DPR-0422	FFNC	204, 298
DPR-0427	DOC	102, 103
DPR-0441	Manawa Energy	100, 102
DPR-0446	Transpower	083
DPR-0468	Fish & Game	008

- [69] We discussed the submissions of Orion, WKNZTA, Manawa Energy and Transpower who sought new policies to provide for infrastructure projects in our assessment of submissions on ECO-P4.
- [70] In our assessment of submissions seeking new objectives (section 3.3.3 of this Recommendation Report), we agreed with Ms Carruthers that a new policy ECO-PA should be inserted in response to the submission of Federated Farmers who sought to recognise the traditional value of indigenous vegetation cover in extensive, dryland pastoral systems. In terms of s32AA of the RMA, we are satisfied that the inclusion of new ECO-PA is the most

¹⁶ Section 42A Reply Report, paragraph 4.14.

appropriate option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS. We have numbered it ECO-P12.

[71] In that regard, we also adopt Ms Carruthers' s32AA analysis of ECO-PA set out in paragraphs 10.138 to 10.142 of the Section 42A report.

[72] In her Reply Report¹⁷ Ms Carruthers recommended the insertion of a new policy (ECO-PK) that would dictate when biodiversity compensation should be considered. The wording for that provision was based on the wording sought by DOC (DPR-0427.103). Notwithstanding the continued absence of the NPSIB (which we understand may address biodiversity compensation), we find that Ms Carruthers' policy should be included in the PDP to provide guidance for decision-makers and improved certainty for Plan users. We have numbered it ECO-P13.

3.5 Non notification clauses

[73] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note that this results in no change to the notified provisions.

Sub #	Submitter	Submission Points
DPR-0358	RWRL	405
DPR-0363	IRHL	430
DPR-0374	RIHL	476
DPR-0384	RIDL	509

3.6 Rules, Overlays and Definitions

3.6.1 ECO-RC (general submission points)

[74] For the following submitters and their submission points we adopt the recommendations and comprehensive reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0019	S Jarvis	004
DPR-0032	CCC	017
DPR-0168	P Godfrey	003
DPR-0233	CBS	011
DPR-0260	CRC	093
DPR-0299	S & J West	008
DPR-0301	UWRG	043
DPR-0345	PAR	018
DPR-0353	HortNZ	137
DPR-0375	WKNZTA	091
DPR-0422	FFNC	152
DPR-0439	Rayonier	021
DPR-0441	Manawa Energy	107

[75] Ms Carruthers recommended a substantial rewriting of the notified provisions which we found to be somewhat unnecessary and initially quite confusing. However, in terms of s32AA of the RMA, we were eventually satisfied that her recommendations to:

¹⁷ Paragraphs 4.25 to 4.27.

- in response to the submission of S & J West, restructure ECO-RC so that indigenous vegetation clearance in the ECO Management Overlay: Canterbury Plains Area was applied on a zone basis rather than relying on the ECO Management Overlay;
- delete the ECO Management Overlay, with the exception of the ECO Management Overlay: Hills and High Country Area and the ECO Management Overlay: Major Rivers ((these are recommended to be combined in a new overlay called the ‘Indigenous Biodiversity Overlay’);
- in response to the submission of CRC, restructure ECO-RC so that indigenous vegetation clearance is a consented activity (subject to conditions) in outside a SNA and where not permitted by ECO-RC.3 or ECO-RD. We note that under Ms Carruthers’ recommended restructuring of the rules that would apply to new ECO-RE and ECO-RF which respectively relate to a Crested Grebe Overlay and a Mudfish Habitat Overlay;
- in response to the submission of CRC, restructure ECO-RC and ECO-RD so that indigenous vegetation clearance that is not for a specified purpose (relevantly for CRC those purposes would include the maintenance, repair, or replacement of existing flood, erosion or drainage works administered by a Regional or Territorial Authority) is a consented activity;
- in response to the submission of FFNC, restructure ECO-RC to simplify it, reduce the cross references to other rules and address inconsistencies between the conditions for permitted and restricted discretionary activities;
- in response to the submission of Rayonier, restructure ECO-RC to clarify its relationship to the NPS-Plantation Forestry (NES-PT). We note that at the hearing Ms Fordyce (the Rayonier representative) advised that she was comfortable with Ms Carruthers’ recommendations;
- make consequential amendments to ECO-R2 (replacing it with ECO-REQG) and ECO-R4 to provide better clarity for Plan users about what provisions apply in which parts of the Selwyn District;

are the most appropriate options for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

- [76] In that regard we also adopt Ms Carruthers’ s32AA analysis set out in paragraphs 11.18 to 11.29 of the Section 42A Report.
- [77] We note that for CRC, Rivers Planning Advisor Jolene Irvine¹⁸ considered that the recommended flood, erosion and drainage rules achieved the intent of the relief sought by the CRC submission and would enable CRC to continue to deliver flood, erosion and drainage protection to the Selwyn community.
- [78] We note that DOC agreed with using zone based provisions to reduce complexity as that would make the Plan easier to navigate.¹⁹ Similarly, CRC agreed with that approach and the associated changes to the permitted activity standards.²⁰ That evidence helpfully assisted us

¹⁸ EIC Jolene Irvine, paragraph 18.

¹⁹ EIC Amy Young, paragraphs 13 and 93.

²⁰ EIC Daniel Cox, paragraph 36.

in addressing the complexity of Ms Carruthers' recommendations and our eventual conclusion that her recommended approach was appropriate.

3.6.2 *Extent of the ECO Management Overlay*

[79] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note that while Ms Carruthers recommended the deletion of the ECO Management Overlay, she also recommended retaining the Crested Grebe Overlay and the Mudfish Habitat Overlay. We agree with that approach.

Sub #	Submitter	Submission Points
DPR-0101	Chorus, Spark & Vodafone	027
DPR-0136	L & M Stewart, L & C Townsend & R Fraser	014
DPR-0176	B Macaulay & B Reid	013
DPR-0234	M Booker & A Roberts	002
DPR-0440	EDSI	005
DPR-0458	KiwiRail	065

3.6.3 *ECO-RC.1 – RD.3 Zone provisions and the ECO Management Overlay*

[80] This section addresses proposed zone-based rules for indigenous vegetation clearance and earthworks that do not relate to a SNA. For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Point
DPR-0212	ESAI	044
DPR-0260	CRC	076, 077, 079, 189, 190, 191, 192
DPR-0301	UWRG	023, 025
DPR-0353	HortNZ	131
DPR-0367	Orion	057, 201
DPR-0368	Beef + Lamb NZ & Deer NZ	014, 015, 016
DPR-0372	Dairy Holdings	054
DPR-0381	Coleridge Downs	036
DPR-0388	Craigmore	024
DPR-0390	RIL	041
DPR-0407	Forest & Bird	023, 024, 027, 028
DPR-0421	R & A Hill	003
DPR-0427	DOC	104, 105, 106, 107
DPR-0437	The Stations	004
DPR-0441	Manawa Energy	105
DPR-0446	Transpower	087
DPR-0454	CPW	012
DPR-0468	Fish & Game	002, 005, 006
DPR-0471	D & K Calder, R Jamison & R Reed	001

[81] In terms of s32AA of the RMA, we are satisfied that Ms Carruthers' recommendations to:

- in response to the submission of CRC, restructure the notified rules to form ECO-RC (for vegetation clearance outside of an SNA) and ECO-RD (for vegetation clearance within an SNA). We note CRC²¹ supported those amendments;
- in response to the submissions of CRC and Forest & Bird, impose restrictions on indigenous vegetation clearance in all SNAs;

²¹ EIC Daniel Cox, paragraph 36.

- in response to the submissions of ESAI, amend ECO-RC.3.g, ECO-RC.3.h.i and ECO-RC.3.h.ii so as to remove potential confusion about what is meant by the defined term 'indigenous vegetation' and to improve ease of use for Plan users. Native species that have been deliberately planted in an area, as opposed to those that have self-established, are not intended to be managed by the PDP;
- in response to the submission of DOC, include within ECO-RC.11 and ECO-RD.3 greater clarity about the activity status for indigenous vegetation clearance in the SKIZ/PRZ area. In that regard in her Reply Report²² Ms Carruthers recommended that ECO-RC.11.a be deleted, so that permitted indigenous vegetation clearance within SKIZ/PRZ is limited to that associated with a CON or RDIS earthworks consent granted under NFL-R2, or where it is necessary for the clearance of material infected by unwanted organisms. We agree with that suggestion;
- in response to the submissions of Orion and Transpower, delete ECO-R1.4.f;
- in response to the submission of ESAI, enable the clearance of indigenous vegetation within areas of improved pasture (ECO-RC.3.i);
- in response to the submission of HortNZ, enable within ECO-RC.3.o clearance with an area of horticultural cropping or planting. However, having regard to the evidence of Lynette Wharfe²³ for HortNZ, we do not consider that there is any need to limit that cropping to areas that have been cultivated within the previous 5 years. It would be unusual for indigenous vegetation to be cleared for horticultural crops given our understanding from the evidence of HortNZ provided for other PDP chapters that those crops are predominantly planted on LUC Class 1, 2 and 3 soils;
- in response to the submission of DOC, delete ECO-R1.16 and instead replicate it in a separate rule for the Mudfish Habitat Overlay, to clarify which works are permitted and which require additional consideration;
- in response to the submission of DOC, delete ECO-R1.4.m and ECO-R1.4.n. We note that DOC²⁴ supported that amendment;
- in response to the submission of CRC, insert a new condition to ECO-RC.3 to require the works not to occur within an SNA; and
- In response to the submission of HortNZ, insert a new condition in ECO-RC.3 to allow clearance associated with the routine maintenance of indigenous vegetation that has been planted as a shelterbelt

are the most appropriate options for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

3.6.4 Extent of the ECO Management Overlay: Port Hills Overlay

[82] For the following submitter and their submission point we adopt the recommendations and reasons of the Section 42A Report author. We note that this results in no change to the notified provisions.

²² Section 42A Reply Report, paragraphs 5.19 to 5.22.

²³ Her paragraph 7.20.

²⁴ EIC Amy Young, paragraph 106.

Sub #	Submitter	Submission Points
DPR-0440	EDSI	002

3.6.5 *ECO-RC.5 to ECO-RC.7 Port Hills Area*

- [83] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0260	CRC	084, 085
DPR-0368	Beef + Lamb NZ & Deer NZ	019, 020
DPR-0407	Forest & Bird	030
DPR-0427	DOC	109

- [84] For these submissions and submission points we are satisfied that Ms Carruthers' recommendation to rely on ECO-RC.3 and ECO-RD.3 to manage the clearance of indigenous vegetation in the Port Hills is the most appropriate option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

3.6.6 *Extent of the ECO Management Overlay: Hill and High Country Area*

- [85] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

- [86] Flock Hill requested that, should their request to create a special purpose zone be successful, the same ECO provisions apply to that site as apply to the surrounding GRUZ land. We note that Flock Hill's rezoning request is recommended for approval and so we agree with Ms Carruthers²⁵ that the relief sought is an appropriate method by which to manage ecosystems and indigenous biodiversity in the Flock Hill estate. We recommend accordingly using the special purpose zone using the acronym **FHSVZ**.

Sub #	Submitter	Submission Point
DPR-0097	Flock Hill	003
DPR-0440	EDSI	003
DPR-0468	Fish & Game	003

3.6.7 *Extent of the ECO Management Overlay: Major Rivers Area*

- [87] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0260	CRC	086
DPR-0427	DOC	110
DPR-0440	EDSI	004
DPR-0468	Fish & Game	004

3.6.8 *ECO-RC.5 Hills and High Country Area and Major Rivers Area*

- [88] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

²⁵ Section 42A Reply Report, paragraph 5.32.

Sub #	Submitter	Submission Point
DPR-0104	L Travnicek	007
DPR-0212	ESAI	045
DPR-0260	CRC	087
DPR-0345	PAR	019
DPR-0368	Beef + Lamb NZ & Deer NZ	021, 022
DPR-0372	Dairy Holdings	056
DPR-0381	Coleridge Downs	038, 039
DPR-0388	Craigmore	026
DPR-0390	RIL	043
DPR-0407	Forest & Bird	031
DPR-0427	DOC	110
DPR-0437	The Stations	005

[89] In terms of s32AA of the RMA, we are satisfied that in response to the submission of CRC, Ms Carruthers' recommendation to remove the permitted activity conditions of ECO-RC.3.l and ECO-RC.3.n is the most appropriate option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

[90] In response to our discussions at the hearing with CBS, FFNC and Forest & Bird, in her Reply Report Ms Carruthers²⁶ recommended:

- retaining and combining the ECO Management Overlay: Hill and High Country Area and the ECO Management Overlay: Major Rivers Overlay and renaming that combined overlay 'Indigenous Biodiversity Overlay'; and
- permitting vegetation clearance of improved pasture within the new 'Indigenous Biodiversity Overlay' only where that clearance is by way of grazing that is not overgrazing/trampling (now to be a recommended defined term). Ms Carruthers considered that would leave the clearance by other means (such as cultivation or mechanical clearance) requiring consent as an RDIS activity unless it was permitted by another aspect of what is now ECO-RC.3.

[91] We find that to be a suitably proportional response and we recommend accordingly. As noted, scope for such amendments is provided by submission points CBS DPR-0233.011, UWRG DPR-0301.025, FFNC DPR-0422.152, Forest & Bird DPR-0407.024, and DOC DPR-0427.106.

3.6.9 Extent of the ECO Management Overlay: Canterbury Plains Area

[92] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0299	S & J West	007
DPR-0302	A Smith, D Boyd & J Blanchard	011
DPR-0456	Four Stars & Gould	015

[93] In terms of s32AA of the RMA, we are satisfied that in response to the submission of S & J West, A Smith, D Boyd & J Blanchard, and Four Stars & Gould, Ms Carruthers' recommendation to delete the overlay and instead describe the provisions through zone based rules is the most

²⁶ Section 42A Reply Report, paragraphs 5.6 and 5.7.

appropriate option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

3.6.10 ECO-RC.5 Canterbury Plains Area

- [94] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0207	The Council	032
DPR-0212	ESAI	047
DPR-0260	CRC	091, 092
DPR-0353	HortNZ	135, 136
DPR-0368	Beef + Lamb NZ & Deer NZ	029
DPR-0372	Dairy Holdings	057, 058
DPR-0388	Craigmore	027, 028
DPR-0390	RIL	044, 045
DPR-0407	Forest & Bird	057
DPR-0427	DOC	115, 116
DPR-0456	Four Stars & Gould	016

- [95] In terms of s32AA of the RMA, we are satisfied that Ms Carruthers' recommendations to:

- In response to the submissions of CRC and HortNZ, delete the overlay and instead describe the provisions through zone-based rules;
- In response to the submissions of CRC, HortNZ, Dairy Holdings, Craigmore and RIL, amend ECO-R1.24 so that clearance in any SNA is subject to ECO-RD, regardless of whether it is listed in ECO-SCHED4 or not. Consequently, outside SNAs clearance greater than provided for by ECO-RC.3 is RDIS rather than DIS.

are the most appropriate options for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

3.6.11 Definition – Significant natural area

- [96] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0260	CRC	064
DPR-0422	FFNC	085
DPR-0427	DOC	017
DPR-0441	Manawa Energy	022

- [97] For these submissions and submission points we are satisfied that in response to the submissions of CRC and DOC, Ms Carruthers' recommendation (on the advice of Dr Lloyd) to amend the definition to include both areas that met the criteria set out in ECO-SCHED1 – Criteria for Determining Significant Indigenous Vegetation and Significant Habitat of Indigenous Fauna and those areas listed in ECO-SCHED4 – Significant Natural Areas is the most appropriate option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS. In that regard we also adopt the s32AA assessment set out in paragraphs 16.59 to 16.67 of the Section 42A Report.

- [98] We note that for CRC, ecologist Philip Grove²⁷ agreed with the amended definition proposed by Dr Lloyd and Ms Carruthers.

3.6.12 ECO Significant Natural Areas Overlay and ECO-SCHED4 - Significant Natural Areas

- [99] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Point
DPR-0019	S Jarvis	005
DPR-0168	P Godfrey	009, 012, 018
DPR-0233	CBS	012
DPR-0260	CRC	102, 103, 104, 194
DPR-0368	Beef + Lamb NZ & Deer NZ	035
DPR-0427	DOC	125
DPR-0458	KiwiRail	064

- [100] In terms of s32AA of the RMA, we are satisfied that in response to the submission of CRC Ms Carruthers' recommendation to include two areas within their ownership at Thompsons Road, West Melton in the overlay and in ECO-SCHED4 is the most appropriate option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.
- [101] We note that CRC was the only submitter to request that specific areas be included in ECO-SCHED4 and in the ECO Significant Natural Areas Overlay.

3.6.13 ECO-RD.3 – ECO-RD.4 Clearance of indigenous vegetation in SNAs

- [102] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0260	CRC	080, 081, 082, 083
DPR-0301	UWRG	026
DPR-0353	HortNZ	132
DPR-0367	Orion	058, 202
DPR-0368	Beef + Lamb NZ & Deer NZ	017, 018
DPR-0372	Dairy Holdings	055
DPR-0381	Coleridge Downs	037
DPR-0388	Craigmore	025
DPR-0390	RIL	042
DPR-0407	Forest & Bird	029
DPR-0421	R & A Hill	004
DPR-0427	DOC	108
DPR-0441	Manawa Energy	106
DPR-0446	Transpower	087

- [103] In terms of s32AA of the RMA, we are satisfied that Ms Carruthers' recommendations to:
- in response to the submissions of CRC and Forest & Bird, amend ECO-RD.3 to apply to all zones to which ECO-RC applies and that it also applies to all areas that meet the criteria

²⁷ EIC Phillip Grove, paragraph 32.

in ECO-SCHED1, rather than just those listed in ECO-SCHED4. We note that this amendment is now reflected in ECO-RD.1 and ECO-RD.3; and

- in response to the submission of HortNZ, amend ECO-RD.3 to provide (as a permitted activity) for the clearance of indigenous vegetation that has been infected by an unwanted organism (see our discussion of this matter in section 3.4.4 dealing with ECO-P4). We note that this amendment is now reflected in ECO-RD.3.g

are the most appropriate options for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS. In that regard we also adopt the s32AA assessment set out in paragraphs 16.59 to 16.67 of the Section 42A Report.

- [104] Orion, Manawa Energy and WKNZTA sought to amend ECO-RD.3.f to provide for the operation or maintenance of important infrastructure, or to remove a potential fire risk to that infrastructure. Ms Carruthers originally supported that relief. However, in her Reply Report²⁸ Ms Carruthers discussed the issues raised by Romae Calland²⁹ for Manawa Energy and concluded that new renewable electricity generation activities should be a DIS activity as anticipated by EI-R31, but that the structure of the PDP would be more effective if ECO-RD.3.f was deleted (consistent with the recommendation for ECO-RC.3.f) and appropriate amendments were instead made to the Energy and infrastructure chapter such that bespoke provisions for energy and infrastructure are located in that chapter.
- [105] We accept Ms Carruthers' advice and recommend accordingly. We note that scope for those amendments is provided by submission points Orion DPR-0367.058 and 102, Manawa Energy DPR-0441.106, Transpower DPR-0446.087, and WKNZTA DPR-0375.FS107.
- [106] We also note that we have recommended a clause 16(2) grammatical improvement to ECO-RD.3.

