Proposed Selwyn District Plan

Section 42A Report

Report on submissions and further submissions

Ecosystems and Indigenous Biodiversity

Rachael Carruthers

1 July 2022

Selwyn DISTRICT COUNCIL

Contents

List of submitters and further submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
DPR-0019	Sue Jarvis	S Jarvis
DPR-0032	Christchurch City Council	CCC
DPR-0097	Flock Hill Holdings	Flock Hill
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	Chorus, Spark & Vodafone
DPR-0104	Lukas Travnicek	L Travnicek
DPR-0136	Lynn & Malcolm Stewart, Lynn & Carol Townsend & Rick Fraser	L & M Stewart, L & C Townsend & R Fraser
DPR-0142	New Zealand Pork Industry Board	NZ Pork
DPR-0154	Ev Moorhead	E Moorhead
DPR-0157	Kevin & Bonnie Williams	K & B Williams
DPR-0159	Lincoln Envirotown Trust	Lincoln Envirotown
DPR-0168	Paula Godfrey	P Godfrey
DPR-0176	Brent Macaulay & Becky Reid	B Macaulay & B Reid
DPR-0207	Selwyn District Council	The Council
DPR-0209	Manmeet Singh	M Singh
DPR-0212	Ellesmere Sustainable Agriculture Incorporated	ESAI
DPR-0215	Winstone Aggregates	Winstone
DPR-0233	Canterbury Botanical Society	CBS
DPR-0234	Mark Booker & Alexandra Roberts	M Booker & A Roberts
DPR-0239	Benjamin Lowe	B Lowe
DPR-0246	Craig Robertson	C Robertson
DPR-0260	Canterbury Regional Council (Environment Canterbury)	CRC
DPR-0290	Hamish Rennie	H Rennie
DPR-0298	Trices Road Re-zoning Group	Trices Road
DPR-0299	Steve & Jane West	S & J West
DPR-0301	Upper Waimakariri/Rakaia Group	UWRG
DPR-0302	Alison Smith, David Boyd & John Blanchard	A Smith, D Boyd & J Blanchard
DPR-0305	April Fitzjohn	A Fitzjohn
DPR-0343	Canterbury District Health Board	CDHB
DPR-0345	Porters Alpine Resort	PAR
DPR-0353	Horticulture New Zealand	HortNZ
DPR-0357	Siana Fitzjohn	S Fitzjohn
DPR-0358	Rolleston West Residential Limited (RWRL)	RWRL
DPR-0363	Iport Rolleston Holdings Limited	IRHL
DPR-0367	Orion New Zealand Limited	Orion
DPR-0368	Beef + Lamb New Zealand Ltd & Deer Industry New Zealand	Beef + Lamb NZ & Deer NZ
DPR-0371	Christchurch International Airport Limited	CIAL
DPR-0372	Dairy Holdings Limited	Dairy Holdings
DPR-0374	Rolleston Industrial Holdings Limited	RIHL

Submitter ID	Submitter Name	Abbreviation
DPR-0375	Waka Kotahi NZ Transport Agency	WKNZTA
DPR-0379	Jill Thomson	J Thomson
DPR-0381	Coleridge Downs Limited	CDL
DPR-0384	Rolleston Industrial Developments Limited	RIDL
DPR-0388	Craigmore Farming Services Limited	Craigmore
DPR-0390	Rakaia Irrigation Limited	RIL
DPR-0391	Castle Hill Adventure Tours Limited	CHAT
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc.	Forest & Bird
DPR-0414	Kāinga Ora - Homes & Communities	Kāinga Ora
DPR-0421	Richard & Anna Hill	R & A Hill
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FFNC
DPR-0423	PHC Terrace Downs Resort Limited	PHC Terrace Downs
DPR-0427	Lou Sanson, Director-General of Conservation	DoC
DPR-0437	Mt Algidus Station, Glenthorne Station, Lake Coleridge, Mt Oakden & Acheron Stations	The Stations
DPR-0439	Rayonier Matariki Forests	Rayonier
DPR-0440	Environmental Defence Society Incorporated	EDSI
DPR-0441	Manawa Energy Limited (formerly Trustpower Ltd)	Manawa
DPR-0446	Transpower New Zealand Limited	Transpower
DPR-0453	Midland Port, Lyttelton Port Company Limited	Midland & Lyttelton Ports
DPR-0454	Central Plains Water Limited	CPW
DPR-0456	Four Stars Development & Gould Developments Ltd	Four Stars & Gould
DPR-0458	KiwiRail Holdings Limited	KiwiRail
DPR-0461	Dunweavin 2020 Ltd	Dunweavin
DPR-0468	North Canterbury Fish and Game	Fish & Game
DPR-0471	Duncan & Kate Calder, Robin Jamison & Richard Reed	D & K Calder, R Jamison & R Reed
DPR-0486	Coleridge Downs Limited	CDL
DPR-0492	Kevler Development Ltd	Kevler
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	Gallina & Heinz-Wattie
DPR-0565	Shelley Street Holdings Ltd	Shelley Street

Please refer to **Appendix 1** to see where each submission point is addressed within this report.

Abbreviations

Abbreviations used throughout this report are:

Abbreviation	Full text
CON	Controlled activity status
CRPMP	Canterbury Regional Pest Management Plan 2018 - 2038
CRPS	Canterbury Regional Policy Statement 2013
DIS	Discretionary activity status
GRUZ	General Rural Zone
IMP	Mahaanui Iwi Management Plan 2013
NC	Non complying activity status
NES-PF	National Environmental Standards for Plantation Forestry 2017
NPS-IB	Draft National Policy Statement on Indigenous Biodiversity
NPS-UD	National Policy Statement on Urban Development
NPS-UDC	National Policy Statement on Urban Development Capacity
PDP	Proposed Selwyn District Plan
Planning Standards	National Planning Standards
RDIS	Restricted discretionary activity status
RMA or Act	Resource Management Act 1991
SKIZ	Porters Ski Zone

1. Purpose of report

1.1 This report is prepared under s42A of the RMA in relation to the *Ecosystems and indigenous biodiversity* chapter in the PDP. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this topic and to make recommendations on either retaining the PDP provisions without amendment or making amendments to the PDP in response to those submissions.

1.2 The recommendations are informed by the technical information provided by Dr Kelvin LLoyd (**Appendix 3**) and Dr Des Smith (**Appendix 4**), and the evaluation undertaken by myself as the planning author. In preparing this report I have had regard to the:

- Overview s42A report that addresses the higher order statutory planning and legal context, prepared by Mr Robert Love
- Strategic Directions s42A report prepared by Mr Robert Love;
- Part 1 s42A report prepared by Ms Jessica Tuilaepa;
- Energy and Infrastructure s42A report prepared by Ms Vicki Barker
- Transport s42A report prepared by Mr Jon Trewin
- Hazardous Substances and Contaminated Land s42A report prepared by Ms Jocelyn Lewes
- Natural Features and Landscapes s42A report prepared by Mr Jon Trewin
- Natural Character s42A report prepared by Mr Mark Geddes
- Activities on the Surface of Water s42A report prepared by myself
- Coastal Environment s42A report prepared by Mr Jon Trewin
- Earthworks s42A report prepared by Mr Ryan Mayes
- General Rural Zone s42A report prepared by Mr Jon Trewin
- Grasmere, Porters Ski, and Terrace Downs Special Purpose Zones s42A report prepared by Ms Jocelyn Lewes

1.3 The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

2. Qualifications and experience

2.1 My full name is Rachael Margaret Carruthers. I am employed by the Council as a Strategy and Policy Planner. My qualifications include a Master of Social Science (Hons) and a Post Graduate Diploma in Resource and Environmental Planning, both from the University of Waikato. I am an Intermediate member of the New Zealand Planning Institute.

2.2 I have 18 years of experience as a planner with Selwyn District, with my experience including monitoring and compliance of consent conditions, processing and reporting on resource consent applications and private plan change requests, district plan formulation and policy advice for the Council. My role as part of the District Plan Review Team includes consultation, research and reporting. I am the Topic Lead for the *Natural Hazards*, *Subdivision*, *Public Access* and *Designations* chapters of the PDP, while I have also become the Topic Lead for the *Ecosystems and Indigenous*

Biodiversity and *Activities on the Surface of Waterbodies* chapters in time to prepare the relevant s42A reports.

2.3 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel.

3. Scope of report and topic overview

3.1 This report considers the submissions and further submissions that were received in relation to the whole of the Ecosystems and indigenous biodiversity chapter, together with the definitions that are solely or principally used in that chapter.

3.2 Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions. All recommended amendments are shown by way of strikeout and underlining in **Appendix 2** to this Report. Footnoted references to a submitter number, submission point and the abbreviation for their title provide the scope for each recommended change. Where no amendments are recommended to a provision, submission points that sought the retention of the provision without amendment are not footnoted. **Appendix 2** also contains a table setting out recommended spatial amendments to the PDP Planning Maps.

3.3 Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. A number of alterations have already been made to the PDP using cl.16(2) and these are documented in reports available on the Council's website.

4. Statutory requirements and planning framework

Resource Management Act 1991

4.1 The PDP must be prepared in accordance with the Council's functions under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA; any national policy statement, the New Zealand coastal policy statement, national planning standards; and any regulations[1]. Regard is also to be given to the CRPS, any regional plan, district plans of adjacent territorial authorities, and the IMP.

4.2 Of particular relevance to this chapter, s6(c) RMA identifies the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance, which shall be recognised and provided for when managing the use, development, and protection of natural and physical resources.

4.3 Section 31(1)(b)(iii) RMA sets out that, in giving effect to the Act, a function of territorial authorities is to control any actual or potential effects of the use, development, or protection of land for the purpose of maintaining indigenous biological diversity.

[1] Section 74 RMA

4.4 As set out in the 'Overview' Section 32 Report, and 'Overview' s42a Report, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents are discussed in more detail within this report where relevant to the assessment of submission points. This report also addresses any definitions that are specific to this topic, but otherwise relies on the s42A report that addresses definitions more broadly.

4.5 The assessment of submission points is made in the context of the Section 32 reports already undertaken with respect to this topic, being:

- Section 32: Overview
- Strategic Directions
- Ecosystems and Indigenous Biodiversity
- Natural Character, and Activities on the Surface of Water
- Coastal Environment

4.6 All recommended amendments to provisions since the initial s32 evaluation was undertaken must be documented in a subsequent s32AA evaluation and this has been undertaken for each sub-topic addressed in this report.

National Policy Statements

National Policy Statement for Freshwater Management 2020.

4.1 The National Policy Statement for Freshwater Management 2020 (NPS-FM) sets out an objective and policies that focus on:

- Managing freshwater in a way that 'gives effect' to Te Mana o te Wai (the integrated and holistic well-being of a freshwater body) in the management of fresh water;
- Prioritising the health and wellbeing of water bodies and freshwater ecosystems, followed by the health needs of people, followed by the ability of people and communities to provide for their social, economic and cultural well-being, now and in the future;
- Avoiding over allocation, improving and maximising efficient allocation and use of water and safeguarding its life-supporting capacity;
- Improving integrated management of fresh water and the use and development of land;
- Establishing a national objectives framework, monitoring progress, and accounting for freshwater takes and contaminants; and
- Providing for the active involvement of tangata whenua in freshwater management and identifying and providing for Maori freshwater values.

4.2 While many of the objectives and policies relate to the functions of regional councils, those covering integrated management, and tangata whenua roles and interests are of relevance to the PDP. Provisions relating to the management of the use and development of land to safeguard water will also be relevant to the PDP, but will need to be implemented in close co-ordination with Canterbury Regional Council in order to avoid overlap and duplication.

Proposed National Policy Statement on Indigenous Biodiversity

4.3 An exposure draft of the Proposed National Policy Statement on Indigenous Biodiversity (NPS-IB), with submissions being invited during June and July 2022. Consistent with the core function of

regional councils and territorial authorities under sections 30(1)(ga) and 30(1)(b)(iii) of the RMA to maintain indigenous biodiversity, the objective of the NPS-IB is to protect, maintain and restore indigenous biodiversity in a way that:

a) recognises tangata whenua as kaitiaki, and people and communities as stewards, of indigenous biodiversity; and
b) provides for the social, economic and cultural wellbeing of people and communities, now and into the future

4.4 The NPS-IB contains provisions which require:

- the consistent and comprehensive identification of SNAs
- landowners to be recognised as stewards, and tangata whenua as kaitiaki, of indigenous biodiversity
- a nationally clear and consistent approach for managing and protecting indigenous biodiversity, which provides certainty and supports landowners' efforts to protect indigenous biodiversity
- a management approach for protecting SNAs focussed on managing the adverse effects of new subdivision, use and development
- existing uses to be provided for, where appropriate
- a consenting pathway for specific new uses where effects on indigenous biodiversity can be managed

4.5 Given the current stage of development of the NPS-IB, at this time it has no legal weight in relation to the PDP.

National Planning Standards

4.6 As set out in the PDP Overview s42A Report, the Planning Standards were introduced to improve the consistency of council plans and policy statements. The Planning Standards were gazetted and came into effect on 5 April 2019. The PDP must be prepared in accordance with the Planning Standards.