3.6.14 ECO-R2 Earthworks within an SNA

- [107] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note that ECO-R2 as notified only applied to SNAs rather than all areas containing indigenous vegetation.

Sub #	Submitter	Submission Points
DPR-0260	CRC	095
DPR-0353	HortNZ	138
DPR-0372	Dairy Holdings	059
DPR-0375	WKNZTA	092
DPR-0381	Coleridge Downs	040
DPR-0388	Craigmore	029
DPR-0390	RIL	046
DPR-0407	Forest & Bird	033
DPR-0439	Rayonier	020
DPR-0441	Manawa Energy	108

- [108] In terms of s32AA of the RMA, we are satisfied that Ms Carruthers' recommendations to:

²⁸ Paragraphs 5.26 to 5.31.

²⁹ EIC Romae Calland, paragraph 19.

- in response to the submissions of CRC and Forest & Bird, amend ECO-R2 to apply to all zones to which ECO-R1 applies and have it also apply to all areas that meet the criteria in ECO-SCHED1, rather than just those listed in ECO-SCHED4;
- in response to the submission of Kāinga Ora who requested that all earthwork provisions be included in the Earthworks chapter of the PDP, delete ECO-R2 and instead recast it as a rule requirement titled 'Earthworks and indigenous biodiversity' (now ECO-REQG.4 All Zones) and that compliance with this ECO-REQG be required for compliance with each of:
 - EW-R1 Earthworks subject to a Building Consent
 - EW-R2 Earthworks
 - EW-R3 Earthworks in the Grasmere Zone
 - EW-R4 Earthwork in the Dairy Processing Zone

are the most appropriate options for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

3.6.15 ECO-R4 Plantation forestry within an SNA

- [109] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0260	CRC	097, 193
DPR-0407	Forest & Bird	035
DPR-0439	Rayonier	010, 019

- [110] In terms of s32AA of the RMA, we are satisfied that Ms Carruthers' recommendations to:

- in response to the submissions of CRC and Forest & Bird, amend ECO-R4 to apply to all zones to which ECO-R1 applies and have it also applying to all areas that meet the criteria in ECO-SCHED1, rather than just those listed in ECO-SCHED4. We note that this amendment is now reflected in ECO-RD.1 and ECO-RD.3; and
- in response to the submission of Rayonier, require plantation forestry in SNAs to be managed under ECO-R4

are the most appropriate options for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

- [111] We note that the recommendation on the Rayonier submission is given effect to by ECO-RD.2 and ECO-RD.4. We also note that approach recommended for the ECO chapter is consistent with that recommended for the Natural Features and Landscapes chapter of the PDP.

3.6.16 ECO Mudfish Habitat Overlay

- [112] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note that this results in no change to the notified provisions.

- [113] However, Ms Carruthers noted³⁰ that ESAI³¹ raised concerns that the Mudfish Habitat Overlay was incorrectly mapped. She advised that because the overlay is over SDC assets, the mapping

³⁰ Section 42A Reply Report, paragraph 6.7.

³¹ DPR-0212.042 ESAI

was based on existing SDC drain and water race maps, which in turn were digitized by hand from hardcopy maps drawn at a smaller scale than is generally anticipated by users of electronic maps such as used by the PDP. This resulted in errors when compared to the scale at which more modern maps are expected to be accurate, and so the Overlay appears to be offset from the drain or water race by some metres.

- [114] We endorse Ms Carruthers' recommendation that this mapping be corrected by way of a clause 16(2) amendment. We understand that the correction process will largely rely on existing aerial photography to identify the appropriate drains, with a degree of ground truthing where the aerial imagery is unclear.

Sub #	Submitter	Submission Points
DPR-0212	ESAI	042
DPR-0407	Forest & Bird	058
DPR-0422	FFNC	134

3.6.17 ECO-RF and ECO-REQG.3 –Vegetation clearance and earthworks in the ECO Mudfish Habitat Overlay

- [115] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Point
DPR-0019	S Jarvis	007
DPR-0154	E Moorhead	001
DPR-0212	ESAI	043
DPR-0239	B Lowe	001
DPR-0260	CRC	088, 089
DPR-0353	HortNZ	133
DPR-0368	Beef + Lamb NZ & Deer NZ	023, 024, 025, 026
DPR-0427	DOC	111, 112

- [116] In terms of s32AA of the RMA, we are satisfied that Ms Carruthers' recommendations are the most appropriate options for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.
- [117] In particular, in response to the submissions of DOC, Ms Carruthers recommended that the PDP should manage the activities described in ECO-RC.3, ECO-RD.3 and ECO-REQG.1 within the mudfish overlay in a specific vegetation clearance rule (now ECO-RF) and have earthworks within the overlay being addressed under ECO-REQG. We note that approach continues to allow the clearance of the species listed in ECO-Table 1 and ECO-Table 2 (with those two tables being contained in a new schedule (ECO-SCHEDI) rather than in ECO-R3) and vegetation clearance within drains or ponds can only occur where that is in accordance with, and explicitly specified within an approved management plan established through a Local Government Act or Resource Management Act 1991 process.
- [118] Contrary to the view expressed by witnesses for DOC, we consider that requiring vegetation clearance within drains or ponds to be in accordance with, and explicitly specified within an approved management plan established through a Local Government Act or Resource Management Act 1991 process, will provide sufficient certainty that the mudfish and their habitat will be suitably protected.

[119] However, in her Reply Report³² Ms Carruthers noted that asset management plans tend to prioritise the asset over other local government purposes as set out in s10 Local Government Act 2002,³³ and so she recommended that the provisions should each be amended to require explicit consideration of effects on indigenous biodiversity in making such plans. We agree.

[120] In her Reply Report³⁴ Ms Carruthers also recommended:

- each of ECO-RF.1.b and ECO-REQG.1 be amended to remove reference to an RMA process, because if an RMA consent is in place, then the drain maintenance would not be a permitted activity;
- amending ECO-RF so that non-compliance with ECO-RF.1 results in a RDIS status, with the matters of discretion restricted to ECO-MAT2;
- amending EI-R6 Operation, Maintenance, and Repair of Existing Network Utilities and Ancillary Vehicle Access Tracks, to require compliance with EI-REQ4.6 Clearance of vegetation, so that the vegetation clearance provisions of ECO-RF apply when operating, maintaining or repairing drains and water races within the Mudfish Habitat Overlay; and
- amending EI-R6 Operation, Maintenance, and Repair of Existing Network Utilities and Ancillary Vehicle Access Tracks, to require compliance with ECO-REQG Earthworks and Ecosystems and indigenous biodiversity when operating, maintaining or repairing drains and water races within the Mudfish Habitat Overlay.

[121] We agree with those recommended amendments for the reasons set out by Ms Carruthers (which we do not repeat here for the sake of brevity). We note that scope for those amendments is provided by submission points ESAI DPR-0212.042, and DOC DPR-0427.111 and 112.

3.6.18 ECO Crested Grebe Overlay

[122] For the following submitter and their submission point we adopt the recommendations and reasons of the Section 42A Report author. We note that this results in no change to the notified provisions.

Sub #	Submitter	Submission Points
DPR-0407	Forest & Bird	032

3.6.19 ECO-RE Clearance of vegetation in the Crested Grebe Overlay

[123] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0019	S Jarvis	007
DPR-0212	ESAI	046
DPR-0260	CRC	090

³² Paragraph 6.11

³³ s10 Local Government Act 2002: Purpose of local government

(1) The purpose of local government is—

(a) to enable democratic local decision-making and action by, and on behalf of, communities; and
(b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

³⁴ Paragraphs 6.9 to 6.14.

Sub #	Submitter	Submission Points
DPR-0368	Beef + Lamb NZ & Deer NZ	027, 028
DPR-0427	DOC	114

- [124] In terms of s32AA of the RMA, we are satisfied that in response to the submissions of DOC, Ms Carruthers' recommendation to only allow the vegetation clearance provided for in ECO-RC.3 and ECO-RD.3 to occur in the Crested Grebe Overlay during 1 March to 31 August (we note that this is now provided for in ECO-RE) to avoid the nesting season is the most appropriate option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

3.6.20 ECO-R3 Potential pest species

- [125] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Point
DPR-0233	CBS	009, 010
DPR-0260	CRC	096
DPR-0407	Forest & Bird	034
DPR-0427	DOC	117, 118

- [126] In terms of s32AA of the RMA, we are satisfied that in response to the submissions of CBS and DOC, Ms Carruthers' recommendation to add Russell Lupin, California Poppy and Elderberry to ECO-R3 Table 2 (now ECO-SCHEDI List B) is the most appropriate option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS and the CRPMP.

3.6.21 New rule requested – conservation activity

- [127] For the following submitter and their submission point we adopt the recommendations and reasons of the Section 42A Report author. We note that this results in no change to the notified provisions.

Sub #	Submitter	Submission Points
DPR-0212	ESAI	048

3.7 Matters for Control or Discretion

3.7.1 ECO-MAT1 Indigenous vegetation clearance

- [128] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0032	CCC	018
DPR-0260	CRC	098
DPR-0353	HortNZ	150
DPR-0368	Beef + Lamb NZ & Deer NZ	030
DPR-0372	Dairy Holdings	060
DPR-0375	WKNZTA	093
DPR-0390	RIL	047
DPR-0427	DOC	119
DPR-0441	Manawa Energy	109

Sub #	Submitter	Submission Points
DPR-0446	Transpower	088

- [129] In terms of s32AA of the RMA, we are satisfied that in response to the submission of CRC and as a consequence of the recommended deletion of ECO Management Overlay: Canterbury Plains, Ms Carruthers' recommendation to amend the first column in ECO-MAT1 to show that it applies in 'All Zones' is the most appropriate option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.
- [130] In particular we reject the submission of DOC that ECO-MAT1 should be deleted. We agree with Ms Carruthers that RDIS is an appropriate activity standard in many circumstances as the scope of the potential effects of indigenous vegetation clearance can be easily understood, and ECO-MAT1 adequately addresses the matters raised by DOC (DPR-0427.119). In that regard we are not persuaded by the evidence of Amy Young for DOC that the list of matters in ECO-MAT1 should be provided as a guide to plan users rather than be used as matters of discretion. That would reduce the certainty of the PDP provisions and the outcome of consent applications.
- [131] For the record, we note Ms Carruthers' Reply Report³⁵ advice that in the original Section 42A Report she recommended, in response to the CRC submission,³⁶ that an additional matter of discretion be inserted wherever ECO-MAT1 applied, requiring the consideration of any effects on indigenous vegetation and habitats of indigenous fauna in the coastal environment. However, she subsequently concluded that aspect was already provided for in ECO-MAT1, because the general phrase in ECO-MAT1 'indigenous biodiversity and ecosystems' includes those in the coastal environment, and so the additional matter is not required.

3.7.2 *ECO-MAT2 Criteria that limit indigenous vegetation clearance*

- [132] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0154	E Moorhead	002
DPR-0260	CRC	099
DPR-0353	HortNZ	151
DPR-0368	Beef + Lamb NZ & Deer NZ	031
DPR-0422	FFNC	153
DPR-0427	DOC	120

- [133] In terms of s32AA of the RMA, we are satisfied that in response to the submission of DOC, Ms Carruthers' recommendations to:
- amend the title of ECO-MAT2 to read 'Protecting the Habitats of Indigenous Fauna' and add an additional (and we note very broadly worded) matter of discretion addressing 'Adverse effects on indigenous biodiversity'; and

³⁵ Paragraph 7.2.

³⁶ DPR-0260.092 and 093 CRC

- delete ECO-MAT2.4 because it has the potential to cause uncertainty, as it is unclear whether previous modification supports granting consent because modification has already occurred or whether it is a factor that counts against further modification³⁷

are the most appropriate option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

3.8 New Overlays requested

- [134] For the following submitter and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note that results in no change to the notified provisions.

Sub #	Submitter	Submission Point
DPR-0168	P Godfrey	019, 020

3.9 Schedules

3.9.1 *ECO-SCHED1 – Criteria for Determining Significant Indigenous Vegetation and Significant Habitat of Indigenous Fauna*

- [135] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note that this results in no change to the notified provisions. In saying that we note that the statutory agencies CCC, CRC and DOC all sought that the Schedule be retained as notified.

Sub #	Submitter	Submission Points
DPR-0032	CCC	019
DPR-0260	CRC	101
DPR-0368	Beef + Lamb NZ & Deer NZ	032
DPR-0421	R & A Hill	005
DPR-0427	DOC	122
DPR-0471	D & K Calder, R Jamison & R Reed	003, 004

3.9.2 *ECO-SCHED2 – Biodiversity Management Plan Requirements*

- [136] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note this results in only one very minor change to the notified wording of the Schedule.

Sub #	Submitter	Submission Points
DPR-0168	P Godfrey	015
DPR-0353	HortNZ	152
DPR-0368	Beef + Lamb NZ & Deer NZ	033
DPR-0375	WKNZTA	094
DPR-0407	Forest & Bird	025, 036, 038, 060, 061, 063, 064
DPR-0422	FFNC	154
DPR-0427	DOC	123
DPR-0441	Manawa Energy	111

³⁷ Scope for this amendment is provided by submission point DPR-0427.120 DOC. Although DOC did not specifically submit on ECO-MAT2.4, the submission point seeks that the matters of discretion in ECO-MAT2 provide certainty that adverse effects will be appropriately considered

- [137] In particular we reject the submissions of HortNZ and Beef and Lamb seeking the deletion of ECO-SCHED2 because, as noted by Ms Carruthers, the purpose of a Biodiversity Management Plan is to protect SNAs when they are identified and to more widely achieve maintenance and over time, enhancement, of indigenous biodiversity on the property subject to the Plan, whilst allowing the continued use and development of rural land, which can include the clearance of indigenous vegetation in some limited circumstances.
- [138] We note and agree with Ms Carruthers' advice³⁸ (in response to the evidence of Forest & Bird) that as with any other expert evidence submitted in support of a resource consent application, biodiversity management plans would be subject to independent ecologist peer review, and would inform the creation of conditions of consent relevant to the proposed site and activity.

3.9.3 ECO-SCHED3 – Indigenous Species and Area Lists

- [139] For the following submitters and their submission points we depart from the recommendations and reasons of the Section 42A Report author. Ms Carruthers noted that as a result of restructuring the notified rules and the deletion of management overlays (including the ECO Management Overlay: Canterbury Plains Area), the recommended rules no longer make reference to ECO-SCHED3. She considered that ECO-SCHED3 had value as a guide to what is likely to meet the definition of a SNA and she recommend that it be retained.
- [140] We have the contrary view that ECO-SCHED1 appropriately sets out the criteria for determining a SNA and retaining the redundant ECO-SCHED3 would merely serve to confuse Plan users and provide uncertainty for decision-makers. In that regard we agree with Amy Young³⁹ for DOC who advised "*... the schedule should not be retained in the proposed plan as a guide to what is likely to meet the definition of a significant natural area. As the plan no longer refers to ECO-SCHED-3 this schedule in my opinion should be deleted.*"
- [141] At the hearing we asked the CRC representatives whether in their opinion ECO-SCHED3 should be retained or deleted. Mr Cox helpfully advised that in his view it should be deleted as it no longer served a useful purpose. Counsel for CRC shared that view.
- [142] We recommend the deletion of ECO-SCHED3 and for the following submitters we recommend:

Sub #	Submitter	Submission Points	Reject	Accept	Accept in part
DPR-0032	CCC	020	✓		
DPR-0368	Beef + Lamb NZ & Deer NZ	034		✓	
DPR-0375	WKNZTA	095			✓
DPR-0427	DOC	113, 124			✓
DPR-0441	Manawa Energy	112	✓		

- [143] On a related matter, in response to the submission of DOC, in her Section 42A Report Ms Carruthers recommended the insertion of a new ECO-SCHEDH titled 'Rare and threatened plants found within the Selwyn District', containing a threatened species list. At the hearing we questioned the DOC representatives about that given the limited 'shelf life' that such a list might have.

³⁸ Section 42A reply Report, paragraphs 8.2 and 8.3.

³⁹ EIC Amy Young, paragraph 198.

- [144] In a post-hearing Memorandum⁴⁰ counsel for DOC submitted that the Director-General was aware that it was problematic to incorporate reference to conservation status species' lists when these will be reassessed during the life of the Plan. Counsel instead recommended a definition referring to the New Zealand Threat Classification System Manual, which is the basis for all assessments of the conservation status of New Zealand's indigenous taxa. That definition would read:

Any indigenous species of flora or fauna that meets the criteria for Threatened or At Risk species in the New Zealand Threat Classification System Manual available at: <https://nztcs.org.nz/>

- [145] Counsel advised that the hyperlink goes to the homepage to the New Zealand Threat Classification System. That page includes a searchable database and links to current conservation status reports and assessments.
- [146] In her Reply Report⁴¹ Ms Carruthers suggested that the definition not include reference to the Manual⁴² and without the mention of the website within the definition. She advised that in the e-plan the hyperlink from 'New Zealand Threat Classification System' to <https://nztcs.org.nz/> would form part of the definition, and so it need not be listed separately in the definition.
- [147] We find that to be an appropriate means of giving effect to the objectives of the Plan and the higher order statutory instruments. We recommend the inclusion of the definition proposed by counsel for the Director-General and as amended by Ms Carruthers. We also recommend several consequential amendments to the provisions including ECO-MAT1.b, ECO-SCHED1, and ECO-SCHED2 so as to better utilise the new definition.

3.9.4 ECO-SCHED5 – Framework for Biodiversity Offsetting

- [148] For the following submitters and their submission points we largely adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0368	Beef + Lamb NZ & Deer NZ	036
DPR-0427	DOC	126
DPR-0441	Manawa Energy	113

- [149] In terms of s32AA of the RMA, we are satisfied that in response to the submission of DOC, Ms Carruthers' recommendation to amend ECO-SCHED5 to retain its intent, but make the provisions within it be more specific, measurable, attainable, relevant, and time-bound is the most appropriate option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.
- [150] However, we agree with the evidence of Amy Young⁴³ for DOC that clause 2 should refer to 'preferably a net gain'. As noted by Ms Young, CRPS Policy 9.3.6(3)⁴⁴ refers to 'a net gain for

⁴⁰ Memorandum for the Director-General of Conservation Tumuaki Ahurei Submitter Number: DPR-0427 Hearing 10: Ecosystems and Indigenous Biodiversity Dated: 5 August 2023

⁴¹ Paragraphs 3.20 to 3.24

⁴² The New Zealand Threat Classification System Manual sets out the process for determining the risk of extinction of a species based on estimates of population size and trend projected over three generations.

⁴³ EIC Amy Young, paragraphs 62 and 201

⁴⁴ Albeit in relation to areas identified as a national priority for protection.

biodiversity’ and CRPS Policy 9.3.6(5) is that “*where the offset involves the ongoing protection of a separate site, it will deliver no net loss, and preferably a net gain for indigenous biodiversity conservation*”. CRPS Policy 9.3.6 concludes by stating “*Offsets should re-establish or protect the same type of ecosystem or habitat that is adversely affected, unless an alternative ecosystem or habitat will provide a net gain for indigenous biodiversity.*”

3.9.5 New Schedules requested

[151] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0407	Forest & Bird	018, 020
DPR-0427	DOC	127
DPR-0440	EDSI	012

[152] In her Reply Report Ms Carruthers noted that Forest & Bird discussed proposed ECO-SCHEDH,⁴⁵ and requested that the schedule be amended to include additional species as shown in the post-hearing correspondence from Forest & Bird.⁴⁶ DOC⁴⁷ made a similar request, with Mr Harding including a list that had been peer reviewed, a process which included Mr Head. Ms Carruthers considered that species lists such as ECO-SCHEDH become out of date over time. Consequently, she recommended that, rather than extending ECO-SCHEDH, it should be deleted and replaced instead with the recommended defined term ‘threatened or at risk species’, which would include a hyperlink to the New Zealand Threat Classification System Manual.

[153] We agree and recommend accordingly, noting that scope for the deletion for ECO-SCHEDH is provided by submission point DOC DPR-0427.127.

3.10 Definitions

3.10.1 Indigenous fauna and Wetland

[154] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note that this results in no change to the notified provisions.

Indigenous fauna

Sub #	Submitter	Submission Points
DPR-0422	FFNC	054
DPR-0441	Manawa Energy	008

Wetland

Sub #	Submitter	Submission Points
DPR-0301	UWRG	009

⁴⁵ Evidence of Nicholas Head for Forest & Bird, Section 16

⁴⁶ Evidence of Michael Harding for DOC, Appendix 4

⁴⁷ Evidence of Michael Harding for DOC, from para 209, evidence of Amy Young for DOC, para 202

3.10.2 Biodiversity management plan

[155] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0422	FFNC	030
DPR-0427	DOC	003

[156] In terms of s32AA of the RMA, we are satisfied that in response to the submission of FFNC and DOC, Ms Carruthers' recommendations to:

- insert a reference to ECO-SCHED2 – Biodiversity Management Plan Requirements; and
 - expand the purpose of the Plan's to include the 'enhancement' of indigenous biodiversity
- are the most appropriate options for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

3.10.3 Biodiversity offset

[157] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0427	DOC	004
DPR-0441	Manawa Energy	015

[158] In terms of s32AA of the RMA, we are satisfied that in response to the submission of DOC, Ms Carruthers' recommendation to utilise biodiversity offsets only when other options are inadequate and to require avoidance, remediation and mitigation to be applied sequentially before an offset can be considered is the most appropriate option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

[159] However, in response to the evidence of Amy Young⁴⁸ for DOC we consider that the definition should also refer to 'preferably a net gain' of indigenous biodiversity values. Our commentary on the CRPS under section 3.9.4 above is relevant to our finding here.

3.10.4 Exotic pasture species

[160] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0379	J Thomson	024
DPR-0422	FFNC	040
DPR-0427	DOC	009

[161] In terms of s32AA of the RMA, we are satisfied that in response to the submissions of FFNC and DOC, Ms Carruthers' recommendation to delete the definition is the most appropriate option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

⁴⁸ EIC Amy Young, paragraph 162.

3.10.5 Improved pasture

- [162] For the following submitters and their submission points we differ from the recommendations and reasons of the Section 42A Report author.
- [163] We endorse the opinion of Mr Harding⁴⁹ for DOC that definition for ‘improved pasture’ is important, because areas of improved pasture can be cleared as a permitted activity. We also agree that the notified definition is “poorly worded, incomplete, and difficult to apply”. We respect Mr Harding’s preference to map these areas and include such maps in the PDP but find that it would not be appropriate to do so. The reasons being that the mapping would affect various landowners, who may not have submitted on the PDP, and those who are submitters would have no opportunity to comment on or dispute the mapping.
- [164] Importantly, in a post-hearing Memorandum⁵⁰ counsel for DOC submitted that the Director-General seeks a definition of ‘improved pasture’ consistent with the National Policy Statement for Freshwater Management and the draft National Policy Statement for Indigenous Biodiversity. Counsel noted that Mr Harding’s proposed definition was put forward by him to assist the Panel in his role as an independent expert, noting that there is no scope to map areas of improved pasture as part of the current proposed PDP process.
- [165] Under s75(3) of the RMA we must give effect to ‘any national policy statement’. We are mindful that the NPS-FM 2020 contains a definition for ‘improved pasture’ as follows:
- “Improved pasture means an area of land where exotic pasture species have been deliberately sown or maintained for the purpose of pasture production, and species composition and growth has been modified and is being managed for livestock grazing.”*
- [166] We note that FFNC sought the use of the NP-SFM definition. We understand that, as a matter of good planning practice and in order to avoid inconsistency with higher level planning instruments, the NPS-FM definition of improved pasture should be applied where the context is appropriate. At the hearing we asked counsel for CRC about that and Mr Doesburg advised that it would create an undesirable inconsistency with the statutory instruments if we did not use the NPS-FM definition. He submitted that we should therefore use that definition. We agree and recommend accordingly.
- [167] Having made that finding we reject Ms Carruthers’ suggestion⁵¹ that the definition should be amended to omit the words to remove the reference to the need for the exotic vegetation to have been deliberately introduced. That would be likely to result in an inappropriate expansion of the extent of ‘improved pasture’ within the district.
- [168] For the following submitters we recommend:

Sub #	Submitter	Submission Points	Reject	Accept	Accept in part
DPR-0301	UWRG	003, 004, 005, 006, 007	✓		
DPR-0372	Dairy Holdings	006	✓		
DPR-0381	Coleridge Downs	001			✓
DPR-0390	RIL	004	✓		
DPR-0407	Forest & Bird	002			✓

⁴⁹ EIC Mike Harding, paragraphs 74, 75 and 87.

⁵⁰ Memorandum for the Director-General of Conservation Tumuaki Ahurei Submitter Number: DPR-0427 Hearing 10: Ecosystems and Indigenous Biodiversity Dated: 5 August 2023

⁵¹ Section 42A Reply Report, paragraph 3.5.

Sub #	Submitter	Submission Points	Reject	Accept	Accept in part
DPR-0422	FFNC	052		✓	
DPR-0427	DOC	013			✓
DPR-0440	EDSI	001			✓
DPR-0468	Fish & Game	001	✓		

3.10.6 Indigenous biodiversity

[169] For the following submitters and their submission points we largely adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0301	UWRG	001
DPR-0372	Dairy Holdings	007
DPR-0390	RIL	003
DPR-0407	Forest & Bird	003
DPR-0422	FFNC	053
DPR-0427	DOC	014
DPR-0440	EDSI	006
DPR-0441	Manawa Energy	017

[170] In terms of s32AA of the RMA, for these submissions and submission points we are satisfied that in response to the submission of Manawa Energy and having regard to the evidence of Dr Lloyd, Ms Carruthers recommendation to simplify the definition is the most appropriate option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

[171] We note that for CRC, ecologist Philip Grove⁵² agreed with the amended definition proposed by Dr Lloyd and Ms Carruthers. However, we agree with Amy Young⁵³ and Mr Harding for DOC that the first the word 'biodiversity' needs to be qualified by inclusion of the word 'indigenous', so that it reads: 'Is indigenous biodiversity...', otherwise the definition would include exotic species that are naturalised in New Zealand, including plant and animal pests. We also agree with those witnesses that the words 'habitats of indigenous vegetation' are confusing because 'habitat' means the place or environment where a plant or animal naturally lives and grows and vegetation is habitat. We find those words should be changed to: '...habitats of indigenous flora and fauna'. We note that Ms Carruthers expressed a similar view in her Reply Report.

[172] Finally, we do not consider the words 'includes all New Zealand's ecosystems' are necessary and that those words are potentially confusing because that could infer a reference to non-indigenous ecosystems.

[173] We recommend accordingly.

3.10.7 Indigenous vegetation

[174] For the following submitters and their submission points we largely adopt the recommendations and reasons of the Section 42A Report author. We note that this results in a simplified definition and we consider that is the most appropriate option for recognising and

⁵² EIC Phillip Grove, paragraph 32.

⁵³ EIC Amy Young, paragraph 178.

providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

Sub #	Submitter	Submission Points
DPR-0260	CRC	063
DPR-0301	UWRG	002
DPR-0372	Dairy Holdings	008
DPR-0390	RIL	105
DPR-0407	Forest & Bird	004
DPR-0422	FFNC	055
DPR-0427	DOC	015
DPR-0441	Manawa Energy	018

- [175] We note that for CRC, ecologist Philip Grove⁵⁴ agreed with the amended definition proposed by Dr Lloyd and Ms Carruthers. However, we agree with Amy Young⁵⁵ for DOC that the phrase 'flora containing plant species' is confusing, because 'flora' commonly means 'plant species' and instead the definition should refer to vascular plants and the commonly occurring non-vascular plants mosses and lichen. We also agree that it would be clearer and more certain to refer to the 'ecological district' instead of 'the area'.
- [176] In her Reply Report Ms Carruthers suggested that the definition be amended to include bryophytes and lichens. She advised that bryophytes (mosses, liverworts and hornworts) all fall within the definition of a plant, but should be included for clarity. Lichens are not plants, and she suggested that they needed to be listed separately.
- [177] We recommend accordingly.

3.10.8 Indigenous vegetation clearance

- [178] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0019	S Jarvis	006
DPR-0260	CRC	062
DPR-0301	UWRG	008
DPR-0353	HortNZ	048
DPR-0368	Beef + Lamb NZ & Deer NZ	001
DPR-0372	Dairy Holdings	009
DPR-0388	Craigmore	003
DPR-0390	RIL	005
DPR-0407	Forest & Bird	005
DPR-0421	R & A Hill	006
DPR-0422	FFNC	056
DPR-0427	DOC	016
DPR-0441	Manawa Energy	009
DPR-0471	D & K Calder, R Jamison & R Reed	002

⁵⁴ EIC Phillip Grove, paragraph 32.

⁵⁵ EIC Amy Young, paragraph 184.

[179] In terms of s32AA of the RMA, we are satisfied that Ms Carruthers' recommendation to:

- in response to the submissions of Dairy Holdings and Craigmore, clarify that the clearance or removal of vegetation by drainage is limited to artificial drainage;
- in response to the submission of Forest & Bird, amend the definition to include the clearance or removal of vegetation by shading or invasion. We note those matters to be 'edge effects' which was a matter of concern to UWRG;
- in response to the submission of DOC, amend the definition to include the clearance or removal of vegetation by trampling; and
- in light of the submissions in general include the word 'modification'

are the most appropriate options for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

[180] We note that for CRC, ecologist Philip Grove⁵⁶ agreed with the amended definition proposed by Dr Lloyd and Ms Carruthers.

3.10.9 New definitions requested - oversowing or topdressing of native grasslands; ancillary rural earthworks; conservation values; edge effects; native grasslands; and regular cycle

[181] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note this results in no changes to the notified provisions.

Oversowing or topdressing of native grasslands

Sub #	Submitter	Submission Points
DPR-0422	FFNC	295

Ancillary rural earthworks

Sub #	Submitter	Submission Points
DPR-0422	FFNC	023

Conservation Values

Sub #	Submitter	Submission Points
DPR-0427	DOC	059

Edge Effects

Sub #	Submitter	Submission Points
DPR-0407	Forest & Bird	001

Native grasslands

Sub #	Submitter	Submission Points
DPR-0422	FFNC	064

Regular cycle

Sub #	Submitter	Submission Points
DPR-0407	Forest & Bird	026

⁵⁶ EIC Phillip Grove, paragraph 32.

3.10.10 New definition requested – biodiversity compensation

- [182] For the following submitter and their submission point we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0427	DOC	020

- [183] In terms of s32AA of the RMA, we are satisfied that in response to the submission of DOC, Ms Carruthers' recommendation to include a definition of 'biodiversity compensation' is the most appropriate option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.
- [184] In that regard we note and accept the evidence of Amy Young⁵⁷ for DOC that there may be circumstances where biodiversity offsets are unable to be applied, but there are still residual effects as a result of the proposed activity. Providing for the use of biodiversity compensation (where the mitigation hierarchy has already been applied) would enable the SDC and applicants to address any residual adverse effects that cannot otherwise be addressed through a biodiversity offset.

3.10.11 New definition requested – no net loss

- [185] For the following submitter and their submission point we adopt the recommendation and comprehensive reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0441	Manawa Energy	026

- [186] In terms of s32AA of the RMA, we are satisfied that in response to the submission of Manawa Energy, Ms Carruthers' recommendation to include a definition of 'no net loss' is the most appropriate option for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.
- [187] In that regard we note that the PDP uses the term 'no net loss' in ECO-SCHED5 and it is also used in CRPS Policies 9.3.6(2) and (5), so it would assist Plan users and decision-makers to define that term in the PDP.
- [188] In her Reply Report Ms Carruthers suggested that the phrase 'biodiversity compensation' should be removed from the definition because biodiversity compensation applies only when biodiversity offsetting is insufficient, and it is biodiversity offsetting that requires 'no net loss'. We agree and recommend accordingly.

⁵⁷ EIC Amy Young, paragraph 83.

3.11 SUB-R21 Subdivision and Ecosystems and Indigenous Biodiversity & ECO-MAT3

- [189] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

SUB-R21

Sub #	Submitter	Submission Points
DPR-0212	ESAI	077
DPR-0260	CRC	129
DPR-0358	RWRL	223
DPR-0363	IRHL	212
DPR-0374	RIHL	218
DPR-0384	RIDL	230
DPR-0414	Kāinga Ora	115
DPR-0422	FFNC	210

ECO-MAT3

Sub #	Submitter	Submission Points
DPR-0212	ESAI	078
DPR-0260	CRC	100
DPR-0372	Dairy Holdings	061
DPR-0390	RIL	048
DPR-0427	DOC	121

- [190] In terms of s32AA of the RMA, we are satisfied that in response to the submissions of DOC, Ms Carruthers' recommendation to amend SUB-R21 so that it applies to any SNA as defined, rather than only to those that have been listed in ECO-SCHED4 is the most appropriate options for recognising and providing for s6(c) of the RMA, for achieving the objectives of this Plan and for giving effect to the CRPS.

3.12 EI-REQ4

- [191] In her Reply Report⁵⁸ Ms Carruthers noted that Transpower⁵⁹ considered that the proposed provisions could result in a perverse outcome where the clearance of indigenous vegetation for upgrading (including minor upgrading) of an existing transmission line could be a NC activity, but the new transmission line in the same location would be a DIS activity. Transpower submitted that this would not be consistent with the NPS-ET. Transpower⁶⁰ proposed amendments to EI-REQ4 to address this inconsistency.
- [192] In response, Ms Carruthers recommended amendments to EI-REQ4 that were largely consistent with those requested by Transpower, so that where EI-REQ4 does apply, non-compliance with ECO-RC.3 (indigenous vegetation clearance outside an SNA) becomes an RDIS activity, while non-compliance with ECO-RD.3 (indigenous vegetation clearance within an SNA) becomes a DIS activity, for important infrastructure. However, non-compliance with ECO-RD.3 would be DIS rather than RDIS, to recognise the national importance of SNAs.

⁵⁸ Paragraphs 9.1 to 9.3.

⁵⁹ EIC Ainsley McLeod, from paragraph 49.

⁶⁰ EIC Ainsley McLeod, paragraph 53.

- [193] We agree with Ms Carruthers and recommend accordingly, noting that scope for these amendments is provided by submission points CRC DPR-260.093, UWRG DPR-0301.043, and Transpower DPR-0446.087.

4 Other Matters

- [194] The recommended amendments to the PDP provisions contained in Appendix 1 are those that result from this Hearing Panel's assessment of submissions and further submissions. However, readers should note that further or different amendments to these provisions may have been recommended by:
- Hearing Panels considering submissions and further submissions on other chapters of the PDP;
 - the Hearing Panels considering rezoning requests, and
 - the Independent Hearing Panel (IHP) considering submissions and further submissions on Variation 1 to the PDP
- [195] Any such further or different amendments are not shown in Appendix 1 of this Recommendation Report. However, the Chair⁶¹ and Deputy Chair⁶² of the PDP Hearing Panels have considered the various recommended amendments and have ensured that the overall final wording of the consolidated version of the amended PDP is internally consistent.
- [196] In undertaking that 'consistency' exercise, care was taken to ensure that the final wording of the consolidated version of the amended PDP did not alter the intent of the recommended amendments contained in Appendix 1 of this Recommendation Report.
- [197] There are no other matters arising from our consideration of the submissions and further submissions or that arose during the hearing.


⁶¹ Who is also the Chair of the IHP.

⁶² Who chaired one stream of hearings.

Appendix 1: Recommended Amendments

Note to readers: Only provisions that have recommended amendments are included below. All other provisions remain as notified. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments recommended by the Hearing Panel are shown in strike out, underlining and red font.