4.7 The Planning Standards[2] require that, if the following matters are addressed, they must be located in the *Ecosystems and indigenous biodiversity* chapter:

a. identification and management of significant natural areas, including under s6(c) of the RMA
b. maintenance of biological diversity
c. intrinsic values of ecosystems and indigenous biodiversity.

Canterbury Regional Policy Statement

4.8 The Canterbury Regional Policy Statement (CRPS) includes *Chapter 9 Ecosystems and Indigenous Biodiversity* that sets out the regional intention to manage biodiversity values and address the loss of biodiversity. The District Plan must give effect to the CRPS.

4.9 Chapter 9 includes objectives seeking to halt the decline of Canterbury's ecosystems and indigenous biodiversity, restore or enhance ecosystems and indigenous biodiversity, and protect significant indigenous vegetation and habitats.

[2] National Planning Standards Standard 7, District-wide Matters

4.10 Policy 9.3.1 sets out the means of identifying significance and links to the criteria to be applied by all territorial authorities across the region. This policy is key to the development of the chapter and states:

> *9.3.1 Protecting significant natural areas*
> *1. Significance, with respect to ecosystems and indigenous biodiversity, will be determined by assessing areas and habitats against the following matters:*
> *(a) Representativeness*
> *(b) Rarity or distinctive features*
> *(c) Diversity and pattern*
> *(d) Ecological context*
> *The assessment of each matter will be made using the criteria listed in Appendix 3.*
> *2. Areas or habitats are considered to be significant if they meet one or more of the criteria in Appendix 3.*
> *3. Areas identified as significant will be protected to ensure no net loss of indigenous biodiversity or indigenous biodiversity values as a result of land use activities.*

4.11 As part of this policy approach to consistent assessment, method 3 to the policy requires the Council to set out objectives, policies and may include methods to provide for the identification and protection of significant areas and must include rule(s) to manage clearance of indigenous vegetation to provide for a case by case assessment of significance. The methods for this policy also expect that the Council will engage with Ngāi Tahu as tāngata whenua and should continue to work with landowners to identify significant areas. They also expect that Council should protect significant areas in their own operations and activities and advocate for support and guidance as well as incentives for protection.

4.12 Policy 9.3.2 sets out the priorities for protection which need to be integrated into the District Plan provisions, and policy 9.3.3 anticipates an integrated management approach across the region to work towards halting the decline of biodiversity.

4.13 Policy 9.3.4 seeks to promote ecological enhancement and restoration and sets a direction for Councils to consider incentives to enable enhancement and restoration activities, particularly in relation to subdivision of land.

4.14 Policy 9.3.5 provides specific recognition of wetlands and the need for their protection and enhancement. The methods for this policy require consideration of wetlands within the district plan provisions.

4.15 Policy 9.3.6 specifically addresses biodiversity offsets and clearly sets out the criteria that apply to the use of biodiversity offsets. This provides clarity around the circumstances in which district councils should consider offsetting as a legitimate response to addressing adverse effects.

5. Procedural matters

5.1 At the time of writing this s42A report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

5.2 A PDP-wide Cl16(2) amendment has been made to the code used to refer to provisions relating to ecosystems and indigenous biodiversity. The PDP was drafted in accordance with the draft National Planning Standards, which used EIB as the code for these provisions. However, the November 2019 version of the Planning Standards, requires Council to use the code ECO. The PDP has therefore been amended to this effect. Provision numbers have not been affected by this change, merely the chapter code that precedes them – for example, EIB-O1 is now referred to as ECO-O1.

5.3 For consistency, references in submissions to ecosystems and indigenous biodiversity have also been updated to replace EIB with ECO.

5.4 S Jarvis submission point DPR-0019.005 was incorrectly notified as a single submission point associated with ECO-R1, but in fact requests the identification and listing of areas of significant indigenous vegetation and fauna. ECO-R1.6 manages activities in SNAs and so I consider that any party interested in this area would have had sufficient opportunity to identify the submission point and comment on it. In this report, the submission point is considered in Section 16 within the discussion about the SNA Overlay and ECO-SCHED4.

5.5 Craigmore submission point DPR-0388.024 was incorrectly summarised as requesting an insertion of existing text to ECO-R1.4.i, rather than that it be deleted. I consider that any party interested in this provision would have had sufficient opportunity to identify the submission point, view the correct decision sought in the original submission, and comment on it. The only parties who lodged a further submission in relation to this point did so in support, which is consistent with the support they gave to other submission points on ECO-R1.4.i which had been correctly summarised.

5.6 DOC submission point DPR-0427.110 relates to both ECO-R1.12 and the extent of the Major Rivers Area, but was incorrectly notified as a single submission point associated with ECO-R1. ECO-R1.12 manages activities in the Major Rivers Area, and so I consider that any party interested in this area would have had sufficient opportunity to identify the submission point and comment on it. In this report, the submission point has been replicated in each relevant section, with a recommendation made in relation to the part of the submission under discussion in that section. The recommendation in Appendix 1 is an amalgamation of these recommendations.

5.7 EDSI submission point DPR-0440.012 was summarised as being in relation to ECO-P5, but requests the insertion of a new schedule. In this report, it has been considered in Section 24 with the other requests for new schedules.

5.8 Manawa submission points DPR-0441.100 and DPR-0441.102 were each incorrectly summarised as a single submission point, but in fact each requests both amendments to individual policies (ECO-P4 and ECO-P6) and the insertion of a new policy. In this report, the submission point has been replicated in each relevant section, with a recommendation made in relation to the part of the submission under discussion in that section. The recommendation in Appendix 1 is an amalgamation of these recommendations.

5.9 The following submission points relating to ECO-R1 were each summarised as a single point, but have been split in this report to address their component parts, with a recommendation made in relation to the part of the submission under discussion in that part of the report. The recommendations in Appendix 1 are an amalgamation of the recommendations for each submission point as a whole:

- DPR-0019.007 S Jarvis
- DPR-0353.131 HortNZ
- DPR-0367.057 Orion
- DPR-0372.054 Dairy Holdings
- DPR-0372.055 Dairy Holdings
- DPR-0381.036 Coleridge Downs
- DPR-0388.025 Craigmore
- DPR-0390.042 RIL
- DPR-0441.105, DPR-0441.106 Manawa
- DPR-0446.087 Transpower

6. Consideration of submissions

Overview of submissions

6.1 A total of 432 original submissions were received on this topic. Every provision was the subject of submissions, but the majority were concerned with the clearance of indigenous vegetation in the non-urban parts of the district.

Structure of this report

6.2 The report first discusses the submissions relating to the chapter as a whole, and then the Overview, which sets the context of ecosystems and indigenous biodiversity within Selwyn District. The higher order objective and policy framework that affects the whole chapter is then addressed.

6.3 ECO-R1 covers a wide area of the district, separated into discrete geographical areas by the ECO Management Overlay. Submissions addressing ECO-R1 generally are discussed first, then the parts of ECO-R1 that apply generally, followed by the parts of ECO-R1 that apply to particular geographic areas, together with the submission points discussing each area. For example, the submission points discussing the extent of the ECO Management Overlay: Port Hills Area are discussed with the submission points discussing the clearance of indigenous vegetation in this location.

6.4 The extent of the SNA Overlay and the parts of ECO-R1 managing activities in the SNA Overlay are then discussed, together with ECO-R2 which manages earthworks in SNAs and ECO-R4 which manages plantation forestry in these areas. ECO-SCHED4 which lists SNAs is also discussed here.

6.5 The extent of the Mudfish Habitat Overlay and the Crested Grebe Overlay are then considered, together with the relevant parts of ECO-R1.

6.6 The remaining provisions are then discussed in the order they appear in the PDP, with definitions being discussed after consideration of the schedules.

6.7 The report concludes with the submission points relating to SUB-R21.

6.8 The assessment of submissions generally follows the following format: Submission Information; Analysis; and Recommendation and Amendments. Where an amendment is recommended the applicable s32AA assessment follows on from the Recommendations section for that issue.

7. Whole chapter

Introduction

7.1 This section responds to the submission points relating to the *Ecosystems and biodiversity* chapter as a whole.

Submissions

7.2 Thirteen submission points and 16 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0159	Lincoln Envirotown	002	ECO	Neither Support Nor Oppose	Not specifically stated.
DPR-0168	P Godfrey	002	ECO	Support In Part	Amend plan to make SNA's a priority with a timeframe.
DPR-0168	P Godfrey	014	New	Oppose	Request make creating SNA's a priority.
DPR-0168	P Godfrey	016	ECO	Neither Support Nor Oppose	Requests that ecologists should be both suitably qualified and experienced.
DPR-0233	CBS	003	ECO	Oppose In Part	That Council include roadside indigenous vegetation into remnant habitat protections.
DPR-0301	*UWRG*	*FS024*	*ECO*	*Support*	*Allow in full*
DPR-0375	*WKNZTA*	*FS070*	*ECO*	*Oppose*	*Exclude roadside indigenous vegetation from remnant habitat protection as initially proposed.*
DPR-0407	*Forest & Bird*	*FS354*	*ECO*	*Support*	*Accept the submission*
DPR-0233	CBS	005	New	Oppose In Part	Landowners that have surveyed land covered or split by braided rivers need to work together with SDC to maintain the uniqueness of these systems without reducing their area by creating single channels.
DPR-0301	*UWRG*	*FS026*	*New*	*Support*	*Allow in full*
DPR-0372	*Dairy Holdings*	*FS025*	*New*	*Oppose*	*Reject the submission.*
DPR-0407	*Forest & Bird*	*FS356*	*New*	*Support*	*Accept the submission*
DPR-0260	CRC	078	ECO-R1	Support In Part	Include an advice note In the ECO chapter to encourage landowners to contact the Council to determine whether or not they have an SNA on their

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					property and to ensure that they don't unwillingly breach the rules.
DPR-0381	*Coleridge Downs*	*FS010*	*ECO-R1*	*Oppose*	*Disallow*
DPR-0486	*Coleridge Downs*	*FS010*	*ECO-R1*	*Oppose*	*Disallow*
DPR-0301	UWRG	027	ECO-R1	Support In Part	Amend the proposed plan as notified to include habitats of other critically endangered and vulnerable indigenous species.
DPR-0407	*Forest & Bird*	*FS335*	*ECO-R1*	*Support*	*Accept the submission*
DPR-0357	S Fitzjohn	003	ECO	Oppose	The PDP should protect all native vegetation, given the state of ecological crisis, and any removal of native vegetation should require a special permit granted sparingly by the SDC in consultation with local iwi. The penalties for illegal removal of vegetation should be enforced. Refer to original submission for full decision requested.
DPR-0375	*WKNZTA*	*FS079*	*ECO*	*Oppose*	*Reject the submission.*
DPR-0358	RWRL	190	ECO	Support	Retain as notified
DPR-0384	RIDL	197	ECO	Support	Retain as notified.
DPR-0407	Forest & Bird	011	New	Support In Part	Insert policy direction and a permitted rule framework to encourage indigenous vegetation maintenance and restoration as a nature based solution to climate change and its effects.
DPR-0301	*UWRG*	*FS089*	*New*	*Support*	*Allow in full*
DPR-0422	*FFNC*	*FS069*	*New*	*Neither Support Nor Oppose*	*That any development or changes to the general rural zone provides the opportunity for FFNZ involvement.*
DPR-0427	*DOC*	*FS012*	*New*	*Support*	*Decision not specified*
DPR-0427	DOC	089	ECO	Oppose In Part	That objective, policies and rules be amended, as set out in the following submissions, to give effect to the RMA and CRPS.
DPR-0212	*ESAI*	*FS064*	*ECO*	*Oppose*	*Disallow in part – only provide mapped and scheduled areas where there has been agreement reached by landowners and the district council.*
DPR-0301	*UWRG*	*FS230*	*ECO*	*Support*	*Allow in full*

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0407	*Forest & Bird*	*FS255*	*ECO*	*Support*	*Accept the submission*

Analysis

7.3 Lincoln Envirotown[3] support the priority given to protecting indigenous biodiversity. They consider that the protection of existing areas is insufficient, and restoration must be encouraged wherever possible. However, the restoration works in Council reserves and elsewhere that they request are outside the scope of a district plan, and so I recommend that the submission point be rejected.

7.4 CBS[4] requests that roadside indigenous vegetation be included in remnant habitat protections. Rule TRAN-R1 requires compliance with TRAN-REQ1, which in turn requires compliance with all of ECO-R1 Indigenous Vegetation Clearance and Earthworks, ECO-R2 Earthworks within an SNA and ECO-R3 Potential Pest Species. No relevant amendments to TRAN-R1 or TRAN-REQ1 have been recommended by the reporting officer for the *Transport* chapter in their right of reply report[5]. No amendment to plan provisions is therefore required to address the submission point and I recommend that it be accepted.

7.5 UWRG[6] requests that the PDP be amended to include habitats of other critically endangered and vulnerable indigenous species, although they have not nominated species or areas in sufficient detail to allow an assessment to be made. Based on my recommendations in relation to DOC submission points relating to ECO-R1 and ECO-SCHED3, I recommend that this submission point be accepted in part.

7.6 CBS[7] request that landowners who have surveyed land covered or split by braided rivers be required to work together with SDC to maintain the uniqueness of these systems without reducing their area by creating single channels. While parties working together to achieve an outcome is desirable, it is outside the scope of what a district plan can contain, and so I recommend that the submission point be rejected.

7.7 P Godfrey[8] requests that creating SNAs be made a priority, and that ecologists should be both suitably qualified and experienced. The work programme for identifying SNAs sits outside the scope of the district plan, and so I recommend that these submission points be rejected.

7.8 S Fitzjohn[9] requests that all indigenous vegetation be protected, and that any removal of indigenous vegetation should require a consent and only be granted sparingly and in consultation with iwi. I consider that such a framework would have the unintended consequence of discouraging indigenous vegetation maintenance and restoration rather than enhancing indigenous biodiversity. Such restrictions might be effective at achieving the outcome sought, but would go further than was

[3] DPR-0159.002 Lincoln Envirotown
[4] DPR-0233.003 CBS
[5] Right of Reply Report, Transport
[6] DPR-0301.027 UWRG
[7] DPR-0233.005 CBS
[8] DPR-0168.002, DPR-0168.014, DPR-0168.016 P Godfrey
[9] DPR-0357.003 S Fitzjohn

necessary and so would not be efficient. I therefore recommend that the submission point be rejected.

7.9 Forest & Bird[10] request that a policy direction and permitted rule framework be inserted to encourage indigenous vegetation maintenance and restoration as a nature-based solution to climate change and its effects. Given the permissive presumption of district plans, the policy direction can encourage actions, but provisions are only required where any activity may need to be managed. I therefore consider that indigenous vegetation maintenance and restoration is already provided for and so recommend that the submission point be accepted in part.

7.10 CRC[11] request that an advice note be added to the chapter, to encourage landowners to contact the Council to determine whether or not they have an SNA on their property and to ensure that they don't unwillingly breach the rules. I consider that such an advice note could improve ease of use for plan users, and therefore recommend that the submission point be accepted.

7.11 DOC[12] request that provisions of the ECO chapter be amended in accordance with their other submission points. Considering my recommendations elsewhere in this report, I recommend that this submission point be accepted in part.

7.12 RWRL and RIDL[13] each request that the chapter be retained as notified. Considering my recommendations elsewhere in this report, I recommend that these submission points be accepted in part.

Recommendations

7.13 It is recommended that the above submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

8. Overview

Introduction

8.1 This section responds to the submission points relating to the Overview of the Ecosystems and indigenous biodiversity chapter.

Submissions

8.2 Nine submission points and 14 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0233	CBS	004	ECO	Oppose In Part	That the PDP recognise and list the Naturally Uncommon ecosystems that occur in SDC -braided river, limestone scarps, tors, cliffs, screes, limestone caves, volcanic cliffs, ephemeral wetlands, tarns, snow banks,

[10] DPR-0407.011 Forest & Bird
[11] DPR-0260.078 CRC
[12] DPR-0427.089 DOC
[13] DPR-0358.190 RWRL, DPR-0384.197 RIDL

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					seepages and flushes, cushion bogs, lake margins, lagoons, gravel beaches, inland sand dunes, Strongly leached terraces and plains ('Wilderness' vegetation) . These have a disproportionate number of threatened and at-risk species, are of a size and scale that does not show up on broad planning maps, and are easily overlooked when planning for development or formulating consents: https://www.landcareresearch.co.nz/publications/naturally-uncommon-ecosystems/ .
DPR-0301	*UWRG*	*FS025*	*ECO*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS355*	*ECO*	*Support*	*Accept the submission*
DPR-0290	H Rennie	001	ECO-Overview	Support In Part	Amend overview as follows: The ecosystems within New Zealand's braided rivers are unique and those within Selwyn District continue to provide a significant contribution to the values associated with such ecosystems even though they have been highly modified. Amend the explanation of the importance of indigenous biodiversity to include the intrinsic values as equally significant to the functional values provided.
DPR-0407	*Forest & Bird*	*FS561*	*ECO-Overview*	*Support*	*Accept the submission*
DPR-0290	H Rennie	002	ECO-Overview	Oppose In Part	Insert into the ECO-Overview as follows: The ecosystems of the district have evolved over time to comprise hybrid ecosystems that combine elements of 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. However, the distinctive contribution New Zealand makes to global biodiversity of both ecosystems and species is

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					founded in its indigenous biodiversity and the co-evolution of particular ecosystems. These are to be recognised, however with our particular responsibility to indigenous biodiversity at the forefront of our consideration. Secondly, we acknowledge that some exotic species may be rare or endangered in their home country and New Zealand has an obligation under the Convention on Biological Diversity to support the survival of alien (exotic) species and the diversity within those species. This is recognised in this plan as we think globally and act locally.
DPR-0407	*Forest & Bird*	*FS562*	*ECO-Overview*	*Support*	*Accept the submission*
DPR-0301	UWRG	010	ECO-Overview	Support In Part	Amend the Overview to the Ecosystems and Indigenous Biodiversity Chapter to include a more comprehensive list of conservation areas in the Selwyn District.
DPR-0407	*Forest & Bird*	*FS318*	*ECO-Overview*	*Support*	*Accept the submission*
DPR-0407	Forest & Bird	010	ECO-Overview	Support In Part	Amend as follows: ... Areas with significant values include forest, tussock-lands, shrublands, grasslands, river margins and terraces, and wetlands. ... 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. ... These areas include … and many additional areas including Kura Tawhiti Castle Hill Conservation Area, … Lake Grasmere Scenic Reserve and Korowai Torlesse Tussock Lands Park, Moana Rua Lake Pearson Wildlife Reserve, and Peak Hill Conservation Area. ... The ecosystems within the braided

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					rivers are also unique although in the lower reaches especially, they have been highly modified. ... Indigenous vegetation and natural ecosystems are ~~generally is~~ important because they have ~~it has~~ the following functions to: ... - provide nature based solutions to climate change and resilience to its effects.
DPR-0301	*UWRG*	*FS088*	*ECO-Overview*	*Support*	*Allow in full*
DPR-0422	*FFNC*	*FS068*	*ECO-Overview*	*Oppose*	*Disallow the submission point.*
DPR-0423	*PHC Terrace Downs*	*FS007*	*ECO-Overview*	*Oppose*	*Do not include Royal Forest and Bird's amendment to include "river margins and terraces" in the overview of the Ecosystem and Indigenous Biodiversity Chapter.*
DPR-0422	FFNC	135	ECO-Overview	Support In Part	Amend to add to the third paragraph as follows: ... Since 1977 landholders in Selwyn District and throughout New Zealand have voluntarily covenanted over 189,000 ha of land with high indigenous biodiversity values with the QEII Trust. In Canterbury alone, this included 16,906.4ha of land, by 2018 (QEII Trust, Annual Report, 2018). Canterbury has the largest area of covenanted land that is classified as acutely or chronically threatened; 4,100ha. The success of the QEII Trust is unparalleled in protecting indigenous biodiversity on private land. As over 70% of New Zealand's land is held or managed in private ownership, working with landholders in this co-operative way is vital if we are to maintain and improve indigenous biodiversity....
DPR-0212	*ESAI*	*FS060*	*ECO-Overview*	*Support*	*Allow in full*

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0407	*Forest & Bird*	*FS112*	*ECO-Overview*	*Support In Part*	*Reject the submission*
DPR-0468	*Fish & Game*	*FS047*	*ECO-Overview*	*Support In Part*	*Support inclusion provided it is balanced by an addition to the Overview which recognises the decline in Indigenous Biodiversity in the Hill and High country and also cites the rapid development of the high country in terms of pastoral intensification.*
DPR-0422	FFNC	136	ECO-Overview	Support In Part	Amend fourth paragraph as follows: This district plan is concerned with the avoidance, remediation or mitigation of adverse effects associated with ~~future~~ exotic forestry activities and the associated spread of potential plant pest species where the plant pest species are not already managed by either the NES for Plantation Forestry 2017 or the Canterbury Regional Pest Management Plan ~~2018-2038~~ 2017-18.
DPR-0407	*Forest & Bird*	*FS113*	*ECO-Overview*	*Oppose*	*Reject the submission*
DPR-0422	FFNC	137	ECO-Overview	Support In Part	Amend fifth paragraph as follows: The ecosystems within braided riverbeds are also unique although they have been highly modified. The 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.
DPR-0407	*Forest & Bird*	*FS114*	*ECO-Overview*	*Support In Part*	*Accept but make the reference to the RPS rather than the RMA.*
DPR-0422	FFNC	138	ECO-Overview	Oppose	Delete as notified and replace with: 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

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					purposes, as well as landscape and heritage values. It is: - Ecologically unique and contributes to global biodiversity - An elemental touchstone of our culture and identity - Both a taonga and mahinga kai for Ngāi Tahu whānui - Part of the Canterbury landscape, especially tussock grasslands and woody scrubland - Well-adapted to survive and thrive in the Canterbury climate. - Highly valued by many hill and high country pastoralists for soil binding properties, retaining soil moisture, providing shelter for newborn livestock, and providing microclimates in drought and snow - Highly valued by bee-keepers and other industries creating products using the unique properties of native flora.
DPR-0407	*Forest & Bird*	*FS115*	*ECO-Overview*	*Support In Part*	*Accept to the extent that the paragraph provided by the submitter is added as a new last paragraph, subject to excluding the bulleted list suggested by the submitter and retaining the proposed plan wording including the list of functions.*

Analysis

8.3 In relation to paragraph 2, Forest & Bird[14] request that river margins and terraces be included in the description of areas with significant values. As noted by Dr Lloyd in his evidence in chief (**Appendix 3**), the description in paragraph 2 is of broad ecosystem classes, and so landform descriptions such as 'river margins and terraces' would be out of place. I therefore recommend that this part of the Forest & Bird submission point be rejected.

8.4 In relation to paragraph 3, UWRG[15] request generally that the Overview be amended to provide a more comprehensive list of conservation areas in the district. Forest & Bird[16] make a similar submission, requesting a grammatical change to remove the term 'scrub' because it is already covered by other terms, and inclusion of Korowai Torlesse Tussock Lands Park, Moana Rua Lake

[14] DPR-0407.010 Forest & Bird
[15] DPR-0301.010 UWRG
[16] DPR-0407.010 Forest & Bird

Pearson Wildlife Reserve, and Peak Hill Conservation Area. Dr Lloyd has reviewed the requested amendments and recommends alternative text (**Appendix 3**). I consider that the requested amendments would assist with user understanding of the context of the chapter, and so recommend that the UWRG[17] submission and this part of the Forest & Bird[18] submission be accepted in part.

8.5 In relation to paragraph 3, FFNC[19] request that an additional paragraph be inserted, promoting the work of the QEII Trust nationally and within Canterbury. However, the work of the Trust is outside the scope of a district plan, and the land areas provided are not specific to Selwyn. I therefore recommend that the submission point be rejected.

8.6 In relation to paragraph 4, FFNC[20] requests that the reference to future forestry be replaced with a reference to exotic forestry, and that the Canterbury Regional Pest Management Plan 2018-2038 be replaced with a reference to the 2017-18 plan. I recommend that the reference to exotic forestry be accepted, but note that the correct reference for the Regional Pest Management Plan is the 2018-2038 plan. I therefore recommend that the submission point be accepted in part.

8.7 CBS[21] make a general request that the PDP recognise and list the Naturally Uncommon ecosystems that occur in SDC, listing braided river, limestone scarps, tors, cliffs, screes, limestone caves, volcanic cliffs, ephemeral wetlands, tarns, snow banks, seepages and flushes, cushion bogs, lake margins, lagoons, gravel beaches, inland sand dunes, strongly leached terraces and plains ('Wilderness' vegetation) . They consider that these have a disproportionate number of threatened and at-risk species, are of a size and scale that does not show up on broad planning maps, and are easily overlooked when planning for development or formulating consents. Dr Lloyd has reviewed the request, and considers that limestone outcrops would be appropriate to include in the Overview. I therefore recommend that this submission point be accepted in part but using the term 'originally rare' ecosystems rather that 'naturally uncommon', for consistency with the equivalent term in ECO-SCHED1 which is not subject to submission.