Amendments to the PDP Maps

Map Layer	Description of recommended amendment
ECO Management Overlay	<ul style="list-style-type: none"> Delete all parts of the ECO Management Overlay, except the Hill and High Country Area and the Major Rivers Area.⁶³
ECO Management Overlay	<ul style="list-style-type: none"> Delete the ECO Management Overlay: Canterbury Plains Area⁶⁴
ECO Management Overlay: Hill and High Country Area	<ul style="list-style-type: none"> Combine and rename to 'Indigenous Biodiversity Overlay'⁶⁵
ECO Management Overlay: Major Rivers Area	
ECO Significant Natural Areas Overlay	<ul style="list-style-type: none"> Insert the areas shown blue and red below into the ECO Significant Natural Areas Overlay:⁶⁶ 

⁶³ DPR-0233.011 CBS, DPR-0301.025 UWRG, DPR-0422.152 FFNC, DPR-0407.024 Forest & Bird and DPR-0427.106 DOC

⁶⁴ DPR-0299.007 S & J West, DPR-0302.011 A Smith, D Boyd & J Blanchard and DPR-0456.015 Four Stars & Gould

⁶⁵ DPR-0233.011 CBS, DPR-0301.025 UWRG, DPR-0422.152 FFNC, DPR-0407.024 Forest & Bird and DPR-0427.106 DOC

⁶⁶ DPR-0260.104, DPR-0260.194 CRC

Map Layer	Description of recommended amendment
Mudfish Habitat Overlay	<ul style="list-style-type: none"> Amend the overlay so that so that the location of the mapped water races and drains matches those on the ground⁶⁷

Amendments to the PDP Text

Part 1 – Introduction and General Provisions

Interpretation

Definitions	
BIODIVERSITY COMPENSATION ⁶⁸	<u>Any positive actions (excluding biodiversity offsets) to compensate for residual adverse biodiversity effects arising from activities after all appropriate avoidance, remediation, mitigation and biodiversity offset measures have been sequentially applied.</u> ⁶⁹
BIODIVERSITY MANAGEMENT PLAN	A document prepared <u>in accordance with ECO-SCHED2 – Biodiversity Management Plan Requirements</u> ⁷⁰ to direct development within one or more properties for the purpose of maintenance, <u>enhancement</u> ⁷¹ and protection of indigenous biodiversity
BIODIVERSITY OFFSET	A measurable conservation outcome resulting from actions designed to compensate for residual adverse biodiversity effects arising from development after all appropriate avoidance, remediation and mitigation measures have been <u>sequentially applied</u> taken ⁷² . The goal of a biodiversity offset is to achieve no net loss <u>and preferably a net gain.</u> ⁷³
ECOLOGICAL INTEGRITY ⁷⁴	<u>The extent to which an ecosystem is able to support and maintain its:</u> a. <u>composition (being its natural diversity of indigenous species, habitats, and communities); and</u> b. <u>structure (being its biotic and abiotic physical features); and</u> c. <u>functions (being its ecological and physical processes).</u> ⁷⁵
EXOTIC PASTURE SPECIES	Pasture grasses that are not indigenous and may include the following species: a. Ryegrass (<i>Lolium</i> species); b. Cocksfoot (<i>Dactylus glomeratus</i>); c. clover (<i>Trifolium</i> species); d. Sweet Vernal (<i>Anthoxanthum odoratum</i>); and

⁶⁷ DPR-0212.042 ESAI

⁶⁸ DPR-0427.020 DOC

⁶⁹ DPR-0427.020 DOC

⁷⁰ DPR-0422.030 FFNC and DPR-0427.003 DOC

⁷¹ DPR-0427.003 DOC

⁷² DPR-0427.004 DOC

⁷³ DPR-0427.004 DOC

⁷⁴ DPR-0427.095 DOC

⁷⁵ DPR-0427.095 DOC

Definitions	
	e. Browntop (<i>Agrotis capillaris</i>). ⁷⁶
IMPROVED PASTURE	An area of pasture land where exotic pasture species have been deliberately <u>sown or maintained introduced for the purpose of pasture production, and species composition and growth has been modified and is being managed for livestock grazing, where those exotic pasture species dominate in cover and composition, and where the naturally occurring indigenous species are largely absent from that area.</u> ⁷⁷
INDIGENOUS BIODIVERSITY	<u>Is indigenous biodiversity that is naturally occurring anywhere in New Zealand. It includes indigenous vegetation, indigenous fauna and the habitats of indigenous flora and fauna. Includes all plants and animals that occur naturally in New Zealand and have evolved or arrived without any assistance from humans. Indigenous species include migratory species visiting New Zealand on a regular or irregular basis.</u> ⁷⁸
INDIGENOUS VEGETATION	<u>A naturally occurring community containing vascular plants, bryophyte or lichens that are native to the ecological district. Naturally occurring flora containing plant species that are native to the area</u> ⁷⁹
INDIGENOUS VEGETATION CLEARANCE	The clearing, <u>modification</u> ⁸⁰ or removal of indigenous vegetation by any means, including over-grazing/ <u>trampling</u> ⁸¹ , cutting, crushing, cultivation, spraying, irrigation, chemical application, <u>artificial</u> ⁸² drainage, stop banking, overplanting, over sowing, or <u>burning, shading or invasion.</u> ⁸³
<u>NO NET LOSS</u> ⁸⁴	<u>In relation to any biodiversity offset means no overall reduction in:</u> <u>a. the diversity of (or within) species;</u> <u>b. species' population sizes (taking into account natural fluctuation) and long-term viability;</u> <u>c. the area occupied and natural range inhabited by species; and</u> <u>d. the range and ecological health and functioning of assemblages of species, community types and ecosystems.</u> ⁸⁵
<u>OVER SOWING</u> ⁸⁶	<u>The over-sowing of exotic seeds on land that cannot be proven to have been over-sown in the past as part of a farming operation.</u> ⁸⁷
<u>OVER- GRAZING/TRAMPLING</u> ⁸⁸	<u>The practice of confining farm stock to an area of land resulting in the depletion or destruction of indigenous vegetation by intensive grazing and/or trampling.</u> ⁸⁹

⁷⁶ DPR-0422.040 FFNC and DPR-0427.009 DOC

⁷⁷ DPR-0427.013 DOC EIC Young paragraph 171

⁷⁸ DPR-0441.017 Manawa Energy

⁷⁹ DPR-0260.063 CRC, DPR-0301.002 UWRG, DPR-0422.055 FFNC, DPR-0427.015 DOC, DPR-0441.018 Manawa Energy, DPR-0407.004 Forest & Bird and DPR-0372.008 Dairy Holdings

⁸⁰ DPR-0260.062 CRC, DPR-0301.008 UWRG, DPR-0372.009 Dairy Holdings, DPR-0388.003 Craigmores, DPR-0390.005 RIL, DPR-0407.005 Forest & Bird, DPR-0427.016 DOC, DPR-0368.001 Beef + Lamb NZ & Deer NZ, DPR-0421.006 R & A Hill, DPR-0474.002 D & K Calder, R Jamison & R Reed, DPR-0353.048 and 049 HortNZ, DPR-0422.056 FFNC, DPR-0019.006 S Jarvis, DPR-0422.085 FFNC and DPR-0441.009 Manawa Energy

⁸¹ DPR-0427.016 DOC

⁸² DPR-0372.009 Dairy Holdings, DPR-0388.003 Craigmores and DPR-0390.005 RIL

⁸³ DPR-0407.005 Forest & Bird

⁸⁴ DPR-0441.026 Manawa Energy and DPR-0407.FS051 Forest & Bird

⁸⁵ DPR-0441.026 Manawa Energy and DPR-0407.FS051 Forest & Bird

⁸⁶ DPR-0471.002 D & K Calder, R Jamison & R Reed

⁸⁷ DPR-0422.295 FFNC and DPR-0471.002 D & K Calder, R Jamison & R Reed

⁸⁸ DPR-0471.002 D & K Calder, R Jamison & R Reed

⁸⁹ DPR-0471.002 D & K Calder, R Jamison & R Reed

Definitions	
OVERPLANTING ⁹⁰	The planting of exotic plants into an area of indigenous vegetation. ⁹¹
SIGNIFICANT NATURAL AREA	An area identified as meeting the criteria set out in ECO-SCHED1 <u>for determining significant indigenous vegetation and significant habitat of indigenous fauna, or an area listed in ECO-SCHED4 – Significant Natural Areas listing in the district plan as a significant natural area in relation to indigenous biodiversity</u> ⁹²
THREATENED OR AT RISK SPECIES	<u>Any indigenous species of flora or fauna that meets the criteria for Threatened or At Risk species in the New Zealand Threat Classification System</u> ⁹³

Part 2 – District Wide Matters

Natural Environment Values

Ecosystems and Indigenous Biodiversity

ECO-Overview
<p>In many parts of the District there are areas of vegetation which have species that are native to New Zealand or the local area, and which would be classified as significant areas of indigenous vegetation or habitats of indigenous fauna under the Resource Management Act 1991. Part of promoting sustainable management includes identifying and protecting significant areas of indigenous vegetation and habitats of indigenous fauna as a matter of national importance.</p> <p>Areas with significant values include forest, tussock lands, shrublands, grasslands, and wetlands. The amount and type of indigenous vegetation remaining in the District varies over the rural area, due to many factors. Some areas have been actively conserved by landholders, and some simply left alone.</p> <p><u>The ecosystems of the District have evolved over time to contain indigenous and exotic characteristics and species. They will continue to evolve and there is no expectation that a return to pre-human or even to pre-European ecosystems and biodiversity is achievable. While the co-evolution of particular ecosystems should be recognised, the protection of indigenous biodiversity is the desired outcome.</u>⁹⁴</p> <p>The high-country is a mix of extensive tussock lands, shrublands, scrub, secondary and regenerating native forest, areas of original forest, improved pasture and exotic forestry. The high country is notable for intact natural sequences from valley floor to alpine ecosystems in places.⁹⁵ Several rare and Threatened or At Risk species of⁹⁶ animal and plants species are found in the high country, including four endemic species in the Castle Hill Basin. Over 50% of the high country is under some form of protection, particularly in relation to its conservation values, and west of State Highway 73 there is an almost unbroken sequence of public</p>

⁹⁰ DPR-0471.002 D & K Calder, R Jamison & R Reed

⁹¹ DPR-0471.002 D & K Calder, R Jamison & R Reed

⁹² DPR-0260.064 CRC and DPR-0427.017 DOC

⁹³ DPR-0427.127 DOC

⁹⁴ DPR-0290.002 H Rennie

⁹⁵ DPR-0407.010 Forest & Bird

⁹⁶ Consequential to DPR-0427.127 DOC

ECO-Overview

conservation land from the Main Divide to the eastern foothills.⁹⁷ These areas include Arthurs Pass National Park (114,356 hectares) of which approximately half is in the Selwyn District, Craigieburn Forest Conservation⁹⁸ Park and many additional areas including Kura Tawhiti⁹⁹ Castle Hill Conservation Area, Lance McCaskill Nature Reserve, Cave Stream Scenic Reserve, and¹⁰⁰ Lake Grasmere Scenic Reserve, Korowai Torlesse Tussock Lands Park, Moana Rua Lake Pearson Wildlife Reserve, and Peak Hill Conservation Area, which are wholly within Selwyn District¹⁰¹. There are also extensive areas of indigenous grassland and shrublands, together with a number of forest remnants outside the conservation estate.

Some exotic tree species are prone to spreading in the high country, particularly on land which is lightly grazed or not grazed at all. The RMA and Biosecurity Act 1993 have complementary roles in managing wilding trees. Plant pests are primarily managed through the Canterbury Regional Pest Management Plan 2018-2038 which is prepared under the Biosecurity Act 1993. The National Environmental Standards for Plantation Forestry 2017 are a set of national regulations to manage the environmental effects of plantation forestry, including the risks associated with conifer species spreading to land outside a plantation. This District Plan is concerned with the avoidance, remediation, or mitigation of adverse effects associated with future exotic¹⁰² forestry activities and the spread of potential pest species where the plant pest species are not already managed by either the National Environmental Standards for Plantation Forestry 2017 or the Canterbury Regional Pest Management Plan 2018-2038.

Numerous areas of land on the Malvern Hills are under some form of protection status for their conservation value. Across the Canterbury Plains however there is very little remnant indigenous vegetation and that which remains is of high significance due to its rarity.

Two originally rare ecosystems, braided rivers and limestone outcrops, are characteristic features of Selwyn District. Limestone outcrops support numerous Threatened or At Risk species of plants¹⁰³ while the braided rivers within Selwyn District continue to provide important habitats for indigenous fauna despite being modified by flood-protection works, weed invasion, and gravel extraction. The ecosystems within the braided rivers are also unique although they have been highly modified.¹⁰⁴

The control of planting and removal of vegetation and other activities within the beds of lakes or rivers are the function of regional councils under section 30 of the Resource Management Act 1991.¹⁰⁵

⁹⁷ DPR-0407.010 Forest & Bird

⁹⁸ DPR-0407.010 Forest & Bird

⁹⁹ DPR-0407.010 Forest & Bird

¹⁰⁰ Consequential to DPR-0407.010 Forest & Bird

¹⁰¹ DPR-0407.010 Forest & Bird

¹⁰² DPR-0422.136 FFNC

¹⁰³ Consequential to DPR-0427.127 DOC

¹⁰⁴ DPR-0233.004 CBS, DPR-0290.001 H Rennie and DPR-0407.101 Forest & Bird

¹⁰⁵ DPR-0422.137 FFNC

ECO-Overview

The Port Hills area within the Selwyn District has a mix of indigenous tussock, exotic trees, modified pasture, and regenerating indigenous bush. Most of the original native forest which stood on the Port Hills has been burned or cleared. Today there are areas of regenerating bush on the Port Hills and some small areas of original forest.

The importance of retaining and increasing the quantity, health, and diversity of indigenous biodiversity in Selwyn District extends beyond protecting areas which meet the criteria of 'significant' under s6(c) of the RMA. Indigenous biodiversity is important because most species are endemic to New Zealand and many are endemic locally. Our indigenous biodiversity has high value for cultural, ecological, and functional purposes, as well as landscape and heritage values. The importance of retaining indigenous vegetation extends beyond the areas which meet the criteria of being significant.¹⁰⁶ Indigenous vegetation and natural ecosystems are generally is¹⁰⁷ important because they have it has¹⁰⁸ the following functions to:

- form and maintain soil and underpin other ecological processes;
- provide habitat for native species;
- intercept, control and filter runoff and maintain freshwater ecological processes;
- contribute to landscape values and amenity;
- support and sustain mahinga kai;
- provide for cultural, recreational and educational opportunities; and¹⁰⁹
- contribute to economic wellbeing through activities such as grazing, beekeeping, and tourism-; and¹¹⁰
- provide nature based solutions to climate change and resilience to its effects.¹¹¹

ECO-Objectives and Policies**ECO-Objectives**

ECO-01	Indigenous biodiversity within the district is managed through the exercise of kaitiakitanga and stewardship, in order that: <ol style="list-style-type: none"> 1. Areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected to ensure no net loss of indigenous biodiversity¹¹², and 2. Other indigenous biodiversity values are maintained and enhanced, and 3. The restoration and enhancement of areas of indigenous biodiversity is encouraged and supported.
ECO-02	The relationship of Ngāi Tahu whānui, and their customs and traditions, with indigenous biodiversity is recognised and provided for, including through:

¹⁰⁶ DPR-0422.138 FFNC

¹⁰⁷ DPR-0407.101 Forest & Bird

¹⁰⁸ DPR-0407.101 Forest & Bird

¹⁰⁹ Consequential to DPR-0407.101 Forest & Bird

¹¹⁰ Consequential to DPR-0407.101 Forest & Bird

¹¹¹ DPR-0407.101 Forest & Bird

¹¹² DPR-0301.011 UWRG, DPR-0407.012 Forest & Bird, DPR-0427.090 DOC and DPR-0440.007 EDSI

	<ol style="list-style-type: none"> 1. Facilitation and support for the exercise of kaitiakitanga in relation to indigenous species and habitats; and 2. Maintenance, enhancement, and or¹¹³ restoration <u>where degraded</u>,¹¹⁴ of habitats that sustain mahinga kai; and 3. Enabling customary use of taonga species.
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ECO-Policies	
ECO-P1	Identify and map Schedule ¹¹⁵ in the District Plan areas of significant indigenous vegetation and significant habitats of indigenous fauna by applying the criteria and determining significance as set out in ECO-SCHED1, and identify these significant natural areas on the Planning Maps and in ECO-SCHED4, ¹¹⁶ where this is agreed with the landowner ¹¹⁷ .
ECO-P2	Work with landowners, stakeholders and Ngā Rūnanga to identify and schedule further ¹¹⁸ areas of significant indigenous vegetation and significant habitats of indigenous fauna, with a focus on the national priorities for biodiversity protection. ¹¹⁹
ECO-P3	Outside of Significant Natural Areas, provide Provide ¹²⁰ for small scale, or ¹²¹ low impact activities that may <u>have minor adverse effects on</u> adversely affect indigenous biodiversity values, where: <ol style="list-style-type: none"> 1. these <u>they</u> are of wider environmental or community benefit, or 2. <u>they</u> enable continuation of existing activities.
ECO-P4	Avoid the clearance of indigenous vegetation, and any earthworks or plantation forestry within scheduled ¹²² Significant Natural Areas, and those other areas that meet the criteria set out in ECO-SCHED1, ¹²³ where the activity would adversely affect indigenous biodiversity values <u>the ecological integrity of the Significant Natural Area,</u> ¹²⁴ <u>except for important infrastructure managed under EI-P2</u> ¹²⁵ <u>and land transport infrastructure managed under TRAN-P13</u> ¹²⁶ <u>or</u> where necessary for the clearance of material infected by unwanted organisms. ¹²⁷
ECO-P5	Avoid the clearance of vegetation and earthworks, where these activities would adversely affect indigenous biodiversity values relating to specified indigenous species that have been identified as being of ecological significance. ¹²⁸

¹¹³ DPR-0441.097 Manawa Energy

¹¹⁴ DPR-0441.097 Manawa Energy

¹¹⁵ DPR-0427.092 DOC

¹¹⁶ DPR-0427.092 DOC

¹¹⁷ DPR-0301.015 UWG, DPR-0407.013 Forest & Bird, DPR-0427.092 DOC, DPR-0440.008 EDSI and DPR-0468.007 Fish & Game

¹¹⁸ DPR-0407.014 Forest & Bird and DPR-0440.009 EDSI

¹¹⁹ DPR-0407.014 Forest & Bird, DPR-0427.093 DOC and DPR-0440.009 EDSI

¹²⁰ DPR-0407.015 Forest & Bird

¹²¹ DPR-0368.008 Beef + Lamb NZ & Deer NZ

¹²² DPR-0260.069 CRC

¹²³ DPR-0260.069 CRC

¹²⁴ DPR-0427.095 DOC

¹²⁵ DPR-0375.088 WKNZTA, DPR-0441.100 Manawa Energy and DPR-0446.082 Transpower

¹²⁶ DPR-0375.088 WKNZTA, DPR-0441.100 Manawa and DPR-0446.082 Transpower

¹²⁷ DPR-0350.127 HortNZ

¹²⁸ DPR-0353.128 HortNZ and DPR-0441.101 Manawa Energy

ECO-Policies	
ECO-P6	Protect ersted grebe and canterbury mudfish threatened or at risk species and their habitats Protect the habitats of specified indigenous fauna that have been identified as being of ecological significance, by avoiding significant adverse effects and avoiding, remedying or mitigating managing other adverse effects of ¹²⁹ activities on that would adversely affect ¹³⁰ those species and their habitats .
ECO-P7	Encourage the use of Biodiversity Management Plans that are prepared in accordance with ECO-SCHED2, to manage land use activities, where the activities are integrated with the comprehensive identification, sustainable management, and protection of indigenous biodiversity values ¹³¹
ECO-P8	Consider biodiversity offsets that are offered or agreed by applicants ¹³² as part of resource consent applications or notices of requirement for a designation ¹³³ only ¹³⁴ where: <ol style="list-style-type: none"> 1.¹³⁵ residual adverse effects cannot otherwise be avoided, remedied or mitigated, and 2. the residual adverse effects on biodiversity are capable of being offset and will be fully compensated to ensure the offset will achieve¹³⁶ at least no net loss of indigenous biodiversity, and 3.¹³⁷ where¹³⁸ the biodiversity offset is consistent with the framework detailed in ECO-SCHED5.
ECO-P10	Encourage the protection and enhancement of indigenous biodiversity and the restoration of degraded indigenous biodiversity by: and ¹³⁹ <ol style="list-style-type: none"> 1.¹⁴⁰ supporting¹⁴¹ Nga Rūnanga, landowners/land managers and the community to protect, create, and enhance indigenous biodiversity and mahinga kai values¹⁴², through co-operation and a range of non-statutory options and protection mechanisms; 2. considering the use of incentives for protection of areas of significant indigenous vegetation and significant habitats; 3. supporting community initiatives; and 4. promoting physical works by private landowners and occupiers, Ngāi Tahu and environmental organisations, to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.¹⁴³
ECO-P11	Avoid planting pest tree and plant species that would affect indigenous biodiversity values are listed in ECO-SCHED1 – Potential Pest Species or in the Canterbury Regional Pest Management Plan 2018-2038 . ¹⁴⁴

¹²⁹ DPR-0301.019 UWRG, DPR-0407.019 Forest & Bird, DPR-0440.013 and 014 EDSI.