8.8 In relation to paragraph 5, H Rennie[22] and Forest & Bird[23] request amendments to better describe the importance of the values associated with braided rivers, even though the lower reaches in particular have been highly modified. I consider that a combination of the two submission points would provide useful clarification, noting that Dr Lloyd (**Appendix 3**) has suggested alternative text. I therefore recommend that the H Rennie[24] submission point and that this part of the Forest & Bird[25] submission point be accepted in part.

8.9 In relation to paragraph 5, FFNC[26] requests that an additional sentence be added, noting that the control of activities within the beds of lakes or rivers is a function of regional councils under s30 RMA. I consider that this amendment would help plan users to understand the different areas of

[17] DPR-0301.010 UWRG
[18] DPR-0407.010 Forest & Bird
[19] DPR-0422.135 FFNC
[20] DPR-0422.136 FFNC
[21] DPR-0233.004 CBS
[22] DPR-0290.001 H Rennie
[23] DPR-0407.101 Forest & Bird
[24] DPR-0290.001 H Rennie
[25] DPR-0407.101 Forest & Bird
[26] DPR-0422.137 FFNC

responsibility between councils, and therefore recommend that the submission point be accepted in part, with an amendment for consistency with s30(g) RMA.

8.10 In relation to paragraph 7, FFNC[27] considers that the paragraph purports to list the importance of indigenous vegetation but note however that except for mahinga kai, all those functions can be performed by exotic vegetation as well. FFNC considers that the Overview needs to recognise the value of indigenous vegetation because it is indigenous and unique to New Zealand and/or the district. FFNC also consider that the Overview should recognise the contribution to maintaining indigenous biodiversity made by dryland, and extensive pastoral farmers in hill and high country, who use low-input, low-output grazing systems. I consider that the first paragraph of the requested amendment provides a more useful description of the importance of indigenous biodiversity than the current PDP text, and therefore recommend that the submission point be accepted in part.

8.11 In relation to paragraph 7, H Rennie[28] requests that the importance of indigenous biodiversity be amended to include intrinsic values as equally significant to the functional values provided. I consider that this would be a useful amendment for plan users, and consider that the amendments recommended in relation to the FFNC[29] submission point would be appropriate. I therefore recommend that this part of the H Rennie[30] submission point be accepted in part.

8.12 In relation to paragraph 7, Forest & Bird[31] request the inclusion of 'natural ecosystems' to the stem sentence and that the bullet list be amended to reflect the role of indigenous vegetation in providing nature-based solutions to climate change. I consider that these are useful alterations, and recommend that this part of the submission point be accepted.

8.13 H Rennie[32] requests that a new paragraph be inserted into the Overview, recognising that ecosystems evolve overtime and that a return to pre-human or pre-European ecosystems and biodiversity is not achievable, together with recognising that some exotic species may be rare or endangered in their home country and New Zealand has an obligation under the Convention on Biological Diversity to support the survival of these exotic species and the diversity within those species. Dr Lloyd has reviewed the submission point (**Appendix 3**), and while he agrees that the context on ecological change in Selwyn District would be helpful with respect to identifying the original natural vegetation cover of the District, he does not support a focus in the chapter on exotic species that are rare in the original parts of their global range, as the key focus of the chapter should be on indigenous biodiversity, which is largely endemic to New Zealand. He notes that zoos in New Zealand increasingly play a part in the conservation of exotic species. I agree with the position of Dr Lloyd and I recommend that this submission point be accepted in part.

Recommendations and amendments

8.14 I recommend, for the reasons given above, that the Hearings Panel amend the Overview as shown in **Appendix 2** to provide a better context to the provisions of the chapter.

[27] DPR-0422.138 FFNC
[28] DPR-0290.001 H Rennie
[29] DPR-0422.138 FFNC
[30] DPR-0290.001 H Rennie
[31] DPR-0407.101 Forest & Bird
[32] DPR-0290.002 H Rennie

8.15 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

8.16 The scale of change does not require a s32AA evaluation.

9. Objectives

ECO-O1

Introduction

9.1 This section responds to the submission points relating to ECO-O1.

Submissions

9.2 Fourteen submission points and 22 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	065	Support	Retain as notified.
DPR-0301	*UWRG*	*FS039*	*Support*	*Allow*
DPR-0301	UWRG	011	Oppose	Amend as follows: Indigenous biodiversity within the district is managed through the exercise of kaitiakitanga and stewardship, in order that: 1. Areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected to ensure no ~~net~~ <u>further</u> loss of indigenous biodiversity, and 2. ....
DPR-0375	*WKNZTA*	*FS073*	*Oppose*	*That Council amend the objective to recognise that no net/further loss of indigenous biodiversity in relation to the maintenance/ development of infrastructure may not be possible.*
DPR-0407	*Forest & Bird*	*FS319*	*Support*	*Accept the submission*
DPR-0441	*Manawa*	*FS033*	*Oppose*	*Reject*
DPR-0305	A Fitzjohn	003	Neither Support Nor Oppose	Not specified.
DPR-0343	CDHB	022	Support	Retain as notified
DPR-0368	Beef + Lamb NZ & Deer NZ	005	Support	Retain as notified.
DPR-0407	*Forest & Bird*	*FS428*	*Oppose*	*Reject the submission*
DPR-0372	Dairy Holdings	041	Support	Retain as notified
DPR-0375	WKNZTA	087	Support In Part	Amend to include recognition that in achieving the function of infrastructure that it may be necessary to impact ecosystems and indigenous biodiversity.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0390	RIL	030	Support	Retain as notified.
DPR-0407	Forest & Bird	012	Support In Part	Amend as follows: Indigenous biodiversity within the district is managed through the exercise of kaitiakitanga and stewardship, in order that: 1. Areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected to ensure no ~~net~~ <u>further</u> loss of indigenous biodiversity, and ...
DPR-0301	*UWRG*	*FS090*	*Support*	*Allow in full*
DPR-0375	*WKNZTA*	*FS084*	*Oppose*	*Include an exclusion for infrastructure projects.*
DPR-0422	*FFNC*	*FS070*	*Oppose*	*Disallow the submission point.*
DPR-0439	*Rayonier*	*FS002*	*Oppose*	*Decline*
DPR-0441	*Manawa*	*FS034*	*Oppose*	*Reject*
DPR-0468	*Fish & Game*	*FS023*	*Support*	*Support proposed wording from submitter*
DPR-0422	FFNC	139	Support	Retain as notified.
DPR-0427	DOC	090	Oppose In Part	Amend as follows: Indigenous biodiversity within the district is managed through the exercise of kaitiakitanga and stewardship, in order that: 1. Areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected ~~to ensure no net loss of indigenous biodiversity~~, 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
DPR-0301	*UWRG*	*FS231*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS256*	*Support*	*Accept the submission*
DPR-0441	*Manawa*	*FS035*	*Oppose*	*Reject*
DPR-0468	*Fish & Game*	*FS028*	*Support*	*Proposed that 'no net loss' should be replaced with 'no further loss' of indigenous biodiversity.*
DPR-0440	EDSI	007	Oppose	Amend as follows: Indigenous biodiversity within the district is managed through the exercise of kaitiakitanga and stewardship, in order that: 1. Areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected to ensure no ~~net~~ <u>further</u> loss of indigenous biodiversity, and 2. ....
DPR-0301	*UWRG*	*FS293*	*Support*	*Allow in full*
DPR-0375	*WKNZTA*	*FS095*	*Oppose*	*Include an exclusion for infrastructure projects.*
DPR-0407	*Forest & Bird*	*FS007*	*Support*	*Accept the submission*

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0422	*FFNC*	*FS137*	*Oppose*	*Disallow the submission point.*
DPR-0441	*Manawa*	*FS036*	*Oppose*	*Reject*
DPR-0468	*Fish & Game*	*FS007*	*Support*	*Support EDS proposed amendment*
DPR-0441	Manawa	096	Support	Amend as follows: ... ~~2.Other indigenous biodiversity values are maintained and enhanced, and~~ ~~3~~ 2. The restoration and enhancement of areas of indigenous biodiversity is encouraged and supported.
DPR-0407	*Forest & Bird*	*FS056*	*Oppose*	*Reject the submission*
DPR-0446	Transpower	080	Support	Retain as notified

Analysis

9.3 UWRG, Forest & Bird, EDSI[33] each request that ECO-O1.1 be amended to refer to no further loss, rather than to no net loss of indigenous biodiversity, while DOC[34] requests that ECO-O1.1 be amended to focus on protecting SNAs rather than on ensuring no net loss of indigenous biodiversity within these areas. I agree that the protection of these areas is the outcome required by s6(c) RMA and CRPS objective 9.2.3[35], and therefore recommend that the UWRG, Forest & Bird, EDSI[36] submission points each be accepted in part, and that that the DOC[37] submission point be accepted.

9.4 Manawa[38] supports the concept of no net loss of significant indigenous biodiversity, but requests that ECO-O1.2 be deleted. Beyond s6(c), Council has the s31(b) function of controlling the actual or potential effects of use, development and protection of land to maintain indigenous biodiversity, beyond that which is 'significant'. I therefore recommend that the submission point be rejected.

9.5 WKNZTA[39] request that ECO-O1 be amended to recognise that in achieving the function of the infrastructure it may be necessary to impact ecosystems and indigenous biodiversity. I consider that ECO-O1 is not the place to provide such recognition and so recommend that the submission point be rejected. This issue is explored further in the section discussing new policies requested.

9.6 A Fitzjohn[40] is concerned about the dwindling biodiversity on the Canterbury plains, but does not identify a relief sought. On that basis, I recommend that the submission point be rejected.

[33] DPR-0301.011 UWRG, DPR-0407.012 Forest & Bird, DPR-0440.007 EDSI
[34] DPR-0427.090 DOC
[35] CRPS objective 9.2.3 Protection of significant indigenous vegetation and habitats
Areas of significant indigenous vegetation and significant habitats of indigenous fauna are identified and their values and ecosystem functions protected.
[36] DPR-0301.011 UWRG, DPR-0407.012 Forest & Bird, DPR-0440.007 EDSI
[37] DPR-0427.090 DOC
[38] DPR-0441.096 Manawa
[39] DPR-0375.087 WKNZTA
[40] DPR-0305.003 A Fitzjohn

9.7 CRC, CDHB, Beef + Lamb NZ & Deer NZ, Dairy Holdings, RIL, FFNC and Transpower[41] each request that ECO-O1 be retained as notified. Considering my recommendations above, I recommend that these submission points each be accepted in part.

Recommendations and amendments

9.8 I recommend, for the reasons given above, that the Hearings Panel amend ECO-O1 as shown in **Appendix 2** to better reflect the outcomes required by s6(c) RMA.

9.9 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

9.10 The scale of change does not require a s32AA evaluation.

ECO-O2

Introduction

9.11 This section responds to the submission points relating to ECO-O2.

Submissions

9.12 Eight submission points and four further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	066	Support	Retain as notified.
DPR-0301	*UWRG*	*FS040*	*Support*	*Allow*
DPR-0301	UWRG	012	Support	Retain as notified.
DPR-0407	*Forest & Bird*	*FS320*	*Support*	*Accept the submission*
DPR-0343	CDHB	023	Support	Retain as notified
DPR-0372	Dairy Holdings	042	Support	Retain as notified
DPR-0390	RIL	031	Support	Retain as notified.
DPR-0422	FFNC	140	Support	Retain as notified.
DPR-0427	DOC	091	Support	Retain as notified
DPR-0301	*UWRG*	*FS232*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS257*	*Support*	*Accept the submission*
DPR-0441	Manawa	097	Support In Part	Amend as follows: ... 2. Maintenance, enhancement, ~~and~~ or restoration where degraded, of habitats that sustain mahinga kai; and ...

Analysis

9.13 Manawa[42] request that ECO-O2.2 be amended to require restoration of habitats that sustain mahinga kai only where the habitat is degraded. Maintenance, enhancement and restoration are

[41] DPR-0260.065 CRC, DPR-0343.022 CDHB, DPR-0368.005 Beef + Lamb NZ & Deer NZ, DPR-0372.041 Dairy Holdings, DPR-0390.030 RIL, DPR-0422.139 FFNC, DPR-0446.080 Transpower
[42] DPR-0441.097 Manawa

related but different activities, and I consider that the requested amendments would improve clarity for plan users. I therefore recommend that the submission point be accepted.

9.14 CRC, UWRG, CDHB, Dairy Holdings, RIL, FFNC, and DOC[43] requests that ECO-O2 be retained as notified. In light of my recommendation above, I recommend that these submission points be accepted in part.

Recommendations and amendments

9.15 I recommend, for the reasons given above, that the Hearings Panel amend ECO-O2 as shown in **Appendix 2** to provide better clarity for plan users.

9.16 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

9.17 The scale of change does not require a s32AA evaluation.

New objective requested

Introduction

9.18 This section responds to the submission points relating to a requested new objective.

Submissions

9.19 Two submission point and four further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0290	H Rennie	003	Neither Support Nor Oppose	Insert as follows: The relationship of tangata tiriti (People of the Treaty) their customs and traditions in relation to ecosystems are recognised and those that maintain and enhance the resilience and life supporting capacity of indigenous ecosystems, enhance indigenous biodiversity and support internationally rare or endangered species and breeds are provided for, including through: 1. Facilitation and support for the exercise of stewardship in relation to indigenous species and habitats; and 2. Maintenance, enhancement, and restoration of habitats that sustain rare and endangered species; and 3. Enabling the development, maintenance and enhancement of facilities that support and enhance the biodiversity of rare or endangered exotic or migratory species, where appropriate in terms of biosecurity, health, safety, and the maintenance of indigenous species and habitats.

[43] DPR-0260.066 CRC, DPR-0301.012 UWRG, DPR-0343.023 CDHB, DPR-0372.042 Dairy Holdings, DPR-0390.031 RIL, DPR-0422.140 FFNC, DPR-0427.091 DOC

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0407	*Forest & Bird*	*FS563*	*Support*	*Accept the submission*
DPR-0422	FFNC	141	Neither Support Nor Oppose	Insert new objective as follows: The traditional value of indigenous vegetation cover in extensive, dryland pastoral systems is recognised and provided for.
DPR-0372	*Dairy Holdings*	*FS063*	*Support*	*Accept the submission.*
DPR-0407	*Forest & Bird*	*FS116*	*Support In Part*	*Accept in part by adopting the following wording: Add a new objective ECO -03 which reads:* *The maintenance of indigenous vegetation cover and habitat values in extensive, dryland pastoral systems is recognised.*
DPR-0427	*DOC*	*FS013*	*Oppose*	*Decision not specified*

Analysis

9.20 H Rennie[44] considers that in taking into account the Treaty of Waitangi it is important to acknowledge there were two parties to that - the tangata whenua (Māori) and the tangata tiriti (People of the Treaty – i.e., non-Māori, sometimes also referred to as tau iwi or pakeha). On that basis, an additional objective is requested, recognising their customs and traditions in relation to ecosystems. The driver for ECO-O2 is the relationship between s6(c) and s6(e) RMA. While ECO-O2 aligns with SD-MW-O1, there is not the same strategic support for the requested objective. The requested objective has a large degree of overlap with ECO-O1, which applies to everyone, and so I do not consider that an additional objective is warranted. I therefore recommend that the submission point be rejected.

9.21 FFNC[45] considers that ECO-O1 and ECO-O2 do not recognise the role of extensive, dryland pastoral systems based on low-input, low-output grazing of predominantly indigenous tussocklands and scrublands in maintaining indigenous biodiversity in the back country and on Banks Peninsula. They consider that this needs to be provided for to achieve the purpose of the RMA, and to enable landholders to make reasonable use of their land. They therefore request that a new objective be inserted into the PDP. Forest & Bird[46] support the submission point in part, subject to slightly different wording. I consider that the submission point focuses on particular activities that help to achieve the maintenance of indigenous biodiversity, and as such, while the intent is supported, I consider that it would be better located within the PDP as a policy. I therefore recommend that the FFNC[47] submission point be accepted in part.

[44] DPR-0290.003 H Rennie
[45] DPR-0422.141 FFNC
[46] DPR-0407.FS116 Forest & Bird
[47] DPR-0422.141 FFNC

Recommendations and amendments

9.22 I recommend, for the reasons given above, that the Hearings Panel add a new policy as shown as ECO-PA in **Appendix 2** to better recognize the maintenance of indigenous vegetation cover and habitat values in extensive, dryland pastoral systems.

9.23 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

9.24 The consolidated section 32AA evaluation for new policies is located at the end of Section 10 of this report.

10. Policies

ECO-P1

Introduction

10.1 This section responds to the submission points relating to ECO-P1 which requires SNAs to be identified and mapped.

Submissions

10.2 Sixteen submission points and 29 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0019	S Jarvis	003	Support	Supports as notified but considers that there should be encouragement for voluntary listings such as through rate reductions.
DPR-0260	CRC	067	Support	Retain as notified.
DPR-0212	*ESAI*	*FS050*	*Oppose*	*Disallow in full*
DPR-0301	*UWRG*	*FS041*	*Support*	*Allow*
DPR-0301	UWRG	013	Oppose	Amend to reflect the wording of Draft NPS-IB 3.8 Identifying significant natural areas.
DPR-0407	*Forest & Bird*	*FS321*	*Support*	*Accept the submission*
DPR-0441	*Manawa*	*FS037*	*Oppose*	*Reject*
DPR-0446	*Transpower*	*FS017*	*Neither Support Nor Oppose*	*If the submission is allowed, take a cautious approach to relying on the NPS-IB.*
DPR-0301	UWRG	014	Oppose	Amend to give effect to proposed NPSIB Policy 3.8(1) a) and 3.8(1) b)
DPR-0407	*Forest & Bird*	*FS322*	*Support*	*Accept the submission*
DPR-0441	*Manawa*	*FS038*	*Oppose*	*Reject*
DPR-0446	*Transpower*	*FS018*	*Neither Support Nor Oppose*	*If the submission is allowed, take a cautious approach to relying on the NPS-IB.*
DPR-0343	CDHB	024	Support	Retain as notified

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0353	HortNZ	124	Oppose	Not specified.
DPR-0407	*Forest & Bird*	*FS496*	*Oppose*	*Reject the submission*
DPR-0368	Beef + Lamb NZ & Deer NZ	006	Oppose	Delete ECO-P1 in its entirety.
DPR-0407	*Forest & Bird*	*FS429*	*Oppose*	*Reject the submission*
DPR-0372	Dairy Holdings	043	Support	Retain as notified
DPR-0390	RIL	032	Support	Retain as notified.
DPR-0407	Forest & Bird	013	Support In Part	Amend as follows: Schedule 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 ~~where this is agreed with the landowner~~.
DPR-0301	*UWRG*	*FS091*	*Support*	*Allow in full*
DPR-0422	*FFNC*	*FS236*	*Oppose*	*Disallow the submission point.*
DPR-0441	*Manawa*	*FS039*	*Oppose*	*Reject*
DPR-0468	*Fish & Game*	*FS024*	*Support*	*Supports proposed amended wording from submitter*
DPR-0422	FFNC	142	Oppose	Delete as notified and replace with: Recognise the fundamental role of landholders in enabling and ensuring the protection and enhancement of indigenous biodiversity on private land and to work with landholders, mana whenua and community groups to promote and support initiatives to protect and enhance indigenous biodiversity on private land.
DPR-0407	*Forest & Bird*	*FS117*	*Oppose*	*Reject the submission other than with respect to considering alternative amendments to include the promotion of covenants as mechanism to support protection of indigenous biodiversity in the Plan.*
DPR-0468	*Fish & Game*	*FS048*	*Oppose*	*Oppose submission*
DPR-0427	DOC	092	Oppose	Amend as follows: Identify and map ~~Schedule~~ 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, where this is agreed with the landowner.~~
DPR-0212	*ESAI*	*FS065*	*Oppose*	*Disallow in part – only provide mapped and scheduled areas where there has been agreement reached by landowners and the district council.*
DPR-0301	*UWRG*	*FS233*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS258*	*Support*	*Accept the submission*
DPR-0441	*Manawa*	*FS040*	*Oppose*	*Reject*

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0468	*Fish & Game*	*FS029*	*Support*	*Supports proposed amendment*
DPR-0437	The Stations	002	Support	Retain as notified.
DPR-0301	*UWRG*	*FS075*	*Oppose*	*Disallow*
DPR-0440	EDSI	008	Oppose In Part	Amend as follows: Schedule 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~~, where this is agreed with the landowner~~.
DPR-0301	*UWRG*	*FS294*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS008*	*Support*	*Accept the submission*
DPR-0441	*Manawa*	*FS041*	*Oppose*	*Reject*
DPR-0468	*Fish & Game*	*FS008*	*Support*	*Support EDS proposed amendment*
DPR-0441	Manawa	098	Support In Part	Accept relief sought for ECO-SCHED1.
DPR-0468	Fish & Game	007	Oppose In Part	Amend as follows: Schedule 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 identifying these significant natural areas on the Planning Maps and in the ECO-SCHED4, ~~where this is agreed with the landowner~~.
DPR-0301	*UWRG*	*FS311*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS370*	*Support*	*Accept the submission*
DPR-0441	*Manawa*	*FS042*	*Oppose*	*Reject*

Analysis

10.3 UWRG[48] requests that ECO-P1 be amended to reflect the wording of the NPS-IB to identify significant areas. The draft NPS-IB on which PDP submissions were based differs from the June 2022 exposure draft, and it is likely that the final version of the NPS-IB will be a further refinement. I therefore consider that it is premature to recommend amendments solely for that reason and recommend that the submission point be rejected.

10.4 Forest & Bird, EDSI, and Fish & Game[49] each request that ECO-P1 be amended to remove the reference to landowner agreement being required to include a SNA within the PDP. DOC[50] also request that ECO-P1 be amended to remove the reference to landowner agreement being required to include a SNA within the PDP, along with alternative wording intended to simplify the text of the policy. Noting that ECO-P2 covers working with landowners and others to identify SNAs and include them in the PDP, I consider that the amendments proposed by DOC would simplify the text without

[48] DPR-0301.013, DPR-0301.014 UWRG
[49] DPR-0407.013 Forest & Bird, DPR-0440.008 EDSI, DPR-0468.007 Fish & Game
[50] DPR-0427.092 DOC

removing the expectation of landowner involvement in the process. I therefore recommend that the Forest & Bird, DOC, EDSI, and Fish & Game[51] submission points be accepted.

10.5 HortNZ[52] supports a clear path for identifying significance and the scheduling of significant areas where appropriate. However, the submitter generally opposes the proposed provisions and the schedules. I consider that ECO-P1 and related provisions do provide a clear path for identifying significance and the scheduling of significant areas where appropriate, and so I recommend that this submission point be rejected.

10.6 FFNC[53] request that ECO-P1 be deleted and replaced with an alternative policy that focuses on non-legislative approaches to protecting and enhancing indigenous biodiversity on private land. That is not the purpose of ECO-P1 which is to identify SNAs in the District Plan to enable the achievement of ECO-O1. Policy ECO-P10 addresses other approaches to protecting and enhancing indigenous biodiversity on private land, and so I recommend that the submission point be rejected.

10.7 S Jarvis[54] supports ECO-P1 as notified, but requests that there be encouragement for voluntary listings such as through rates relief. Such measures are outside the scope of the PDP, although they may form part of the Biodiversity Strategy being prepared by Council, and so I recommend that the submission point rejected.

10.8 Beef + Lamb NZ & Deer NZ[55] requests that ECO-P1 be deleted as notified, on the basis that SNAs fail to recognise and support the proposed New Zealand Biodiversity Strategy's holistic and integrated approach and overlook the main drivers of habitat and species loss, which are pests and weeds. They argue that the policy overlooks the value of integrated pastoral systems as habitat for indigenous fauna and flora and the essential role of landowners in conservation and what conservation has already been achieved. When the PDP policies are considered as a whole, particularly: ECO-P2 (work with landowners); ECO-P7 (Biodiversity Management Plans); and ECO-P10 (protection, enhancement and restoration of indigenous biodiversity); I disagree with this position and recommend that the submission point be rejected.

10.9 Manawa[56] request that ECO-P1 be retained as notified, subject to the acceptance of their submission point in relation to ECO-SCHED1. Given my recommendation on their submission point in Section 23 of this report and my recommendations above I recommend that the submission point be accepted in part.

10.10 CRC, CDHB, Dairy Holdings, RIL, and The Stations[57] each request that ECO-P1 be retained as notified. In light of my recommendations above, I recommend that these submission points be accepted in part.