¹³⁰ DPR-0446.085 Transpower and

¹³¹ DPR-0353.129 HortNZ and DPR-0422.148 FFNC

¹³² **DPR-0446.086 Transpower**

¹³³ DPR-0446.086 Transpower

¹³⁴ DPR-0427.098 DOC

¹³⁵ DPR-0427.098 DOC

¹³⁶ DPR-0427.098 DOC

¹³⁷ Consequential to DPR-0427.098 DOC

¹³⁸ Consequential, for grammar

¹³⁹ DPR-0427.100 DOC

¹⁴⁰ DPR-0427.100 DOC

¹⁴¹ DPR-0427.100 DOC

¹⁴² DPR-0427.100 DOC

¹⁴³ DPR-0427.100 DOC

¹⁴⁴ **DPR-0427.101 DOC**

ECO-Policies	
ECO-P12	Ensure ¹⁴⁵ the maintenance of indigenous vegetation cover and habitat values in extensive, dryland pastoral systems. ¹⁴⁶
ECO-P13 ¹⁴⁷	<p>Only consider biodiversity compensation where:</p> <ol style="list-style-type: none"> 1. the compensation is proposed to address residual adverse effects after taking steps to first: <ol style="list-style-type: none"> a. avoid adverse effects; then b. minimise adverse effects as far as practicable; by <ol style="list-style-type: none"> i. mitigating effects and then remedying effects that cannot be mitigated; and ii. ensuring that any on-site rehabilitation or restoration measures will occur as soon as practicable; then c. offset adverse effects in accordance with Policy ECO-P8; 2. the compensation is as close as possible to meeting the criteria for a biodiversity offset as set out in ECO-SCHED5; 3. the positive effects of biodiversity compensation are proportional to the adverse effects.¹⁴⁸

ECO-Rules

Notes¹⁴⁹ for Plan Users:

- 1.¹⁵⁰ There may be a number of Plan provisions that apply to an activity, building or structure, or site. In some cases, consent may be required under rules in this Chapter as well as rules in other District Wide or Area Specific Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in the How the Plan Works section.
2. Please contact Council for advice and support to determine whether your rural property contains a Significant Natural Area, to avoid inadvertent breaches of District Plan provisions.¹⁵¹

¹⁴⁵ DPR-0407.FS116 Forest & Bird¹⁴⁶ DPR-0422.141 FFNC and DPR-0407.FS116¹⁴⁷ DPR-0427.103 DOC. Note that the Section 42A Report author referred to ECO-P12 and ECO-P13 as ECO-PA and ECO-PK.¹⁴⁸ DPR-0427.103 DOC¹⁴⁹ Consequential to DPR-0260.078 CRC¹⁵⁰ Consequential to DPR-0260.078 CRC¹⁵¹ DPR-0260.078 CRC

ECO-Rule List	
ECO-R1	Indigenous Vegetation Clearance and Earthworks ¹⁵²
ECO-RC	Indigenous Vegetation Clearance outside of significant natural areas ¹⁵³
ECO-RD	Indigenous vegetation clearance within significant natural areas ¹⁵⁴
ECO-RE	Vegetation clearance in the Crested Grebe Overlay ¹⁵⁵
ECO-RF	Vegetation clearance in the Mudfish Habitat Overlay ¹⁵⁶
ECO-R2	Earthworks within an SNA
ECO-R3	Potential Pest Species
ECO-R4	Plantation Forestry within a SNA

ECO-R1		Indigenous Vegetation Clearance and Earthworks¹⁵⁷	
CMUZ	Activity Status: PER 1. — Indigenous vegetation clearance Where: a. — Any indigenous vegetation clearance is not within a SNA identified on the Planning Maps and listed in ECO-SCHED4; or b. — Any removal in the SKIZ is less than 5m ² during a one month period; c. — Any removal in the SKIZ is associated with Controlled or Restricted Discretionary earthworks as outlined in NFL R2; or d. — The indigenous vegetation clearance is not located in the GRAZ natural resource area as identified on GRAZ FIG1.	Activity status when compliance not achieved: 2. — When compliance with any of ECO-R1.1.a., ECO-R1.1.b. or ECO-R1.1.c. is not achieved: NC 3. — When compliance with ECO-R1.1.d. is not achieved: Refer to ECO-R1.12. to confirm activity status.	
DPZ			
GRAZ			
GIZ			
KNOZ			
PORTZ			
RESZ			
TEZ			
SKIZ			
GRUZ	Activity status: PER 4. — Indigenous vegetation clearance Where: The works are:	Activity status when compliance not achieved: 5. — When compliance with ECO-R1.4. is not achieved: refer to ECO-R1.8. to ECO-R1.25. (inclusive) to confirm activity status	
MPZ			
ECO			
Management Overlay¹⁵⁸			

¹⁵² DPR-0260.093 CRC and DPR-0301.043 UWRG. Refer to ECO-RC – ECO-RF for restructured rules and responses to other submission points.

¹⁵³ DPR-0260.093 CRC and DPR-0301.043 UWRG

¹⁵⁴ DPR-0260.093 CRC and DPR-0301.043 UWRG

¹⁵⁵ DPR-0260.093 CRC and DPR-0301.043 UWRG

¹⁵⁶ DPR-0260.093 CRC and DPR-0301.043 UWRG

¹⁵⁷ DPR-0260.093 CRC and DPR-0301.043 UWRG. Refer to ECO-RC – ECO-RF for restructured rules and responses to other submission points.

¹⁵⁸ DPR-0299.007 S & J West

	<ul style="list-style-type: none"> a. the maintenance, repair or replacement of existing fences, vehicle tracks, roads, walkways, firebreaks, dams, waterway crossings, or network utilities b. the maintenance, repair or replacement of any existing defence against water administered by a Regional or Territorial Authority c. the maintenance, repair or replacement of existing drains and man-made ponds (except as specified in ECO-R1.16) d. indigenous vegetation clearance where the vegetation is causing an imminent danger to human life, structures, infrastructure, or important infrastructure. e. indigenous vegetation clearance by Ngāi Tahu whānui for the purposes of mahinga kai or other customary uses, where the clearance is in accordance with tikanga protocols. f. indigenous vegetation clearance where required by a network utility operator, for the safe operation or maintenance of the National Grid or to remove a potential fire risk. g. indigenous vegetation clearance where the vegetation has been planted and/or managed as part of a domestic or public garden or has been planted for amenity planting purposes; h. indigenous vegetation clearance where the vegetation: <ul style="list-style-type: none"> i. has been planted and managed specifically for the purpose of harvesting; or ii. has been planted for purposes other than biodiversity values, e.g. water quality or erosion control (but does not include indigenous vegetation used as part of any ecological restoration and enhancement projects); or iii. has grown within an area of plantation forestry; or iv. is in accordance with, and explicitly specified within, an approved reserve management plan, national park management plan or conservation management plan or strategy, or Te Waihora Joint Management Plan Mahere Tukutahi o Te Waihora, or a registered conservation covenant or protective covenant. i. within an area of improved pasture, except where it is covered by ECO-R1.24b. 	
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	<p>j. — for the maintenance, repair or replacement of existing buildings and structures, including an area no further than 2m from the exterior wall of the existing building.</p> <p>k. — necessary in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993</p> <p>l. — the clearance of any vegetation (indigenous or exotic) or earthworks undertaken within any water race, drain or pond identified on the Mudfish Habitat Overlay where this is in accordance with, and explicitly specified within an approved management plan established through a Local Government Act or Resource Management Act 1991 process.</p> <p>m. — indigenous vegetation clearance in the Port Hills Indigenous Biodiversity Overlay Area that is less than 100m² per hectare of indigenous vegetation in any 5 year period;</p> <p>n. — indigenous vegetation clearance in the Hills and High Country Indigenous Biodiversity Overlay Area, or the Major Rivers Indigenous Biodiversity Overlay Area that is less than 500m² per hectare of indigenous vegetation in any 5 year period;</p>	
<p>GRUZ</p> <p>MPZ-ECO</p> <p>Significant Natural Areas Overlay¹⁵⁹</p>	<p>Activity status: PER</p> <p>6. — Indigenous vegetation clearance within a Significant Natural Area identified on the Planning Maps and listed in ECO-SCHED4</p> <p>Where: The works are:</p> <p>a. — the maintenance, repair or replacement of existing fences, vehicle tracks, roads, walkways, firebreaks, dams, waterway crossings, or network utilities</p> <p>b. — the maintenance, repair, or replacement of existing flood₂ protection works administered by a Regional or Territorial Authority</p> <p>c. — the maintenance, repair or replacement of existing drains and man-made ponds (except as specified in ECO-R1.16)</p>	<p>Activity status when compliance not achieved:</p> <p>7. — When compliance with ECO-R1.6. is not achieved: NC</p>

¹⁵⁹ DPR-0260.082 CRC

	<p>d. — indigenous vegetation clearance where the vegetation is causing an imminent danger to human life, structures, or utilities.</p> <p>e. — indigenous vegetation clearance by Ngāi Tahu whānui for the purposes of mahinga kai or other customary uses, where the clearance is in accordance with tikanga protocols.</p> <p>f. — indigenous vegetation clearance where required by a network utility operator, for the safe operation or maintenance of the National Grid or to remove a potential fire risk.</p>	
ECO Indigenous Biodiversity Management Overlay: Port Hills¹⁶⁰	<p>Activity status: RDIS</p> <p>8. — Clearance of indigenous vegetation, except where provided for in ECO-R1.4. or ECO-R1.6, that exceeds 100m² per hectare of indigenous vegetation (in any 5 year period), or is within any wetland or within 50m of the boundary of any wetland, or is within 20m from the bank of any surface water body, or is at an altitude of 800m or higher.</p> <p>Where:</p> <p>a. — the clearance is not within a SNA identified on the Planning Maps and listed in ECO-SCHED4; and</p> <p>b. — the species are not listed in List A of ECO-SCHED3; and</p> <p>c. — the application is accompanied by a Biodiversity Management Plan which has been prepared in accordance with the requirements of ECO-SCHED2</p> <p>Matters for discretion:</p> <p>9. — The exercise of discretion in relation to ECO-R1.8. is restricted to the following matters:</p> <p>a. — ECO-MAT1</p>	<p>Activity status when compliance with achieved:</p> <p>10. — When compliance with ECO-R1.8.a., or ECO-R1.8.b. is not achieved: NC</p> <p>11. — When compliance with ECO-R1.8.c. not is not achieved: DIS</p>
ECO Management Overlay: Hills and High Country Area	<p>Activity status: RDIS</p> <p>12. — Clearance of indigenous vegetation, except where provided for in ECO-R1.4 or ECO-R1.6 that exceeds 500m² per hectare of indigenous vegetation (in any 5 year period), or is within any wetland or within 50m of the boundary of any wetland, or is within</p>	<p>Activity status when compliance not achieved:</p> <p>14. — When compliance with ECO-R1.12.a. or ECO-R1.12.b. is not achieved: NC</p>

¹⁶⁰ DPR-0260.093 CRC and DPR-0301.043 UWRG

ECO Management Overlay: Major Rivers	<p>20m from the bank of any surface water body, or is at an altitude of 800m or higher.</p> <p>Where:</p> <ul style="list-style-type: none"> a. the clearance is not within a SNA identified on the Planning Maps and listed in ECO-SCHED4; and b. the species are not listed in List B of ECO-SCHED3; and c. the application is accompanied by a Biodiversity Management Plan which has been prepared in accordance with the requirements of ECO-SCHED2; and <p>Matters for discretion:</p> <p>13. The exercise of discretion in relation to ECO-R1.12. is restricted to the following matters:</p> <ul style="list-style-type: none"> a. ECO-MAT1¹⁶¹ 	
ECO-Mudfish Habitat Overlay	<p>Activity status: RDIS</p> <p>16. Vegetation clearance except where provided for in ECO-R1.4 or ECO-R1.6</p> <p>Where:</p> <p>The activity involves the clearance of any:</p> <ul style="list-style-type: none"> a. vegetation (indigenous vegetation or exotic vegetation), other than any vegetation identified in ECO-Table 1 or ECO-Table 2. b. trees or shrubs (indigenous vegetation or exotic vegetation), other than any vegetation identified in ECO-Table 1 or ECO-Table 2, where the tree/shrub is over 1m in height and is located within 1.5m of any identified water race, drain or pond. <p>Matters for discretion:</p> <p>17. The exercise of discretion in relation to ECO-R1.16. is restricted to the following matters:</p> <ul style="list-style-type: none"> a. ECO-MAT2 	Activity status when compliance not achieved: N/A
ECO-Mudfish Habitat Overlay	<p>Activity status: RDIS</p> <p>18. Earthworks</p>	Activity status when compliance not achieved: N/A

¹⁶¹ DPR-0260.093 CRC and DPR-0301.043 UWRG

	<p>Matters for discretion:</p> <p>19. The exercise of discretion in relation to ECO-R1.18. is restricted to the following matters:</p> <p>b. ECO-MAT2</p>	
ECO-Crested Grebe Overlay	<p>Activity status: RDIS</p> <p>20. Except where provided for in ECO-R1.4 or ECO-R1.6; clearance of any trees (indigenous vegetation or exotic vegetation) over 5m in height within 10m of any lake identified on the overlay, except for the clearance of willow species from 1 March to 31 August (inclusive)</p> <p>Matters for discretion:</p> <p>21. The exercise of discretion in relation to ECO-R1.20. is restricted to the following matters:</p> <p>a. ECO-MAT2</p>	Activity status when compliance not achieved: N/A
ECO Management Overlay: Canterbury Plains	<p>Activity status: RDIS</p> <p>22. Except where provided for in ECO-R1.4, ECO-R1.6, or ECO-R1.24 the clearance of indigenous vegetation</p> <p>Where:</p> <p>a. it is within any wetland or within 50m of the boundary of any wetland; or</p> <p>b. it is within 20m from the bank of any surface water body</p> <p>Matters for discretion:</p> <p>23. The exercise of discretion in relation to ECO-R1.22. is restricted to the following matters:</p> <p>a. ECO-MAT1;</p> <p>b. Where relevant, any effects on indigenous vegetation and habitats of indigenous fauna in the coastal environment</p>	Activity status when compliance not achieved: N/A
ECO Management Overlay: Canterbury Plains	<p>Activity status: DIS</p> <p>24. Any indigenous vegetation clearance</p> <p>Where:</p>	<p>Activity status when compliance not achieved:</p> <p>25. When compliance with ECO-R1.24.a. is not achieved: NC</p>

	<p>a. The indigenous vegetation clearance is not within a SNA identified on the Planning Maps and listed in ECO-SCHED4, except where provided for in ECO-R1.4 or ECO-R1.6.</p> <p>b. Any indigenous vegetation clearance within an area of improved pasture that has not been subject to any cultivation in the past (this clause takes precedence over ECO-R1.4.i.)</p>	
ECO-RC	Indigenous Vegetation Clearance outside of significant natural areas¹⁶²	
CMUZ DPZ GRAZ GIZ KNOZ PORTZ RESZ TEZ PRZ¹⁶³	<p>Activity Status: PER</p> <p>1. Indigenous vegetation clearance outside any <u>significant natural area</u> SNA identified on the Planning Maps and listed in ECO-SCHED4^{164 165}</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of ECO-RC.1. is not achieved: <u>Refer to ECO-RD.1</u> N/A¹⁶⁶</p>
GRUZ FHSVZ MPZ ECO Management Overlay¹⁶⁷	<p>Activity status: PER</p> <p>3. Indigenous vegetation clearance¹⁶⁸ <u>outside any significant natural area</u>¹⁶⁹</p> <p>Where: The <u>clearance is for works are any of the following activities:</u>¹⁷⁰</p> <p>a. the maintenance, repair or replacement of existing fences, vehicle tracks, roads, walkways, firebreaks, dams, waterway crossings, or network utilities, <u>limited to the area within 2m of</u></p>	<p>Activity status when compliance not achieved:</p> <p>4. When compliance with any of ECO-RC.3. is not achieved: refer to ECO-R1.6 ECO-R1.8. to ECO-R1.25. (inclusive) to confirm activity status <u>Refer to ECO-RC.5</u>¹⁸⁷</p>

¹⁶² Restructure of part of ECO-R1, arising from DPR-0260.093 CRC and DPR-0301.043 UWRG. Where the text of this rule is that notified as ECO-R1, the original provision is footnoted. Where changes to the text of ECO-R1 are recommended in response to submissions, these are shown as text amendments.