[51] DPR-0407.013 Forest & Bird, DPR-0427.092 DOC, DPR-0440.008 EDSI, DPR-0468.007 Fish & Game
[52] DPR-0353.124 HortNZ
[53] DPR-0422.142 FFNC
[54] DPR-0019.003 S Jarvis
[55] DPR-0368.006 Beef + Lamb NZ & Deer NZ
[56] DPR-0441.098 Manawa
[57] DPR-0260.067 CRC, DPR-0343.024 CDHB, DPR-0372.043 Dairy Holdings, DPR-0390.032 RIL, DPR-0437.002 The Stations

Recommendations and amendments

10.11 I recommend, for the reasons given above, that the Hearings Panel amend ECO-P1 as shown in **Appendix 2** to simplify the text to provide better clarity, and to separate the need to protect areas in ECO-P1 from the desire to work with landowners in ECO-P2.

10.12 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

10.13 The scale of change does not require a s32AA evaluation.

ECO-P2

Introduction

10.14 This section responds to the submission points relating to ECO-P2 which sets out an expectation that Council will work with the community to identify and protect SNAs that are not currently listed in the PDP.

Submissions

10.15 Twelve submission points and 16 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	068	Support	Retain as notified.
DPR-0301	*UWRG*	*FS042*	*Support*	*Allow*
DPR-0301	UWRG	015	Neither Support Nor Oppose	Amend as follows: Work with landowners, stakeholders and Ngā Rūnanga to identify and schedule ~~further~~ areas of significant indigenous vegetation and significant habitats of indigenous fauna, with a focus on the national priorities for biodiversity protection.
DPR-0407	*Forest & Bird*	*FS323*	*Support*	*Accept the submission*
DPR-0343	CDHB	025	Support	Retain as notified
DPR-0353	HortNZ	125	Support	Retain as notified
DPR-0407	*Forest & Bird*	*FS497*	*Oppose*	*Reject the submission*
DPR-0368	Beef + Lamb NZ & Deer NZ	007	Support	Retain as notified.
DPR-0407	*Forest & Bird*	*FS430*	*Oppose*	*Reject the submission*
DPR-0372	Dairy Holdings	044	Support	Retain as notified
DPR-0390	RIL	033	Support	Retain as notified.
DPR-0407	Forest & Bird	014	Support In Part	Amend as follows: Work with landowners, stakeholders and Ngā Rūnanga to identify and schedule ~~further~~ areas of significant

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				indigenous vegetation and significant habitats of indigenous fauna, ~~with a focus on the national priorities for biodiversity protection~~.
DPR-0301	*UWRG*	*FS092*	*Support*	*Allow in full*
DPR-0468	*Fish & Game*	*FS025*	*Support*	*Support proposed amendment*
DPR-0422	FFNC	143	Oppose	Delete as notified and replace with: To facilitate and support a variety of mechanisms to identify and protect the long-term viability of sites of indigenous vegetation and habitats of indigenous fauna which meet the criteria for significance set out in ECO-SCHED1, including but not limited to: a. Voluntary covenanting of sites through QEII trust or similar initiatives; or b. Listing sites in district plans with landholder agreement.
DPR-0407	*Forest & Bird*	*FS118*	*Oppose*	*Reject the submission other than with respect to considering alternative amendments to include the promotion of covenants as mechanism to support protection of indigenous biodiversity in the Plan.*
DPR-0468	*Fish & Game*	*FS049*	*Oppose*	*Oppose submission*
DPR-0427	DOC	093	Oppose	Delete as notified. Alternatively, amend as follows: Work with landowners, stakeholders and Ngā Rūnanga to identify and ~~schedule~~ map further areas of ~~significant~~ indigenous vegetation and ~~significant~~ habitats of indigenous fauna (including areas for creation, enhancement or restoration),~~with a focus on the national priorities for biodiversity protection.~~
DPR-0212	*ESAI*	*FS066*	*Oppose*	*Disallow in part – only provide mapped and scheduled areas where there has been agreement reached by landowners and the district council.*
DPR-0301	*UWRG*	*FS234*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS259*	*Support*	*Accept the submission*
DPR-0441	*Manawa*	*FS043*	*Oppose*	*Reject*
DPR-0468	*Fish & Game*	*FS030*	*Support*	*Supports proposed amendment*
DPR-0440	EDSI	009	Oppose In Part	Amend as follows: Work with landowners, stakeholders and Ngā Rūnanga to identify and schedule ~~further~~ areas of significant indigenous vegetation and significant habitats of indigenous fauna~~, with a focus on the national priorities for biodiversity protection~~.
DPR-0301	*UWRG*	*FS295*	*Support*	*Allow in full*

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0407	*Forest & Bird*	*FS009*	*Support*	*Accept the submission*
DPR-0468	*Fish & Game*	*FS014*	*Support*	*Supports submission*
DPR-0441	Manawa	099	Support	Retain as notified.

Analysis

10.16 UWRG[58] requests that ECO-P2 be amended to remove the reference to 'further' areas of areas of significant indigenous vegetation and significant habitats of indigenous fauna, because the PDP does not currently schedule any such areas. I agree that the word does not add value to the policy and therefore recommend that the submission point be accepted.

10.17 Forest & Bird and EDSI[59] each make the same point, and also request that the phrase 'with a focus on national priorities for biodiversity protection' be deleted. I consider that the proposed amendment would simplify the text without changing the intent of the policy and so recommend that the Forest & Bird and EDSI[60] submission points each be accepted.

10.18 DOC[61] make similar requests, and request an amendment which would have the effect of expanding the policy to cover all areas of indigenous vegetation and habitats of indigenous fauna, not just those that meet the significance criteria. This would dilute the purpose of the SNA overlay to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna. I therefore recommend that the DOC submission point be accepted in part.

10.19 FFNC[62] request that ECO-P2 be replaced with an alternative policy that provides for the identification and protection of SNAs by means other than inclusion in the PDP. They argue that the policy should provide for listing sites only where there is landowner agreement. While landowner participation in the process and agreement is desirable, it is not a requirement under s6 of the Act. Only protecting what is considered to be significant is required. In my opinion, if something has been deemed to be significant it should therefore be included in the plan regardless of landowner agreement. I therefore recommend that the submission point be rejected.

10.20 CRC, CDHB, HortNZ, Beef + Lamb NZ & Deer NZ, Dairy Holdings, RIL and Manawa[63] each request that ECO-P2 be retained as notified. Considering my recommendations above, I recommend that these submission points be accepted in part.

[58] DPR-0301.015 UWRG
[59] DPR-0407.014 Forest & Bird, DPR-0440.009 EDSI
[60] DPR-0407.014 Forest & Bird, DPR-0440.009 EDSI
[61] DPR-0427.093 DOC
[62] DPR-0422.143 FFNC
[63] DPR-0260.068 CRC, DPR-0343.025 CDHB, DPR-0353.125 HortNZ, DPR-0368.007 Beef + Lamb NZ & Deer NZ, DPR-0372.044 Dairy Holdings, DPR-0390.033 RIL, DPR-0441.099 Manawa

Recommendations and amendments

10.21 I recommend, for the reasons given above, that the Hearings Panel amend ECO-P2 to better reflect the purpose of different Council strategies and plans beyond the district plan, and to simplify the text to provide better clarity for Plan users.

10.22 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

10.23 The scale of change does not require a s32AA evaluation.

ECO-P3

Introduction

10.24 This section responds to the submission points relating to ECO-P3, which sets out conditions for when activities that adversely affect indigenous biodiversity may be considered acceptable.

Submissions

10.25 Thirteen submission points and 22 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0301	UWRG	016	Neither Support Nor Oppose	Not specified.
DPR-0407	*Forest & Bird*	*FS324*	*Support*	*Accept the submission*
DPR-0343	CDHB	026	Support	Retain as notified
DPR-0353	HortNZ	126	Oppose In Part	Amend to provide more direction on the meaning of "small scale, low impact" activities.
DPR-0407	*Forest & Bird*	*FS498*	*Oppose*	*Reject the submission*
DPR-0368	Beef + Lamb NZ & Deer NZ	008	Support In Part	Amend as follows: Provide for small scale~~,~~ and low impact activities that may adversely affect indigenous biodiversity values, where these are of wider environmental or community benefit, or enable continuation of existing activities.
DPR-0407	*Forest & Bird*	*FS431*	*Oppose*	*Reject the submission*
DPR-0372	Dairy Holdings	045	Oppose In Part	Amend as follows: Provide for small scale, low impact activities that may adversely affect indigenous biodiversity values, where it will ~~where these are of wider environmental or community benefit,~~ or enable the continued ~~continuation~~ use of existing farmland.
DPR-0381	*Coleridge Downs*	*FS020*	*Support*	*Allow*

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0486	*Coleridge Downs*	*FS020*	*Support*	*Allow*
DPR-0388	Craigmore	020	Oppose In Part	Amend as follows: Provide for small scale, low impact activities that may adversely affect indigenous biodiversity values, where it will ~~where these are of wider environmental or community benefit, or~~ enable the continued ~~continuation~~ use of existing farmland.
DPR-0381	*Coleridge Downs*	*FS019*	*Support*	*Allow*
DPR-0486	*Coleridge Downs*	*FS019*	*Support*	*Allow*
DPR-0390	RIL	034	Oppose In Part	Amend as follows: Provide for small scale, low impact activities that may adversely affect indigenous biodiversity values, where it will ~~where these are of wider environmental or community benefit~~, or enable the continued ~~continuation~~ use of land, including the maintenance and operation of water takes and irrigation infrastructure existing activities.
DPR-0381	*Coleridge Downs*	*FS021*	*Support*	*Allow*
DPR-0486	*Coleridge Downs*	*FS021*	*Support*	*Allow*
DPR-0407	Forest & Bird	015	Support In Part	Amend as follows: Provide for small scale, low impact activities that may adversely affect indigenous biodiversity values outside of SNAs, where these are of wider environmental or community benefit, or enable continuation of existing activities.
DPR-0301	*UWRG*	*FS093*	*Support*	*Allow in full*
DPR-0422	FFNC	144	Support In Part	Delete ECO-P3 as notified and replace as follows: Enable the removal of indigenous vegetation, so long as there is a low impact on the overall integrity of the indigenous ecological system or area. Activities may include: - Mahinga kai and other customary uses; - Environmental conservation restoration or enhancement projects; - Pest management; - Farming activities on improved pasture; - Extensive, dryland pastoral grazing of 'native grasslands' - Establishment, maintenance or repair of fences, tracks and structures which are ancillary to extensive dryland pastoral farming or outdoor recreation; - Or enable the continuation of existing activities.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0381	*Coleridge Downs*	*FS054*	*Support*	*Allow*
DPR-0407	*Forest & Bird*	*FS119*	*Oppose*	*Reject the submission*
DPR-0427	*DOC*	*FS014*	*Oppose*	*Decision not specified*
DPR-0486	*Coleridge Downs*	*FS054*	*Support*	*Allow*
DPR-0427	DOC	094	Oppose	Delete as notified.
DPR-0212	*ESAI*	*FS067*	*Oppose*	*Disallow in part – only provide mapped and scheduled areas where there has been agreement reached by landowners and the district council.*
DPR-0301	*UWRG*	*FS235*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS260*	*Support*	*Accept the submission*
DPR-0437	The Stations	003	Support	Retain as notified.
DPR-0301	*UWRG*	*FS076*	*Oppose*	*Disallow*
DPR-0440	EDSI	010	Oppose	Delete as notified.
DPR-0301	*UWRG*	*FS296*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS010*	*Support*	*Accept the submission*
DPR-0468	*Fish & Game*	*FS015*	*Support*	*Supports submission*
DPR-0446	Transpower	081	Oppose	Amend as follows: Enable the continuation of existing activities and provide ~~Provide~~ for ~~small scale, low impact~~ activities that may adversely affect indigenous biodiversity values, where these are of wider environmental or community benefit and their adverse effects are managed to the extent practicable, ~~or enable continuation of existing activities~~.
DPR-0375	*WKNZTA*	*FS101*	*Support*	*Amend policy to reflect submitters proposed wording.*

Analysis

10.26 UWRG[64] consider that there will be difficulty defining 'small scale' or 'low impact' activities, which would lead to debate among ecologists and risk losing indigenous biodiversity. On a similar note, HortNZ[65] request that ECO-P3 be amended to provide more direction on the meaning of 'small scale, low impact' activities. These are a matter of fact and degree, and the permitted activity rules provide appropriate quantification. I therefore recommend that these submission points be rejected.

10.27 Beef + Lamb NZ & Deer NZ[66] request that ECO-P3 be amended to provide for activities that are either small scale or low impact, without requiring them to meet both criteria. Small scale activities are likely to have a low impact, but it may be possible to have a larger scale activity that also has a low

[64] DPR-0301.016 UWRG
[65] DPR-0353.126 HortNZ
[66] DPR-0368.008 Beef + Lamb NZ & Deer NZ

impact on indigenous biodiversity values. I therefore recommend that the submission point be accepted in part, with a grammatical change to use the term 'or' to achieve the outcome sought.

10.28 Dairy Holdings, Craigmore and RIL[67] each request that ECO-P3 be amended so that small scale, low impact activities are provided for only where they enable the continued use of existing farmland. This would exclude the acceptance of some level of effect associated with the continuation of other activities, or where there might be a wider community or environmental benefit. I therefore recommend that the submission points be rejected.

10.29 Forest & Bird[68] request that ECO-P3 be amended so that it applies outside of SNAs. Given that ECO-P4 manages activities within SNAs, I consider that excluding SNAs from ECO-P3 would clarify for plan users which policy applies in which location. However, I consider that from a grammatical point of view the exclusion should be added at the start of the policy rather than where proposed by Forest & Bird, and so recommend that the submission point be accepted in part.

10.30 FFNC[69] request that ECO-P3 be amended, including to provide examples of activities where it may be considered appropriate to allow the clearance of indigenous vegetation. I consider that this is the purpose of the rule framework rather than policies, and so recommend that the submission point be rejected.

10.31 Transpower[70] requests that the continuation of existing activities be provided for without constraint, and that other activities be provided for where their adverse effects are managed to the extent practicable. I do not consider that this would allow Council to meet their s31 RMA obligations, and therefore recommend that the submission point be rejected.

10.32 DOC and EDSI[71] each request that ECO-P3 be deleted as notified. DOC's position is that the policy does not give effect to CRPS Objective 9.2.1, while EDSI is concerned that the concepts of "small scale' and "low impact' are ambiguous, difficult to define ecologically and will likely prompt debate amongst ecologists, resulting in the loss of indigenous biodiversity. The CRPS protection policies that give effect to CRPS Objective 9.2.1 all relate to SNAs, whereas the recommended amendments to ECO-P3 are such that ECO-P3 would not apply in these areas. The proposed rule framework provides for small scale or low impact activities as permitted activities, with anything outside the permitted framework subject to debate through the consenting process. I consider that this is an appropriate mechanism. I therefore recommend that the submission points be rejected.

10.33 CDHB and The Stations[72] each request that ECO-P3 be retained as notified. Considering my recommendations above, I recommend that the submission points be accepted in part.

[67] DPR-0372.045 Dairy Holdings, DPR-0388.020 Craigmore, DPR-0390.034 RIL
[68] DPR-0407.015 Forest & Bird
[69] DPR-0422.177 FFNC
[70] DPR-0446.081 Transpower
[71] DPR-0427.094 DOC, DPR-0440.010 EDSI
[72] DPR-0343.026 CDHB

Recommendations and amendments

10.34 I recommend, for the reasons given above, that the Hearings Panel amend ECO-P3 as shown in **Appendix 2** to provide better clarity about the sorts of activities that might be consented, and to clarify that ECO-P3 does not apply to SNAs.

10.35 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

10.36 The section 32AA evaluation for the recommended reliance on a definition to identify significant natural areas, rather than a schedule, is located at the end of Section 16 of this report. The scale of other recommended changes does not require a s32AA evaluation.

ECO-P4

Introduction

10.37 This section responds to the submission points relating to ECO-P4, which manages activities in SNAs.

Submissions

10.38 Sixteen submission points and 27 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	069	Support In Part	Amend as follows: Avoid the clearance of indigenous vegetation, and any earthworks or plantation forestry within ~~scheduled~~ Significant Natural Areas, and those other areas that meet the criteria set out in ECO-SCHED1, where the activity would adversely affect indigenous biodiversity values.
DPR-0212	*ESAI*	*FS051*	*Oppose*	*Disallow in full*
DPR-0301	*UWRG*	*FS043*	*Support*	*Allow*
DPR-0381	*Coleridge Downs*	*FS007*	*Oppose*	*Disallow*
DPR-0427	*DOC*	*FS015*	*Support*	*Decision not specified*
DPR-0486	*Coleridge Downs*	*FS007*	*Oppose*	*Disallow*
DPR-0301	UWRG	017	Support	Retain as notified.
DPR-0407	*Forest & Bird*	*FS325*	*Support*	*Accept the submission*
DPR-0343	CDHB	027	Support	Retain as notified
DPR-0353	HortNZ	127	Oppose	Amend as follows: Avoid the clearance of indigenous vegetation, and any earthworks or plantation forestry within scheduled Significant Natural Areas, and those other areas that meet the criteria set out in ECO-SCHED1, where the activity would adversely affect indigenous biodiversity values <u>except:</u>

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				i. where earthworks and clearance are to manage vegetation that is infected by an unwanted organism as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.
DPR-0375	*WKNZTA*	*FS076*	*Support*	*That Policy ECO-P4 is retained as suggested by the submitter and amended to include a provision for infrastructure.*
DPR-0407	*Forest & Bird*	*FS480*	*Oppose In Part*	*Reject the submission*
DPR-0368	Beef + Lamb NZ & Deer NZ	009	Oppose	Delete ECO-P4 in its entirety.
DPR-0407	*Forest & Bird*	*FS432*	*Oppose*	*Reject the submission*
DPR-0372	Dairy Holdings	046	Oppose In Part	Amend as follows: Avoid the clearance of indigenous vegetation, and any earthworks or plantation forestry within scheduled Significant Natural Areas, and those other areas that meet the criteria set out in ECO-SCHED1, as far as practicable, ~~where the activity would adversely affect indigenous biodiversity values~~ and where clearance does occur, to ensure no net loss of indigenous biodiversity.
DPR-0375	*WKNZTA*	*FS083*	*Oppose*	*Reject the submission.*
DPR-0375	WKNZTA	088	Oppose In Part	Amend to include provision for infrastructure works including maintenance.
DPR-0441	*Manawa*	*FS044*	*Support*	*Accept*
DPR-0388	Craigmore	021	Oppose In Part	Amend as follows: Avoid the clearance of indigenous vegetation, and any earthworks or plantation forestry within scheduled Significant Natural Areas, and those other areas that meet the criteria set out in ECO-SCHED1, as far as practicable, ~~where the activity would adversely affect indigenous biodiversity values~~ and where clearance does occur, to ensure no net loss of indigenous biodiversity.
DPR-0390	RIL	035	Oppose In Part	Amend as follows: Avoid the clearance of indigenous vegetation, and any earthworks or plantation forestry within scheduled Significant Natural Areas, and those other areas that meet the criteria set out in ECO-SCHED1, as far as practicable, ~~where the activity would adversely affect indigenous biodiversity values~~ and where clearance does occur, to ensure no net loss of indigenous biodiversity.
DPR-0407	Forest & Bird	016	Support	Retain as notified

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0301	*UWRG*	*FS094*	*Support*	*Allow in full*
DPR-0422	FFNC	145	Oppose	Delete as notified (and ECO-P5 and ECO-P6) and replace with: Ensure any activity undertaken within or adjoining a site which is identified as significant under the criteria set out in ECO-SCHED 1 will maintain or enhance the significant ecological values of that site.
DPR-0212	*ESAI*	*FS061*	*Oppose In Part*	*Disallow in part where it relates to land uses beyond or adjacent to protected ecological areas and SNA's.*
DPR-0375	*WKNZTA*	*FS089*	*Oppose*	*Include an exclusion for infrastructure projects as per our original submission.*
DPR-0407	*Forest & Bird*	*FS120*	*Oppose*	*Reject the submission*
DPR-0441	*Manawa*	*FS045*	*Oppose*	*Reject*
DPR-0427	DOC	095	Oppose In Part	Amend as follows: Avoid the clearance of indigenous vegetation, and any earthworks or plantation forestry within scheduled Significant Natural Areas, and those other areas that meet the criteria set out in ECO-SCHED1~~, where the activity would adversely affect indigenous biodiversity values~~.
DPR-0301	*UWRG*	*FS236*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS261*	*Support*	*Accept the submission*
DPR-0441	*Manawa*	*FS046*	*Oppose*	*Reject*
DPR-0439	Rayonier	018	Oppose In Part	Amend as follows: Avoid the clearance of indigenous vegetation, and any earthworks ~~or plantation forestry~~ within scheduled Significant Natural Areas, ~~and those other areas that meet the criteria set out in ECO-SCHED1, where the activity would adversely affect indigenous biodiversity values~~. Refer to original submission for full decision requested.
DPR-0032	*CCC*	*FS331*	*Oppose*	*Retain the Policy as contained in the proposed District Plan.*
DPR-0407	*Forest & Bird*	*FS164*	*Oppose*	*Reject the submission*
DPR-0440	EDSI	011	Support	Retain as notified
DPR-0301	*UWRG*	*FS297*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS011*	*Support*	*Accept the submission*
DPR-0468	*Fish & Game*	*FS016*	*Support*	*Supports submission*
DPR-0441	Manawa	100	Support In Part	Accept relief sought for ECO-SCHED1 And: Amend as follows:

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				Avoid the clearance of indigenous vegetation, and any earthworks or plantation forestry within scheduled Significant Natural Areas. ~~and those other areas that meet the criteria set out in ECO-SCHED1, where the activity would adversely affect indigenous biodiversity values~~ And: Add a new policy as follows: In areas that meet the criteria set out in ECO-SCHED1, where the activity would adversely affect indigenous biodiversity values, ensure that the adverse effects are remedied or mitigated while recognising the functional needs of regionally significant infrastructure
DPR-0375	*WKNZTA*	*FS097*	*Oppose In Part*	*Suggest rewording the policy to remove the word "avoid".*
DPR-0407	*Forest & Bird*	*FS057*	*Oppose*	*Reject the submission*
DPR-0446	Transpower	082	Oppose	Amend as follows: Except as provided by ECO-PX, avoid ~~Avoid~~ the clearance of indigenous vegetation, and any earthworks or plantation forestry within scheduled Significant Natural Areas, and those other areas that meet the criteria set out in ECO-SCHED1, where the activity would adversely affect indigenous biodiversity values.
DPR-0375	*WKNZTA*	*FS102*	*Oppose In Part*	*Suggest rewording the policy to remove the word "avoid" and including an exclusion for infrastructure projects.*

Analysis

10.39 CRC[73] request that ECO-P4 be amended to remove the reference to scheduled SNAs, so that the policy applies to all SNAs. 'Significant Natural Area' is a defined term, and considering my recommendations in Section 24 of this report regarding that definition, I consider that the policy could be simplified, without changing its meaning, by deleting the reference to scheduled SNAs and also deleting 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'. I therefore recommend that the submission point be accepted.

10.40 Rayonier and Manawa[74] each request that ECO-P4 be amended to avoid capturing areas that meet the criteria in ECO-SCHED1 but which are not listed in the PDP. I consider that this would result in a failure of Council to meet its s6(c) obligation to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna (that obligation is not restricted to areas identified in a Plan), and so recommend that the submission points be rejected.

[73] DPR-0260.069 CRC
[74] DPR-0439.018 Rayonier, DPR-0441.100 Manawa

10.41 DOC, Rayonier and Manawa[75] each request that ECO-P4 be amended so that indigenous vegetation clearance is always to be avoided, without provision to consider activities that would not adversely affect indigenous biodiversity values. To avoid adversely affecting indigenous biodiversity values at any scale is still a very high threshold to pass, and there may be instances where not allowing the clearance of indigenous vegetation, for example where the vegetation has been infected by an unwanted organism, may have greater adverse effects on biodiversity values than not allowing for it. There may also be examples where limited earthworks may occur within an SNA at a scale or in a way that would achieve the objectives. I therefore recommend that these submission points each be rejected.

10.42 HortNZ[76] request that ECO-P4 be amended to anticipate the clearance of indigenous vegetation within an SNA, where it is required to manage an unwanted organism. Considering the recommended introduction of a district-wide *Biosecurity* chapter[77] through the *Hazardous Substances and Contaminated Land* hearing, I consider that the requested amendment is appropriate to achieve the desired outcome of enabling a rapid response to an unwanted organism, but that the wording should be simplified to reflect the wording recommended for the new *Biosecurity* chapter. I therefore recommend that the submission point is accepted in part.

10.43 Transpower[78] request an amendment to ECO-P4, to distinguish that their requested new policy applies to works associated with the National Grid, rather than ECO-P4. Considering my assessment in relation to that new policy at paragraph 10.134 I recommend that the submission point be rejected.

10.44 Dairy Holdings, Craigmore and RIL[79] each request ECO-P4 be amended so that that clearance need only be avoided as far as practicable, and that where clearance does occur, there is no net loss of indigenous biodiversity. Council has a s6(c) RMA obligation to protect these areas, and the concept of 'no let loss' implies a lower threshold than not adversely affecting biodiversity values. I therefore recommend that these submission points be rejected.

10.45 WKNZTA[80] request that ECO-P4 be amended to include provision for infrastructure works, including maintenance. Considering my assessment at paragraph 10.134 of a requested new policy for important infrastructure, I recommend that this submission point be rejected.