¹⁶³ CI16(2) amendment to clarify – specific provision ECO-RC.11 applies to PRZ

¹⁶⁴ DPR-0260.076 CRC and DPR-0407.023 Forest & Bird

¹⁶⁵ Refer ECO-R1.1.a as notified

¹⁶⁶ Equivalent to ECO-R1.2 as notified – Indigenous vegetation clearance within a SNA is subject to ECO-RD

¹⁶⁷ DPR-0299.007 S & J West

¹⁶⁸ Equivalent to ECO-R1.4 as notified

¹⁶⁹ DPR-0260.189 CRC

¹⁷⁰ Restructure for clarity, arising from DPR-0260.093 CRC and DPR-0301.043 UWRG

¹⁸⁷ DPR-0260.093 CRC and DPR-0301.043 UWRG

	<p><u>any fence and to within the existing footprint of every other feature.</u></p> <p>b. the maintenance, repair or replacement of any existing <u>flood, erosion or drainage works</u> defence against water¹⁷¹ administered by a Regional or Territorial Authority, <u>limited to the area within the existing footprint of the works.</u></p> <p>c. the maintenance, repair or replacement of existing drains and man-made ponds (except as specified in ECO-R1.16, <u>limited to the area within 2m of any drain and to within the existing footprint of any pond.)</u>¹⁷²</p> <p>d. indigenous vegetation clearance where the vegetation is causing an imminent danger to human life, structures, infrastructure, or important infrastructure.</p> <p>e. indigenous vegetation clearance by Ngāi Tahu whānui for the purposes of mahinga kai or other customary uses, where the clearance is in accordance with tikanga protocols.</p> <p>f. indigenous vegetation clearance where required by a network utility operator, for the safe operation or maintenance of the National Grid or to remove a potential fire risk.¹⁷³</p> <p>g. indigenous vegetation clearance where the vegetation has been planted and/or¹⁷⁴ managed as part of a domestic or public garden, or has been planted¹⁷⁵ for amenity planting¹⁷⁶ purposes or as a shelterbelt;¹⁷⁷</p> <p>h. indigenous vegetation clearance where the vegetation:</p> <ol style="list-style-type: none"> has been planted and managed specifically for the purpose of harvesting; or has been planted for purposes other than biodiversity values, e.g. water quality or erosion control (but does not 	
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¹⁷¹ DPR-0260.079 CRC

¹⁷² Not required because ECO-RF applies

¹⁷³ DPR-0367.057 Orion and DPR-0446.087 Transpower

¹⁷⁴ DPR-0212.044 ESAI

¹⁷⁵ DPR-0212.044 ESAI

¹⁷⁶ DPR-0212.044 ESAI

¹⁷⁷ DPR-0353.131 HortNZ

	<p>include indigenous vegetation used as part of any ecological restoration and enhancement projects); or¹⁷⁸</p> <p>iii. has grown within an area of plantation forestry; or</p> <p>iv. is in accordance with, and explicitly specified within, an approved reserve management plan, national park management plan or conservation management plan or strategy, or Te Waihora Joint Management Plan Mahere Tukutahi o Te Waihora, or a registered conservation covenant or protective covenant.</p> <p>i. <u>within the Indigenous Biodiversity Overlay, grazing that is not over-grazing/trampling</u>¹⁷⁹ within an area of improved pasture <u>except where it is covered by ECO R1.24b.</u>¹⁸⁰</p> <p>j. for the maintenance, repair or replacement of existing buildings and structures, including an area no further than 2m from the exterior wall of the existing building.</p> <p>k. necessary in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, <u>including or</u>¹⁸¹ <u>for the clearance of material infected by unwanted organisms.</u>¹⁸²</p> <p>l. the clearance of any vegetation (indigenous or exotic) or earthworks undertaken within any water race, drain or pond identified on the Mudfish Habitat Overlay where this is in accordance with, and explicitly specified within an approved management plan established through a Local Government Act or Resource Management Act 1991 process.¹⁸³</p> <p>m. indigenous vegetation clearance in the Port Hills Indigenous Biodiversity Overlay Area that is less than 100m² per hectare of indigenous vegetation in any 5 year period;¹⁸⁴</p>	
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¹⁷⁸ DPR-0212.044 ESAI

¹⁷⁹ DPR-0233.011 CBS, DPR-0301.025 UWRG, DPR-0422.152 FFNC, DPR-0407.024 Forest & Bird and DPR-0427.106 DOC

¹⁸⁰ DPR-0260.093 CRC and DPR-0301.043 UWRG

¹⁸¹ DPR-0353.0119 HortNZ

¹⁸² Consequential amendment following DPR-0353.0119 HortNZ, Hazardous substances and contaminated land

¹⁸³ DPR-0427.106 DOC

¹⁸⁴ DPR-0427.106 DOC

	<p>n. indigenous vegetation clearance in the Hills and High Country Indigenous Biodiversity Overlay Area, or the Major Rivers Indigenous Biodiversity Overlay Area that is less than 500m² per hectare of indigenous vegetation in any 5 year period;¹⁸⁵</p> <p>o. within an area of horticultural cropping or planting.¹⁸⁶</p>	
<p><u>GRUZ</u></p> <p><u>FHSVZ</u></p> <p><u>MPZ</u></p>	<p><u>Activity Status:</u> RDIS¹⁸⁸</p> <p><u>5. Indigenous vegetation clearance outside a significant natural area that does not comply with ECO-RC.3.</u>¹⁸⁹</p> <p><u>Where:</u></p> <p><u>a. the application is accompanied by a Biodiversity Management Plan which has been prepared in accordance with the requirements of ECO-SCHED2.</u>¹⁹⁰</p> <p><u>Matters for discretion:</u></p> <p><u>6. The exercise of discretion in relation to ECO-RC.5 is restricted to the following matters:</u></p> <p><u>a. ECO-MAT1.</u>¹⁹¹</p>	<p><u>Activity status when compliance not achieved:</u></p> <p><u>7. When compliance with any of ECO-RC.5 is not achieved: DIS</u>¹⁹²</p>

¹⁸⁵ DPR-0427.106 DOC

¹⁸⁶ DPR-0353.131 HortNZ

¹⁸⁸ DPR-260.093 CRC and DPR-0301.043 UWRG

¹⁸⁹ DPR-260.093 CRC and DPR-0301.043 UWRG

¹⁹⁰ DPR-260.093 CRC and DPR-0301.043 UWRG

¹⁹¹ DPR-260.093 CRC and DPR-0301.043 UWRG

¹⁹² DPR-260.093 CRC and DPR-0301.043 UWRG

<u>GRAZ</u>	<p>Activity Status: PER</p> <p>8. Indigenous vegetation clearance outside any <u>significant natural area SNA identified on the Planning Maps and listed in ECO-SCHED4</u>^{193 194}</p> <p>Where:</p> <p>a. The indigenous vegetation clearance is not located in the GRAZ natural resource area as identified on GRAZ-FIG1¹⁹⁵; <u>or</u></p> <p>b. <u>Within the GRAZ natural resource area as identified on GRAZ-FIG1, the indigenous vegetation clearance is the clearance of material infected by unwanted organisms.</u>¹⁹⁶</p>	<p>Activity status when compliance not achieved:</p> <p>9. <u>When compliance with any of ECO-RC.8. is not achieved: RDIS</u>¹⁹⁷</p> <p>Matters for discretion:</p> <p>10. <u>The exercise of discretion in relation to ECO-RC.9 is restricted to the following matters:</u></p> <p>a. <u>ECO-MAT1</u>¹⁹⁸</p>
<u>SKIZ PRZ</u> ¹⁹⁹	<p>Activity Status: PER</p> <p>11. Indigenous vegetation clearance outside any <u>significant natural area SNA identified on the Planning Maps and listed in ECO-SCHED4</u>^{200 201}</p> <p>Where:</p> <p>a. <u>Any removal is less than 5m² during a one month period; or</u></p> <p>b. Any removal is associated with Controlled or Restricted Discretionary earthworks as outlined in <u>NFL-R2EW-R4C</u>²⁰²; <u>or</u>²⁰³</p> <p>c. <u>The indigenous vegetation clearance is necessary for the clearance of material infected by unwanted organisms</u>²⁰⁴</p>	<p>Activity status when compliance not achieved:</p> <p>12. <u>When compliance with any of ECO-RC.11. is not achieved: RDIS</u>²⁰⁵</p> <p>Matters for discretion:</p> <p>13. <u>The exercise of discretion in relation to ECO-RC.12 is restricted to the following matters:</u></p> <p>a. <u>ECO-MAT1</u>²⁰⁶</p>

¹⁹³ DPR-0260.076 CRC and DPR-0407.023 Forest & Bird

¹⁹⁴ Refer ECO-R1.1.a as notified

¹⁹⁵ Equivalent to ECO-R1.1.d as notified

¹⁹⁶ Consequential Amendments following DPR-0353.0119 HortNZ, Hazardous substances and contaminated land hearing

¹⁹⁷ DPR-0260.093 CRC and DPR-0301.042 UWRG

¹⁹⁸ DPR-0260.093 CRC and DPR-0301.042 UWRG

¹⁹⁹ Recommendation of Hearing 27: Special Purpose - Terrace Downs Zone, Grasmere Zone & Porters Ski Zone

²⁰⁰ DPR-0260.076 CRC and DPR-0407.023 Forest & Bird

²⁰¹ Refer ECO-R1.1.a as notified

²⁰² C110(2) consequential amendment following recommendations of Hearing 19 Natural Landscapes and Features

²⁰³ C110(2) consequential amendment following recommendations of Hearing 19 Natural Landscapes and Features

²⁰⁴ Consequential Amendments following DPR-0353.0119 HortNZ, Hazardous substances and contaminated land hearing

²⁰⁵ DPR-0260.093 CRC and DPR-0301.042 UWRG

²⁰⁶ DPR-0260.093 CRC and DPR-0301.042 UWRG

ECO-RD	Indigenous Vegetation Clearance within significant natural areas ²⁰⁷	
CMUZ DPZ GRAZ GIZ KNOZ PORTZ RESZ TEZ SKIZ	Activity Status: PER 1. <u>Indigenous vegetation clearance within any significant natural area SNA identified on the Planning Maps and listed in ECO-SCHED4²⁰⁸</u> Where: a. <u>the indigenous vegetation clearance is the clearance of material infected by unwanted organisms²⁰⁹</u>	Activity status when compliance not achieved: 2. When compliance with any of ECO-RD.1. is not achieved: NC ²¹⁰
GRUZ GRAZ FHSVZ MPZ SKIZ-PRZ²¹¹ ECO Significant Natural Areas Overlay²¹²	Activity status: PER 3. Indigenous vegetation clearance within a Significant Natural Area ²¹³ identified on the Planning Maps and listed in ECO-SCHED4²¹⁴ Where: a. The clearance is for works <u>are any of the following activities:</u> ²¹⁵ i. <u>the maintenance, repair or replacement of existing fences, vehicle tracks, roads, walkways, firebreaks, dams, waterway crossings, or network utilities, limited to the area within 2m of any fence and to within the existing footprint of every other feature.</u> ii. <u>the maintenance, repair, or replacement of existing flood, erosion or drainage protection works administered by a</u>	Activity status when compliance not achieved: 4. When compliance with any of ECO-RD 1 .3. is not achieved: NC ²²¹

²⁰⁷ Restructure of part of ECO-R1, arising from DPR-0260.093 CRC, DPR-0301.043 UWRG. Where the text of this rule is that notified as ECO-R1, the original provision is footnoted.

Where changes to the text of ECO-R1 are recommended in response to submissions, these are shown as text amendments.

²⁰⁸ DPR-0260.076 CRC and DPR-0407.023 Forest & Bird

²⁰⁹ Consequential Amendments following DPR-0353.0119 HortNZ, Hazardous substances and contaminated land hearing

²¹⁰ Equivalent to ECO-R1.2 as notified

²¹¹ Recommendation of Hearing 27: Special Purpose - Terrace Downs Zone, Grasmere Zone & Porters Ski Zone

²¹² DPR-0260.082 CRC

²¹³ Equivalent to ECO-R1.6 as notified

²¹⁴ DPR-0260.082 CRC and DPR-0407.029 Forest & Bird

²¹⁵ **Clause 16(2)** amendment for clarity

²²¹ Equivalent to ECO-R1.7 as notified

	<p>Regional or Territorial Authority, <u>limited to the area within the existing footprint of the works.</u></p> <p>iii. the maintenance, repair or replacement of existing drains and man-made ponds (except as specified in ECO-R1.16)²¹⁶ <u>limited to the area within 2m of any drain and to within the existing footprint of any pond.</u></p> <p>iv. indigenous vegetation clearance where the vegetation is causing an imminent danger to human life, structures, or utilities.²¹⁷</p> <p>v. indigenous vegetation clearance by Ngāi Tahu whānui for the purposes of mahinga kai or other customary uses, where the clearance is in accordance with tikanga protocols.²¹⁸</p> <p>vi. indigenous vegetation clearance where required by a network utility operator for the safe operation or maintenance of the National Grid or to remove a potential fire risk.²¹⁹</p> <p>vii. <u>indigenous vegetation clearance that is clearance of material infected by unwanted organisms.</u>²²⁰</p>	
ECO-RE	Vegetation clearance in the Crested Grebe Overlay²²²	
Crested Grebe Overlay²²³	<p>Activity status: PER</p> <ol style="list-style-type: none"> Indigenous vegetation clearance permitted by ECO-RC²²⁴ Indigenous vegetation clearance permitted by in ECO-RD²²⁵ Clearance of willow species²²⁶ 	<p>Activity status when compliance not achieved:</p> <ol style="list-style-type: none"> Activity status when any of ECO-RE.1, ECO-RE.2, ECO-RE.3 or ECO-RE.4 are not complied with: RDIS²²⁹ <p>Matters for discretion:</p>

²¹⁶ Not required because ECO-RF applies

²¹⁷ Equivalent to ECO-R1.6.d as notified

²¹⁸ Equivalent to ECO-R1.6.e as notified

²¹⁹ DPR-0367.058, DPR-0367.102 Orion, DPR 0441.106 Manawa Energy, DPR-0446.087 Transpower and DPR-0375.FS107 WKNZTA

²²⁰ DPR-0353.132 HortNZ, also consequential amendment following DPR-0353.0119 HortNZ Hazardous substances and contaminated land

²²² Equivalent to ECO-R1.20 as notified

²²³ DPR-0427.114 DOC

²²⁴ Equivalent to ECO-R1.20 as notified

²²⁵ Equivalent to ECO-R1.20 as notified

²²⁶ Equivalent to ECO-R1.20 as notified

²²⁹ Equivalent to ECO-R1.20 as notified

	<p>4. Within 10m of any lake identified on the overlay, clearance of any other tree (indigenous vegetation or exotic vegetation) that is no more than 5m tall.²²⁷</p> <p>Where:</p> <p>a. The clearance does not take place <u>occurs only</u> during the period 1 March to 31 August in any year.²²⁸</p>	<p>6. The exercise of discretion in relation to ECO-RE.5 is restricted to the following matters:</p> <p>a. ECO-MAT2²³⁰</p>
ECO-RF	Vegetation Clearance in the Mudfish Habitat Overlay²³¹	
ECO Mudfish Habitat Overlay²³²	<p>Activity status: PER</p> <p>1. The clearance of vegetation (indigenous or exotic)</p> <p>Where:</p> <p>a. the vegetation is listed in ECO-Table 1 or ECO-Table 2 <u>ECO-SCHED1 – Potential Pest Species; or</u>²³³</p> <p>b. within any water race, drain or pond, the vegetation clearance is in accordance with, and explicitly specified within an approved management plan established through a Local Government Act or Resource Management Act 1991²³⁴ process that has <u>specifically addressed ecological integrity within the Mudfish Habitat Overlay</u>²³⁵; or²³⁶</p> <p>c. within 1.5m of any water race, drain or pond identified in the Overlay, the vegetation is no more than 1m tall.²³⁷</p>	<p>Activity status when compliance not achieved:</p> <p>3. Activity status when compliance with any of ECO-RF.1 is not achieved: <u>RDIS</u>²³⁸</p> <p>Matters for discretion:</p> <p>4. <u>The exercise of discretion in relation to ECO-RF.3 is restricted to the following matters:</u></p> <p>a. <u>ECO-MAT2</u>²³⁹</p>

²²⁷ Equivalent to ECO-R1.20 as notified

²²⁸ DPR-0427.114 DOC and equivalent to ECO-R1.20 as notified

²³⁰ DPR-0427.114 DOC and equivalent to ECO-R1.21 as notified

²³¹ Restructure of part of ECO-R1, arising from DPR-0260.093 CRC and DPR-0301.043 UWRG. Where the text of this rule is that notified as ECO-R1, the original provision is footnoted. Where changes to the text of ECO-R1 are recommended in response to submissions, these are shown as text amendments.

²³² Equivalent to ECO-R1.16 as notified

²³³ Equivalent to ECO-R1.16.a as notified, amended to more clearly identify where ECO-Table 1 and ECO-Table 2 are located within the PDP.

²³⁴ DPR-0427.111 and DPR-0427.112 DOC

²³⁵ DPR-0427.111 and DPR-0427.112 DOC

²³⁶ Equivalent to ECO-R1.4.I as notified

²³⁷ Equivalent to ECO-R1.16.b as notified

²³⁸ DPR-0212.042 ESAI, DPR-0427.111 and 112 DOC

²³⁹ DPR-0212.042 ESAI, DPR-0427.111 and 112 DOC

ECO-R2	Earthworks within an SNA ²⁴⁰	
ECO-Significant Natural Areas Overlay ²⁴¹	Activity Status: NC 1. Any earthworks other than ²⁴² provided for in ECO-R1.4 or ECO-R1.6.	Activity status when compliance not achieved: N/A
ECO-R3	Potential Pest Species	
GRUZ	Activity Status: NC	Activity status when compliance not achieved: N/A
FHSVZ	1. Planting of any of the species listed in List A of ECO-SCHEDI	
SCA-AD1	Potential Pest Species ECO-TABLE1—Plant Species below. ²⁴³	
SCA-AD2	ECO-TABLE1—Plant Species ²⁴⁴	
	Plant Species: Scientific Name	Plant Species: Common Name
	Acer pseudoplatanus	Sycamore
	Berberis glaucocarpa	Barberry
	Buddleja davidii	Buddleia
	Cotoneaster simonsii	Khasia berry
	Crataegus monogyna	Hawthorn
	Erica lusitanica	Spanish heath
	Glechoma hederacea	Ground ivy
	Lupinus arboreus	Tree lupin
	Myricaria germanica	False tamarisk
	Salix cinerea	Grey willow
	Salix fragilis	Crack willow
	Sorbus aucuparia	Rowan
ECO Management Overlay: Hill and High Country Indigenous	Activity Status: NC 2. Planting of any of the species listed in List B of ECO-SCHEDI Potential Pest Species ECO-TABLE2—Plant Species below. ²⁴⁶	Activity status when compliance not achieved: N/A
	ECO-TABLE2—Plant Species ²⁴⁷	
	Plant Species: Scientific Name	Plant Species: Common Name
	Betula pendula	Silver Birch

²⁴⁰ DPR-0414 Kāinga Ora, para 34(n)

²⁴¹ DPR-0260.095 CRC

²⁴² DPR-0260.095 CRC

²⁴³ Amendment for consistency with PDP drafting protocol

²⁴⁴ Amendment for consistency with PDP drafting protocol

²⁴⁶ Clause 16(2) amendment for consistency with PDP drafting protocol

²⁴⁷ Clause 16(2) amendment for consistency with PDP drafting protocol

Biodiversity Overlay ²⁴⁵ SCA-AD1 SCA-AD2	<i>Fraxinus ornus</i>	Ash
	<i>Ilex aquifolium</i>	Holly
ECO-R4	Plantation Forestry within a <u>Significant Natural Area</u> ²⁴⁸	
All Zones ECO Significant Natural Areas Overlay ²⁴⁹	Activity Status: NC 1. Plantation forestry The establishment of a new, or expansion of an existing, plantation forest ²⁵⁰ within a significant natural area ²⁵¹	Activity status when compliance not achieved: N/A

ECO-Rule Requirements

ECO-REQG	<u>Earthworks and Ecosystems and indigenous biodiversity</u> ²⁵²	
Mudfish Habitat Overlay	1. <u>Earthworks within any water race, drain or pond are undertaken only where this is in accordance with, and explicitly specified within an approved management plan established through a Local Government Act process that has specifically addressed ecological integrity within the Mudfish Habitat Overlay.</u> ²⁵³	Activity status when compliance not achieved: 2. <u>When compliance with any of ECO-REQG.1 is not achieved RDIS</u> Matters for discretion: 3. <u>The exercise of discretion in relation to ECO-REQG.2 is restricted to the following matters:</u> a. ECO-MAT2
All Zones ²⁵⁴	4. <u>Earthworks within a Significant Natural Area and not subject to ECO-REQG.1 are limited to one or more of:</u> a. <u>the maintenance, repair or replacement of existing fences, vehicle tracks, roads, walkways, firebreaks, dams, waterway crossings, or network utilities, limited to the area within 2m of any fence and to within the existing footprint of every other feature.</u> ²⁵⁵	Activity status when compliance not achieved: 5. <u>When compliance with any of ECO-REQG.4 is not achieved: NC</u>

²⁴⁵ DPR-0233.011 CBS, DPR-0301.025 UWRG, DPR-0422.152 FFNC, DPR-0407.024 Forest & Bird and DPR-0427.106 DOC²⁴⁸ **Clause 10(2)(b)** consequential amendment to DPR-0260.193 CRC²⁴⁹ DPR-0260.97 CRC²⁵⁰ DPR-0439.010 and 019 Rayonier²⁵¹ DPR-0260.193 CRC and DPR-0407.035 Forest & Bird²⁵² DPR-0414 Kāinga Ora, para 34(n)²⁵³ DPR-0427.111 and 112 DOC²⁵⁴ DPR-0260.082 CRC²⁵⁵ DPR-0427.106 DOC

	<p>b. <u>the maintenance, repair, or replacement of existing flood, erosion or drainage works administered by a Regional or Territorial Authority, limited to the area within the existing footprint of the works.</u>²⁵⁶</p> <p>c. <u>the maintenance, repair or replacement of existing drains and man-made ponds</u>²⁵⁷, <u>limited to the area within 2m of any drain and to within the existing footprint of any pond.</u>²⁵⁸</p>	
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ECO-Matters for Control or Discretion

ECO-MAT1	Indigenous Vegetation Clearance
All Zones GRUZ ECO Management Overlay: Hill and High Country Area ECO Management Overlay: Major Rivers ECO Management Overlay: Port Hills ²⁵⁹	<ol style="list-style-type: none"> The extent to which the nature, scale, intensity, and location of the proposed clearance will adversely affect indigenous biodiversity and ecosystems taking into account: <ol style="list-style-type: none"> Whether the indigenous vegetation subject to the clearance is significant (as assessed against the criteria in ECO-SCHED-1) Whether the indigenous vegetation to be cleared provides habitat for Threatened <u>or At Risk Species</u> or locally uncommon species The importance of the vegetation to be cleared to tāngata whenua including any adverse effects on the mauri of the site, on mahinga kai or on wāhi tapu or wāhi taonga Any effects of the clearance on <u>ecological integrity</u> species diversity, ecosystem integrity and functioning, including the integrity and functioning <u>ecological integrity</u>²⁶⁰ of adjoining areas of indigenous vegetation The role the indigenous vegetation plays in providing an ecological buffer or corridor Whether any potential for mitigation, remedying, <u>biodiversity</u>²⁶¹ offsetting or <u>biodiversity</u>²⁶² compensation of adverse effects on biodiversity values is proposed and the anticipated effectiveness of such methods Any site specific management, or mechanisms that assist the maintenance, protection or enhancement of significant indigenous vegetation such as QE II covenants and the use of Biodiversity Management Plans Any social, economic, environmental and cultural benefits resulting from the proposed activity requiring the clearance, including the extent to which the activity may protect, maintain or enhance any ecosystems or <u>indigenous biodiversity offsets</u>²⁶³, including through the use of biodiversity offsets, covenants, and/or restoration and enhancement Any technical and operational constraints and route, site, and method selection

²⁵⁶ DPR-0427.106 DOC²⁵⁷ Equivalent to ECO-R1.6.c as notified²⁵⁸ DPR-0427.106 DOC²⁵⁹ DPR-0260.093 CRC and DPR-0301.043 UWRG²⁶⁰ DPR-0427.095 DOC²⁶¹ DPR-0427.004 DOC²⁶² Consequential to DPR-0427.020 DOC²⁶³ Clause 16(2) clarification – deletion of redundant words

	5. The risk of the increase in weed and pest species, and proposed management of pests.
ECO-MAT2	Protecting Habitats of Indigenous Fauna Criteria that Limit Indigenous Vegetation Clearance²⁶⁴
ECO Mudfish Habitat Overlay	1. Whether any of the vegetation and/or associated sediment or sediment in any stock water race or drain subject to the application is significant (as assessed against the criteria in ECO-SCHED1);
ECO Crested Grebe Overlay	2. Whether, upon specialist ecological assessment, the vegetation and/or sediment and/or tree/s proposed to be removed provide habitat for the indigenous fauna;
	3. The extent to which the removal of vegetation and/or tree/s would adversely affect the ability of the identified protection areas to provide for the needs of the relevant indigenous fauna;
	4. The extent to which the protection area has been previously modified by the removal of habitat ²⁶⁵
	5. The potential to restore habitat of indigenous fauna.
	6. <u>Adverse effects on indigenous biodiversity</u> ²⁶⁶

ECO-Schedules

ECO-SCHED1 - Criteria for Determining Significant Indigenous Vegetation and Significant Habitat of Indigenous Fauna
These criteria shall be used to determine if an area is significant and significance shall be determined where areas or habitats meet one or more of the criteria in the Appendix.
Representativeness
...
1
Rarity and Distinctiveness
3. 'Indigenous vegetation' or habitat of indigenous fauna that has been reduced to less than 20% of its former extent in the region, or relevant land environment, ecological district, or freshwater environment.
4. 'Indigenous vegetation' or habitat of indigenous fauna that supports an indigenous species that is Threatened <u>or At Risk</u> , or uncommon, nationally or within the relevant ecological district.
5. The site contains 'indigenous vegetation' or an indigenous species at its distribution limit within Canterbury Region or nationally.
6. 'Indigenous vegetation' or an association of indigenous species that is distinctive, of restricted occurrence, occurs within an originally rare ecosystem, or has developed as a result of an unusual environmental factor or combinations of factors.
Diversity and Pattern
...

²⁶⁴ DPR-0427.120 DOC²⁶⁵ DPR-0407.120 DOC²⁶⁶ DPR-0427.120 DOC

ECO-SCHED2 - Biodiversity Management Plan Requirements**Purpose of a Biodiversity Management Plan**

...

Biodiversity Values

The purpose of this section is to describe the indigenous biodiversity of the property/catchment to understand what the values are and any threats or risks to these values.

...

f. Threatened or At Risk species of plants and animals species²⁶⁷ (as classified under the most recent national threat classifications)

...

.

ECO-SCHED3—Indigenous Species and Area Lists**LIST A: Port Hills Area**

- ~~Any old growth podocarp/hardwood forest which contains kahikatea (*Dacrycarpus dacrydioides*), totara (*Podocarpus totara*, *Podocarpus laetus*) matai (*Prumnopitys taxifolia*); or any mature individual trees of these species.~~
- ~~A contiguous area of 0.1ha or more of regenerating podocarp/hardwood forest or mixed hardwood forest dominated by native trees such as mahoe (*Melicytus ramiflorus*), fivefinger (*Pseudopanax arboreus*), lemonwood (*Pittosporum eugenioides*), tree fuchsia (*Fuchsia excorticata*), narrow leaved lacebark (*Hoheria angustifolia*), ribbonwood (*Plagianthus regius*), kaikomako (*Pennantia corymbosa*), kowhai (*Sophora microphylla*), pigeonwood (*Hedycarya arborea*), or ngaio (*Myoporum laetum*).~~
- ~~A contiguous area of 0.25ha or more of mature and/or regenerating kanuka (*Kunzea robusta*) forest where any individual kanuka plants are 4 metres or greater in height.~~
- ~~A contiguous area of 0.1ha or more of low altitude small leaved shrubland or scrub containing the following species; Coprosma spp., korokio (*Corokia cotoneaster*), Hebe spp., Olearia spp., porcupine shrub (*Melicytus alpinus*), or native broom (*Carmichaelia* spp.) where the native shrub species cover exceeds 15%.~~
- ~~Any indigenous vegetation on a rock outcrop.~~

LIST B: Hills and High Country Area and River Areas

- ~~Any beech forest.~~
- ~~Any podocarp/hardwood forest.~~
- ~~A contiguous area of 0.1ha or more of low altitude small leaved shrubland or scrub containing the following species; Coprosma spp., korokio (*Corokia cotoneaster*), mountain wineberry (*Aristotelia fruticosa*), Hebe spp., Olearia spp., porcupine shrub (*Melicytus alpinus*), native broom (*Carmichaelia* spp.), or tauhinu (*Ozothamnus leptophyllus*), where the native shrub species cover exceeds 15%.~~
- ~~A contiguous area of 0.1ha or more of subalpine mixed scrub containing the following species; *Dracophyllum*, *Olearia*, or *Hebe* spp.~~
- ~~Matagouri (*Discaria toumatou*) on alluvial surfaces (where alluvial surfaces include areas created by the deposition of sand, silt, clay, gravel or other material by flowing water, and includes active riverbeds and their flood plains, river terraces, alluvial fans, outwash gravels, and inland sand dunes).~~
- ~~Tall tussockland and/or tall tussock shrubland with native snow tussock (*Chionochoa*) and/or *Dracophyllum* spp.~~

²⁶⁷ Consequential to DPR-0427.127 DOC

- ~~• Tussockland with native fescue/hard tussock (*Festuca novae-zelandiae*) and native inter tussock species, where the contiguous area of fescue/hard tussock and native inter tussock species accounts for 20% or more of canopy cover.~~
- ~~• Short tussockland with native silver tussock (*Poa cita*) and native inter tussock species, where the contiguous area silver tussock and native inter tussock species accounts for 30% or more of canopy cover.~~
- ~~• Any indigenous vegetation on any limestone substrates, or on rock outcrops over 100m².²⁶⁸~~

ECO-SCHED4 - Significant Natural Areas

No Significant Natural Areas have been identified and confirmed for listing at this stage.

Unique identifier	Site Identifier	Material used for identification	Rationale for overall significance
<u>SNA1</u>	<u>Thompsons Road, West Melton</u>	<u>Ecological Assessment SNA1</u>	<u>Largest remaining area of undeveloped Waimakariri River floodplain dryland habitat; one of the best representative examples of indigenous dryland vegetation in Low Plains Ecological District; supports populations of a wide range of nationally threatened and locally uncommon plants; habitat for nationally threatened and/or locally uncommon lizard and invertebrate species.</u>

ECO-SCHED5 - Framework for Biodiversity Offsetting

The following sets out a framework for the use of biodiversity offsets. Any biodiversity offset is to be consistent with this framework. It should be read in conjunction with The New Zealand Government Guidance on Good Practice Biodiversity Offsetting in New Zealand August 2014 (or any successor document).

Framework:

- Restoration, enhancement, and protection actions will only be considered a biodiversity offset where they are used to offset the anticipated ~~reasonably~~²⁶⁹ measurable residual effects of activities after appropriate avoidance, remediation, and mitigation actions, in that order,²⁷⁰ have occurred (i.e. not in situations where they are used to mitigate the adverse effects of activities).
- A proposed biodiversity offset will contain an explicit loss and gain calculation ~~commensurate to the scale of effects the activity~~ incorporating biodiversity type, amount and condition, and will, and should²⁷¹ demonstrate the manner in which no net loss ~~and preferably a net gain will can~~²⁷² be achieved.
- A biodiversity offset will recognise the limits to offsets due to irreplaceable and vulnerable biodiversity (including effects that must be avoided in accordance with Policy 11(a) of the New Zealand Coastal Policy Statement 2010 and other relevant National Policy Statements and National Environmental Standards²⁷³), and its design and implementation will include provisions for addressing sources of uncertainty and risk of failure of the delivery of no net loss.
- Restoration, enhancement, and protection actions undertaken as a biodiversity offset are demonstrably additional to what otherwise would occur, including that they are additional to any remediation or mitigation undertaken in relation to the adverse effects of the activity.

²⁶⁸ DPR-0368.034 Beef and Lamb

²⁶⁹ DPR-0427.126 DOC

²⁷⁰ DPR-0427.126 DOC

²⁷¹ DPR-0427.126 DOC

²⁷² DPR-0427.126 DOC

²⁷³ DPR-0427.126 DOC

5. In relation to a SNA listed in ECO-SCHED-2, offset actions will be undertaken within the SNA as a first priority, or where this is not practicable, as close as possible to the location of development or impact²⁷⁴ within the same ecological district as a second priority.
6. Offset actions will prioritise protection and enhancement of existing areas of biodiversity where those actions produce additional biodiversity gains commensurate with the biodiversity values lost.
7. The values to be lost through the activity to which the offset applies are counterbalanced by the proposed offsetting activity which is at least commensurate with the residual adverse effects on indigenous biodiversity, so that the overall result is no net loss.
8. The offset will be applied so that the ecological values being achieved through the offset are the same or similar to those being lost including over time and spatial contexts, unless an alternative ecosystem or habitat will provide a net gain for indigenous biodiversity²⁷⁵, and the values lost are not irreplaceable or highly vulnerable.
9. There is a strong likelihood that the positive ecological outcomes of the offset last at least as long as the impact of the activity, and preferably in perpetuity. Adaptive management responses, including monitoring and evaluation will ~~should~~²⁷⁶ be incorporated into the design of the biodiversity offset, ~~as required~~²⁷⁷ to ensure that the positive ecological outcomes are maintained over time.
10. The biodiversity offset will be designed ~~and implemented~~²⁷⁸ in a landscape context – i.e. with an understanding of both the donor and recipient sites' roles, or potential roles, in the ecological context of the area.
- 10A. The biodiversity offset will be implemented as close as possible to the location of impact or development where it will achieve the best ecological outcomes, preferably within the same ecological district.
- 10B. The delay between the loss of biodiversity through development and the gain or maturation of ecological outcomes is minimised.²⁷⁹
11. Any application that intends to utilise a biodiversity offset will include a biodiversity offset management plan that:
 - a. Sets out quantitative (where possible)²⁸⁰ baseline information on indigenous biodiversity that is potentially impacted by the proposal at both the donor and recipient sites;
 - b. Demonstrates how the requirements of the framework set out in this appendix will be addressed; and
 - c. Identifies the monitoring approach that will be used to demonstrate how the matters set out in this framework have been addressed, over an appropriate timeframe.

ECO-SCHEDI – Potential Pest Species

List A - Plant Species in the General rural zone, FHSVZ, SCA-AD1 and SCA-AD2²⁸¹

Plant Species: Scientific Name	Plant Species: Common Name
<i>Acer pseudoplatanus</i>	Sycamore
<i>Berberis glaucocarpa</i>	Barberry

²⁷⁴ DPR-0427.126 DOC

²⁷⁵ DPR-0427.126 DOC

²⁷⁶ DPR-0427.126 DOC

²⁷⁷ DPR-0427.126 DOC

²⁷⁸ DPR-0427.126 DOC

²⁷⁹ DPR-0427.126 DOC

²⁸⁰ DPR-0427.126 DOC

²⁸¹ Equivalent to ECO-R3, ECO-TABLE1 as notified

<i>Buddleja davidii</i>	Buddleia
<i>Cotoneaster simonsii</i>	Khasia berry
<i>Crataegus monogyna</i>	Hawthorn
<i>Erica lusitanica</i>	Spanish heath
<i>Glechoma hederacea</i>	Ground ivy
<i>Lupinus arboreus</i>	Tree lupin
<i>Myricaria germanica</i>	False tamarisk
<i>Salix cinerea</i>	Grey willow
<i>Salix fragilis</i>	Crack willow
<i>Sorbus aucuparia</i>	Rowan
List B - Plant Species in the Hill and High Country Indigenous Biodiversity Overlay²⁸², ONL Overlay, SCA-AD1 and SCA-AD2²⁸³	
Plant Species: Scientific Name	Plant Species: Common Name
<i>Betula pendula</i>	Silver Birch
<i>Eschscholzia californica</i>	Californian Poppy ²⁸⁴
<i>Fraxinus excelsior</i> ornus ²⁸⁵	European ash or common ash Ash ²⁸⁶
<i>Ilex aquifolium</i>	Holly
<i>Lupinus polyphyllus</i>	Russell Lupin ²⁸⁷
<i>Sambucus nigra</i>	Elderberry ²⁸⁸

Energy, Infrastructure and Transport

EI – Energy and Infrastructure

EI-Rules

EI-R6	Operation, Maintenance, and Repair of Existing Network Utilities and Ancillary Vehicle Access Tracks	
...	1. ... Where this activity complies with the following rule requirements: ...	Activity status when compliance not achieved: ...

²⁸² DPR-0233.011 CBS, DPR-0301.025 UWRG, DPR-0422.152 FFNC, DPR-0407.024 Forest & Bird and DPR-0427.106 DOC

²⁸³ Equivalent to ECO-R3, ECO-TABLE2 as notified

²⁸⁴ DPR-0427.118 DOC

²⁸⁵ DPR-0427.118 DOC

²⁸⁶ DPR-0427.118 DOC

²⁸⁷ DPR-0427.118 DOC

²⁸⁸ DPR-0427.118 DOC

	<u>EI-REQ4.6 Clearance of vegetation</u> ²⁸⁹ <u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ²⁹⁰	
EI-R7	All Activities Regulated by the National Environmental Standards for Telecommunication Facilities 2016 (NESTF)	
...	1. ... Where this activity complies with the following rule requirements: ... <u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ²⁹¹	Activity status when compliance not achieved: ...
EI-R8	New and Temporary Customer Connections	
...	1. ... Where this activity complies with the following rule requirements: ... <u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ²⁹²	Activity status when compliance not achieved: ...
EI-R9	Temporary Network Utilities	
...	1. ... Where this activity complies with the following rule requirements: ... <u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ²⁹³	Activity status when compliance not achieved: ...
EI-R10	Below Ground Network Utilities Upgrading or Installation	
...	1. ... Where this activity complies with the following rule requirements: ... <u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ²⁹⁴	Activity status when compliance not achieved: ...
EI-R11	Upgrading of Existing Above Ground Network Utilities	
...	1. ... Where this activity complies with the following rule requirements: ... <u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ²⁹⁵	Activity status when compliance not achieved: ...

²⁸⁹ DPR-0212.042 ESAI, DPR-0427.111 and 112 DOC

²⁹⁰ DPR-0212.042 ESAI, DPR-0427.111 and 112 DOC

²⁹¹ Consequential amendment

²⁹² Consequential amendment

²⁹³ Consequential amendment

²⁹⁴ Consequential amendment

²⁹⁵ Consequential amendment

EI-R12	Public Telecommunication Kiosks	
...	1. ... Where this activity complies with the following rule requirements: ... <u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ²⁹⁶	Activity status when compliance not achieved: ...
EI-R13	Small Cell Units	
...	1. ... Where this activity complies with the following rule requirements: ... <u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ²⁹⁷	Activity status when compliance not achieved: ...
EI-R14	Telecommunication Cabinets	
...	1. ... Where this activity complies with the following rule requirements: ... <u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ²⁹⁸	Activity status when compliance not achieved: ...
EI-R15	Electricity Cabinets and EV Charging Stations	
...	1. ... Where this activity complies with the following rule requirements: ... <u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ²⁹⁹	Activity status when compliance not achieved: ...
EI-R17	Telecommunication Poles and Attached Antennas	
...	1. ... Where this activity complies with the following rule requirements: ... <u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ³⁰⁰	Activity status when compliance not achieved: ...
EI-R19	Overhead Telecommunication Lines, Electricity Distribution Lines, and Associated Support Structures and Equipment	
...	1. ... Where this activity complies with the following rule requirements: ...	Activity status when compliance not achieved: ...

²⁹⁶ Consequential amendment²⁹⁷ Consequential amendment²⁹⁸ Consequential amendment²⁹⁹ Consequential amendment³⁰⁰ Consequential amendment

	<u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ³⁰¹	
EI-R21	Substations and Switching Stations	
...	1. ... Where this activity complies with the following rule requirements: ... <u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ³⁰²	Activity status when compliance not achieved: ...
EI-R22	Environmental Monitoring Equipment Associated with a Network Utility	
...	1. ... Where this activity complies with the following rule requirements: ... <u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ³⁰³	Activity status when compliance not achieved: ...
EI-R24	Navigation Aids	
...	1. ... Where this activity complies with the following rule requirements: ... <u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ³⁰⁴	Activity status when compliance not achieved: ...
EI-R26	Artificial Waterways and Associated Structures	
...	1. ... Where this activity complies with the following rule requirements: ... <u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ³⁰⁵	Activity status when compliance not achieved: ...
EI-R27	Other Network Utility Structures	
...	1. ... Where this activity complies with the following rule requirements: ... <u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ³⁰⁶	Activity status when compliance not achieved: ...
EI-R28	Renewable Electricity Generation Investigations	
...	1. ... Where this activity complies with the following rule requirements:	Activity status when compliance not achieved: ...

³⁰¹ Consequential amendment

³⁰² Consequential amendment

³⁰³ Consequential amendment

³⁰⁴ Consequential amendment

³⁰⁵ Consequential amendment

³⁰⁶ Consequential amendment

	... ECO-REQG Earthworks and Ecosystems and indigenous biodiversity ³⁰⁷	
EI-R29	Renewable Electricity Generation - Coleridge HEPS	
...	1. ... Where this activity complies with the following rule requirements: ... ECO-REQG Earthworks and Ecosystems and indigenous biodiversity ³⁰⁸	Activity status when compliance not achieved: ...
EI-R32	Emergency Services Facility	
...	1. ... Where this activity complies with the following rule requirements: ... ECO-REQG Earthworks and Ecosystems and indigenous biodiversity ³⁰⁹	Activity status when compliance not achieved: ...
EI-R33	Public Healthcare Institution	
...	1. ... Where this activity complies with the following rule requirements: ... ECO-REQG Earthworks and Ecosystems and indigenous biodiversity ³¹⁰	Activity status when compliance not achieved: ...

EI-Rule Requirements

EI-REQ4	Clearance of vegetation	
GRUZ FHSVZ MPZ	1. All clearance of indigenous vegetation <u>outside a significant natural area</u> ³¹¹ shall comply with <u>ECO-RC.3-ECO-R1</u> . ³¹² A. All clearance of indigenous vegetation <u>within a significant natural area</u> shall comply with <u>ECO-RD.3</u> . ³¹³	Activity status when compliance not achieved: 2. When compliance with any of EI-REQ4.1 is not achieved: <u>Refer to ECO-R1. RDIS</u> ³¹⁴ 3. When compliance with any of EI-REQ4.A is not achieved: <u>DIS</u> ³¹⁵ Matters for discretion:

³⁰⁷ Consequential amendment³⁰⁸ Consequential amendment³⁰⁹ Consequential amendment³¹⁰ Consequential amendment³¹¹ Consequential amendment³¹² Consequential amendment³¹³ Consequential amendment³¹⁴ DPR-0446.087 Transpower³¹⁵ DPR-0446.087 Transpower

		<p>B. <u>The exercise of discretion in relation to EI-REQ4.2 is restricted to the following matters:</u></p> <p>a. <u>EI-MAT1</u></p> <p>b. <u>ECO-MAT1</u>³¹⁶</p>
Crested Grebe Overlay ³¹⁷	4. <u>All clearance of indigenous vegetation shall comply with ECO-RE.</u> ³¹⁸	5. <u>When compliance with any of EI-REQ4.4 is not achieved: Refer to ECO-RE</u> ³¹⁹
Mudfish Habitat Overlay ³²⁰	6. <u>All clearance of indigenous vegetation shall comply with ECO-RF.</u> ³²¹	7. <u>When compliance with any of EI-REQ4.6 is not achieved: Refer to ECO-RF</u> ³²²
EI-REQ5	Earthworks	
	...	
Indigenous Biodiversity Management Area Overlay: Mudfish Habitat ³²³	7. <u>All earthworks occurring outside of a land transport corridor shall comply with EIB R1.18 [Earthworks].</u> ³²⁴	<p>Activity status when compliance not achieved:</p> <p>8. <u>When compliance with EI REQ5.7 is not achieved: EIB R1.18.</u>³²⁵</p>
SNA ³²⁶	9. <u>All earthworks occurring outside of a land transport corridor shall comply with EIB R2 [Earthworks in an SNA].</u> ³²⁷	<p>Activity status when compliance not achieved:</p> <p>10. <u>When compliance with EI REQ5.9 is not achieved: Refer to EIB R2.</u>³²⁸</p>

³¹⁶ DPR-0446.087 Transpower

³¹⁷ Consequential amendment, following DPR-0260.093 CRC and DPR-0301.043 UWRG

³¹⁸ Consequential amendment, following DPR-0260.093 CRC and DPR-0301.043 UWRG

³¹⁹ Consequential amendment, following DPR-0260.093 CRC and DPR-0301.043 UWRG

³²⁰ Consequential amendment, following DPR-0260.093 CRC and DPR-0301.043 UWRG

³²¹ Consequential amendment, following DPR-0260.093 CRC and DPR-0301.043 UWRG

³²² Consequential amendment, following DPR-0260.093 CRC and DPR-0301.043 UWRG

³²³ Consequential to ECO-REQG

³²⁴ Consequential amendment

³²⁵ Consequential amendment

³²⁶ Consequential to ECO-REQG

³²⁷ Consequential to ECO-REQG

³²⁸ Consequential to ECO-REQG

TRAN – Transport

TRAN-Rules

TRAN-R1	Works and activities in a land transport corridor	
...	1. ... And this activity complies with the following rule requirements: ... <u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ³²⁹	Activity status when compliance not achieved: ...
TRAN-R2	Creation of a new land transport corridor	
...	1. ... Where: The new land transport corridor ... e. is not located within a <u>significant natural area</u> Significant Natural Areas Overlay , ³³⁰	Activity status when compliance not achieved: ...
TRAN-R3	Land Transport Infrastructure not within a Land Transport Corridor	
...	1. ... Where this activity complies with the following rule requirements: ... <u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ³³¹	Activity status when compliance not achieved: ...

TRAN-Rule Requirements

TRAN-REQ1	Location of works	
...	7. The land transport infrastructure works or activity comply with: ECO-R1 Indigenous Vegetation Clearance ECO-R2 Earthworks within an SNA <u>ECO-RC Indigenous vegetation clearance outside of significant natural areas</u> <u>ECO-RD Indigenous vegetation clearance within significant natural areas</u> ³³² ...	Activity status when compliance not achieved: ...

³²⁹ Consequential amendment³³⁰ Consequential amendment³³¹ Consequential amendment³³² Consequential amendment

SUB – Subdivision

SUB-Rules

SUB-R21	Subdivision and Ecosystems and Indigenous Biodiversity	
All Zones	<p>Activity Status: RDIS</p> <p>1. Subdivision of a site containing any Significant Natural Area listed in ECO-SCHED4 – Significant Natural Areas.³³³ This rule does not apply to any subdivision under SUB-R15.</p> <p>Matters for discretion:</p> <p>2. The exercise of discretion in relation to SUB-R21.1. is restricted to the following matters:</p> <p>a. ECO-MAT3 Subdivision and Ecosystems and Indigenous Biodiversity</p>	Activity status when compliance not achieved: N/A
Mudfish Habitat Overlay Crested Grebe Overlay	<p>Activity Status: RDIS</p> <p>3. Subdivision within the Mudfish Habitat Overlay. This rule does not apply to any subdivision under SUB-R15.</p> <p>4. Subdivision within the Crested Grebe Overlay. This rule does not apply to any subdivision under SUB-R15.</p> <p>Matters for discretion:</p> <p>5. The exercise of discretion in relation to SUB-R21.3. and SUB-R21.4. is restricted to the following matters:</p> <p>a. ECO-MAT3 Subdivision and Ecosystems and Indigenous Biodiversity</p>	Activity status when compliance not achieved: N/A

General District Wide Matters

EW – Earthworks

EW-Rules

EW-R1	Earthworks subject to a building consent	
...	<p>...</p> <p>And this activity complies with the following rule requirements:</p>	<p>Activity status when compliance not achieved:</p> <p>...</p>

³³³ DPR-0260.129 CRC

	... <u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ³³⁴	3. When compliance with any EW -Rule Requirement listed in this rule is not achieved: Refer to EW Rule Requirements <u>the relevant rule requirement</u> . ³³⁵
EW-R2	Earthworks	
...	... And this activity complies with the following rule requirements: ... <u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ³³⁶	Activity status when compliance not achieved: ... 3. When compliance with any EW -Rule Requirement listed in this rule is not achieved: Refer to EW Rule Requirements <u>the relevant rule requirement</u> . ³³⁷
EW-R3	Earthworks in the Grasmere Zone	
...	... And this activity complies with the following rule requirements: ... <u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ³³⁸	Activity status when compliance not achieved: ... 3. When compliance with any EW -Rule Requirement listed in this rule is not achieved: Refer to EW Rule Requirements <u>the relevant rule requirement</u> . ³³⁹
EW-R4	Earthworks in the Dairy Processing Zone	
...	... And this activity complies with the following rule requirements: ... <u>ECO-REQG Earthworks and Ecosystems and indigenous biodiversity</u> ³⁴⁰	Activity status when compliance not achieved: ... 3. When compliance with any EW -Rule Requirement listed in this rule is not achieved: Refer to EW Rule Requirements <u>the relevant rule requirement</u> . ³⁴¹

³³⁴ DPR-0414 Kāinga Ora, para 34(n)

³³⁵ Consequential amendment

³³⁶ DPR-0414 Kāinga Ora, para 34(n)

³³⁷ Consequential amendment

³³⁸ DPR-0414 Kāinga Ora, para 34(n)

³³⁹ Consequential amendment

³⁴⁰ DPR-0414 Kāinga Ora, para 34(n)

³⁴¹ Consequential amendment

Appendix 2: Rule number comparison

Notified provision	Corresponding recommended provision
<i>ECO-R1.1.a</i>	<i>ECO-RC.1</i>
<i>ECO-R1.1.b</i>	<i>ECO-RC.11.a</i>
<i>ECO-R1.1.c</i>	<i>ECO-RC.11.b</i>
<i>ECO-R1.1.d</i>	<i>ECO-RC.8</i>
<i>ECO-R1.2</i>	<i>ECO-RD.1 (for non-compliance with ECO-R1.1.a, works within an SNA)</i> <i>ECO-RC.11 (for non-compliance with ECO-R1.1.b, maximum area of clearance in SKIZ)</i> <i>ECO-RC.12 (for non-compliance with ECO-R1.1.c, clearance in SKIZ associated with an earthworks consent under NFL-R2)</i>
<i>ECO-R1.3</i>	<i>ECO-RC.9</i>
<i>ECO-R1.4.a</i>	<i>ECO-RC.3.a</i>
<i>ECO-R1.4.b</i>	<i>ECO-RC.3.b</i>
<i>ECO-R1.4.c</i>	<i>ECO-RC.3.c</i>
<i>ECO-R1.4.d</i>	<i>ECO-RC.3.d</i>
<i>ECO-R1.4.e</i>	<i>ECO-RC.3.e</i>
<i>ECO-R1.4.f</i>	<i>No longer required (relevant EI rules do not require compliance with ECO rules)</i>
<i>ECO-R1.4.g</i>	<i>ECO-RC.3.g</i>
<i>ECO-R1.4.h.i</i>	<i>ECO-RC.3.h.i</i>
<i>ECO-R1.4.h.ii</i>	<i>ECO-RC.3.h.ii</i>
<i>ECO-R1.4.h.iii</i>	<i>ECO-RC.3.h.iii</i>
<i>ECO-R1.4.h.iv</i>	<i>ECO-RC.3.h.iv</i>
<i>ECO-R1.4.i</i>	<i>ECO-RC.3.i</i>
<i>ECO-R1.4.j</i>	<i>ECO-RC.3.j</i>
<i>ECO-R1.4.k</i>	<i>ECO-RC.3</i>
<i>ECO-R1.4.l</i>	<i>ECO-RF.1.b</i>
<i>ECO-R1.4.m</i>	<i>ECO-RC.3 (where works are outside any SNA)</i> <i>ECO-RD.3 (where works are within any SNA)</i>
<i>ECO-R1.4.n</i>	<i>ECO-RC.3 (where works are outside any SNA)</i> <i>ECO-RD.3 (where works are within any SNA)</i>
<i>ECO-R1.5</i>	<i>No longer required (removal of overlay areas recommended)</i>
<i>ECO-R1.6.a</i>	<i>ECO-RD.3.a</i>
<i>ECO-R1.6.b</i>	<i>ECO-RD.3.b</i>
<i>ECO-R1.6.c</i>	<i>ECO-RD.3.c</i>
<i>ECO-R1.6.d</i>	<i>ECO-RD.3.d</i>

Notified provision	Corresponding recommended provision
<i>ECO-R1.6.e</i>	<i>ECO-RD.3.e</i>
<i>ECO-R1.6.f</i>	<i>ECO-RD.3.f</i>
<i>ECO-R1.7</i>	<i>ECO-RD.4</i>
<i>ECO-R1.8</i>	<i>ECO-RC.5</i>
<i>ECO-R1.8.a</i>	<i>ECO-RC.5</i>
<i>ECO-R1.8.b</i>	<i>ECO-RC.5</i>
<i>ECO-R1.8.c</i>	<i>ECO-RC.5.a</i>
<i>ECO-R1.9</i>	<i>ECO-RC.6</i>
<i>ECO-R1.10</i>	<i>ECO-RD.4</i>
<i>ECO-R1.11</i>	<i>ECO-RC.7</i>
<i>ECO-R1.12</i>	<i>ECO-RC.5</i>
<i>ECO-R1.12.a</i>	<i>ECO-RC.5</i>
<i>ECO-R1.12.b</i>	<i>ECO-RC.5</i>
<i>ECO-R1.12.c</i>	<i>ECO-RC.5.a</i>
<i>ECO-R1.13</i>	<i>ECO-RC.6</i>
<i>ECO-R1.14</i>	<i>ECO-RD.4</i>
<i>ECO-R1.15</i>	<i>ECO-RC.5</i>
<i>ECO-R1.16.a</i>	<i>ECO-RF.1.a</i>
<i>ECO-R1.16.b</i>	<i>ECO-RF.1.c</i>
<i>ECO-R1.17</i>	<i>No longer required (re-stated as a permitted activity in ECO-RF)</i>
<i>ECO-R1.18</i>	<i>ECO-REQG.2</i>
<i>ECO-R1.19</i>	<i>ECO-REQG.3</i>
<i>ECO-R1.20</i>	<i>ECO-RE.5</i>
<i>ECO-R1.21</i>	<i>ECO-RE.6</i>
<i>ECO-R1.22.a</i>	<i>ECO-RC.5</i>
<i>ECO-R1.22.b</i>	<i>ECO-RC.5</i>
<i>ECO-R1.23.a</i>	<i>ECO-RC.6.a</i>
<i>ECO-R1.23.b</i>	<i>ECO-RC.6.b</i>
<i>ECO-R1.24.a</i>	<i>ECO-RC.5</i>
<i>ECO-R1.24.b</i>	<i>ECO-RC.3.i</i>
<i>ECO-R1.25</i>	<i>ECO-RD.4</i>

Appendix 3: List of Appearances and Tabled Evidence

Hearing Appearances

Sub #	Submitter	Author	Role
DPR-0097	Flock Hill Holdings	Josh Leckie James Lambie Elizabeth Stewart	Counsel Ecologist Planner
DPR-0212	Ellesmere Sustainable Agriculture Incorporated	Carey Barnett	Representative
DPR-0233	Canterbury Botanical Society	Tom Ferguson Paula Godfrey	Representative Representative
DPR-0260	Canterbury Regional Council	Mike Doesburg Daniel Cox Jolene Irvine Philip Grove	Counsel Planner Planner Ecologist
DPR-0301	Upper Waimakariri/Rakaia Group	Susan Hall Rosalie Snoyink Kevin Dunn	
DPR-0353	Horticulture New Zealand	Lynette Wharfe	Planner
DPR-0407	Royal Forest & Bird Protection Society of NZ Inc.	William Jennings Nicky Snoyink Nicholas Head	Counsel Representative Ecologist
DPR-0422	Federated Farmers of New Zealand - North Canterbury	Dr Lionel Hume	Representative
DPR-0427	Director General of Conservation	Pene Williams Mike Harding Amy Young	Counsel Ecologist Planner
DPR-0439	Rayonier Matariki Forests	Trish Fordyce	Representative
DPR-0440	Environmental Defence Society Incorporated	Cordelia Woodhouse	Representative
DPR-0441	Manawa Energy	Romae Calland	Planner
DPR-0446	Transpower New Zealand Limited	Ainsley Mcleod	Planner

Tabled Evidence

Sub #	Submitter	Author	Role
DPR-0101	Chorus, Spark, Vodafone	Chris Horne	Planner
DPR-0299	Steve and Jane West		
DPR-0367	Orion NZ Limited	Melanie Foote	Planner
DPR-0375	Waka Kotahi NZTA	Richard Shaw	Planner