10.46 Rayonier[81] request that ECO-P4 be amended to remove its applicability to plantation forestry, because it is uncertain how it would be applied in the context of the NES-PF. In the NES-PF definition of 'significant natural area',[82] which may be subject to district plan provisions that are more stringent than those of the NES-PF,[83] the NES-PF clearly anticipates that significant natural areas may be identified through significance criteria such as ECO-SCHED1. They need not be mapped to be

[75] DPR-0427.095 DOC, DPR-0439.018 Rayonier, DPR-0441.100 Manawa
[76] DPR-0353.127 HortNZ
[77] Right of Reply Report, Contaminated Land and Hazardous Substances
[78] DPR-0446.082 Transpower
[79] DPR-0372.046 Dairy Holdings, DPR-0388.021 Craigmore, DPR-0390.035 RIL
[80] DPR-0375.088 WKNZTA
[81] DPR-0439.018 Rayonier
[82] Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017, s3
[83] Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017, s6(2)(b)

considered significant in terms of the NES-PF. I therefore recommend that this submission point be rejected.

10.47 FFNC[84] request that ECO-P4, ECO-P5 and ECO-P6 be replaced with a single policy managing activities within or adjoining a site that meets the ECO-SCHED1 criteria. I agree that there is a high degree of overlap between the policies, and that the current wording means that areas subject to ECO-P5 and ECO-P6 may also be subject to ECO-P4, such that clarification would be beneficial. I agree with ESAI[85] that it would be inappropriate to extend the policy to areas beyond the SNA where the policy applies. On this basis, and on the basis of the other recommended amendments to ECO-P4, I recommend that the submission point relating to ECO-P4 be accepted in part.

10.48 Beef + Lamb NZ & Deer NZ[86] request that ECO-P4 be deleted as notified. Considering my recommendations above to amend ECO-P4, I recommend that the submission point be rejected.

10.49 UWRG, CDHB, Forest & Bird, EDSI[87] each request that ECO-P4 be retained as notified. Considering my recommendations above to amend ECO-P4, I recommend that the submission points be accepted in part.

Recommendations and amendments

10.50 I recommend, for the reasons given above, that the Hearings Panel amend ECO-P4 as shown in **Appendix 2** to provide better connection between this chapter and the recommended *Biosecurity* chapter, and to provide better clarity for Plan users.

10.51 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

10.52 The scale of change does not require a s32AA evaluation.

ECO-P5

Introduction

10.53 This section responds to the submission points relating to ECO-P5, which aims to protect indigenous biodiversity values relating to specified indigenous species that have been identified as being of ecological significance.

Submissions

10.54 Fourteen submission points and 17 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	094	Support In Part	Develop a transparent process outside the district plan for the identification of species and habitats that are of ecological significance.

[84] DPR-0422.145 FFNC
[85] DPR-0212.FS061 ESAI
[86] DPR-0368.009 Beef + Lamb NZ & Deer NZ
[87] DPR-0301.017 UWRG, DPR-0343.027 CDHB, DPR-0407.016 Forest & Bird, DPR-0440.011 EDSI

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0212	*ESAI*	*FS054*	*Oppose*	*Disallow in full*
DPR-0301	UWRG	018	Support In Part	Amend to include a comprehensive schedule of specified indigenous species linked to ECO-P5
DPR-0407	*Forest & Bird*	*FS326*	*Support*	*Accept the submission*
DPR-0343	CDHB	028	Support	Retain as notified
DPR-0353	HortNZ	128	Oppose	Delete as notified. Alternatively, provide evidence and amend to avoid duplication of consenting requirements.
DPR-0407	*Forest & Bird*	*FS500*	*Oppose*	*Reject the submission*
DPR-0368	Beef + Lamb NZ & Deer NZ	010	Oppose	Amend to delete 'avoid' and replace with a more appropriate term
DPR-0375	*WKNZTA*	*FS082*	*Support*	*Reword the policy to remove the term "avoid".*
DPR-0407	*Forest & Bird*	*FS433*	*Oppose*	*Reject the submission*
DPR-0372	Dairy Holdings	047	Support In Part	Amend as follows: Avoid the clearance of vegetation and earthworks, where these activities would have significant adverse effects on ~~adversely affect~~ indigenous biodiversity values relating to specified indigenous species that have been identified as being of ecological significance.
DPR-0375	WKNZTA	089	Oppose In Part	Amend Policy to include provision for infrastructure works including maintenance.
DPR-0388	Craigmore	022	Support In Part	Amend as follows: Avoid the clearance of vegetation and earthworks, where these activities would have significant adverse effects on ~~adversely affects~~ indigenous biodiversity values relating to specified indigenous species that have been identified as being of ecological significance.
DPR-0390	RIL	036	Support In Part	Amend as follows: Avoid the clearance of vegetation and earthworks, where these activities would have significant adverse effects on ~~adversely affects~~ indigenous biodiversity values relating to specified indigenous species that have been identified as being of ecological significance.
DPR-0407	Forest & Bird	017	Support In Part	Amend as follows: 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 listed in SCHED X.
DPR-0301	*UWRG*	*FS095*	*Support*	*Allow in full*
DPR-0439	*Rayonier*	*FS003*	*Oppose*	*Decline*

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0422	FFNC	146	Oppose	Delete as notified and replace with: Ensure any activity undertaken within or adjoining a site which is identified as significant under the criteria set out in ECO-SCHED 1 will maintain or enhance the significant ecological values of that site.
DPR-0212	*ESAI*	*FS062*	*Oppose In Part*	*Disallow in part where it relates to land uses beyond or adjacent to protected ecological areas and SNA's.*
DPR-0375	*WKNZTA*	*FS090*	*Oppose*	*Include an exclusion for infrastructure projects as per our original submission.*
DPR-0407	*Forest & Bird*	*FS121*	*Oppose*	*Reject the submission*
DPR-0441	*Manawa*	*FS047*	*Oppose*	*Reject*
DPR-0427	DOC	096	Oppose In Part	Amend as follows: 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~~.
DPR-0301	*UWRG*	*FS237*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS262*	*Support*	*Accept the submission*
DPR-0441	*Manawa*	*FS048*	*Oppose*	*Reject*
DPR-0441	Manawa	101	Oppose	Amend as follows: ~~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.~~
DPR-0375	*WKNZTA*	*FS098*	*Oppose*	*Reject proposed wording and further consider appropriateness of the word "avoid" in the policy.*
DPR-0407	*Forest & Bird*	*FS058*	*Support In Part*	*Reject the submission*
DPR-0446	Transpower	084	Oppose	Amend as follows: Except as provided by ECO-PX, avoid ~~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.
DPR-0375	*WKNZTA*	*FS104*	*Support In Part*	*Suggest rewording the policy to remove the word "avoid" and including an exclusion for infrastructure projects.*

Analysis

10.55 CRC[88] request that Council develop a transparent process outside the district plan for the identification of species and habitats that are of ecological significance. This work sits outside the

[88] DPR-0260.094 CRC

PDP and is already underway with the development of a Biodiversity Strategy, and so I recommend that the submission point be rejected.

10.56 Forest & Bird, UWRG and EDSI[89] each request that ECO-P5 be amended to include a reference to a new schedule, listing indigenous species that are of ecological significance, while DOC[90] requests that ECO-P5 be broadened in its applicability to all indigenous biodiversity values, not just those relating to specified indigenous species. As noted by Dr Lloyd (**Appendix 3**), in general, when specified species are referred to, then a link is made to a list of threatened species in a plan schedule, although species lists as suggested by DOC are less successful as the rarity of the species means that they are less likely to be recognized. In this case, it would appear that the policy is referring to ECO-SCHED3. The environments listed in ECO-SCHED3 are likely to meet the criteria for assessment as a significant natural area, and so be covered by recommended ECO-P4. In the event that this is not the case, clearance in these areas would be covered by recommended ECO-P3, leaving ECO-P5 unnecessary. I therefore recommend that the Forest & Bird, UWRG, EDSI and DOC submission points be rejected.

10.57 Dairy Holdings, Craigmore and RIL[91] each request that ECO-P5 be amended to avoid significant adverse effects, rather than avoiding all adverse effects. In a similar vein of being more enabling, Beef + Lamb NZ & Deer NZ[92] request that the term 'avoid' be replaced with a more appropriate term. As discussed above, I consider that the recommended changes to ECO-P3 and ECO-P4 are such that ECO-P5 is no longer required. I therefore recommend that these submission points be rejected.

10.58 FFNC[93] request that ECO-P4, ECO-P5 and ECO-P6 be replaced with a single policy managing activities within or adjoining a site that meets the ECO-SCHED1 criteria. As noted above, I agree that there is a high degree of overlap between the policies. I agree with ESAI[94] that it would be inappropriate to extend the policy to areas beyond the where the policy currently applies. I therefore recommend that the submission points be accepted in part.

10.59 Transpower[95] request an amendment to ECO-P5, to distinguish that their requested new policy applies to works associated with the National Grid, rather than ECO-P4. Considering my assessment at paragraph 10.134 of a requested new policy for important infrastructure to that new policy, I recommend that the submission point be rejected.

10.60 In a similar vein, WKNZTA[96] request that the ECO-P5 be amended to include provision for infrastructure works including maintenance. Considering my assessment at paragraph 10.134 of a requested new policy for important infrastructure, I recommend that the submission point be rejected.

10.61 HortNZ[97] request that either ECO-P5 be deleted as notified, or amended to avoid duplication of consenting requirements. As a policy, ECO-P5 does not itself contain any consenting requirements,

[89] DPR-0407.017 Forest & Bird, DPR-0301.018 UWRG, DPR-0440.012 EDSI
[90] DPR-0427.096 DOC
[91] DPR-0372.047 Dairy Holdings, DPR-0388.022 Craigmore. DPR-0390.036 RIL
[92] DPR-0368.010 Beef + Lamb NZ & Deer NZ
[93] DPR-0422.146 FFNC
[94] DPR-0212.FS062 ESAI
[95] DPR-0446.084 Transpower
[96] DPR-0375.089 WKNZTA
[97] DPR-0353.128 HortNZ

and while a policy can lead to a number of rules, a rule can also respond to a number of policies. I recommend that the submission point be accepted in part for the reasons discussed above.

10.62 Manawa[98] requests that ECO-P5 be deleted as notified. I recommend that the submission point be accepted.

10.63 CDHB[99] requests that ECO-P5 be retained as notified. Considering my recommendations above, I recommend that the submission point be rejected.

Recommendations and amendments

10.64 I recommend, for the reasons given above, that the Hearings Panel delete ECO-P5 as shown in **Appendix 2** as a consequence of the recommended amendments to ECO-P3 and ECO-P4, to avoid unnecessary duplication within the PDP.

10.65 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

10.66 The scale of change does not require a s32AA evaluation.

ECO-P6

Introduction

10.67 This section responds to the submission points relating to ECO-P6, protecting habitats of specified indigenous fauna that have been identified as being of ecological significance.

Submissions

10.68 Thirteen submission points and 23 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	178	Support In Part	Develop a transparent process outside the district plan for the identification of species and habitats that are of ecological significance.
DPR-0301	UWRG	019	Support In Part	Amend as follows: Protect the habitats of specified indigenous fauna that have been identified as being of ecological significance, by ~~managing~~ avoiding activities that would adversely affect those habitats
DPR-0407	*Forest & Bird*	*FS327*	*Support*	*Accept the submission*
DPR-0446	*Transpower*	*FS019*	*Oppose*	*Disallow the submission.*
DPR-0343	CDHB	029	Support	Retain as notified
DPR-0368	Beef + Lamb NZ & Deer NZ	011	Support	Retain as notified.

[98] DPR-0441.101 Manawa
[99] DPR-0343.028 CDHB

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0407	*Forest & Bird*	*FS434*	*Oppose*	*Reject the submission*
DPR-0372	Dairy Holdings	048	Neither Support Nor Oppose	Retain as notified
DPR-0390	RIL	037	Support	Retain as notified.
DPR-0407	Forest & Bird	019	Support In Part	Amend as follows: Protect the habitats of specified indigenous fauna that have been identified as being of ecological significance, by ~~managing~~ avoiding activities that would adversely affect those habitats listed in SCHED X or identified on overlay X (as appropriate).
DPR-0301	*UWRG*	*FS097*	*Support*	*Allow in full*
DPR-0422	*FFNC*	*FS072*	*Oppose*	*Disallow the submission point.*
DPR-0439	*Rayonier*	*FS005*	*Oppose*	*Decline*
DPR-0441	*Manawa*	*FS049*	*Oppose*	*Reject*
DPR-0422	FFNC	147	Oppose	Delete as notified and replace with: Ensure any activity undertaken within or adjoining a site which is identified as significant under the criteria set out in ECO-SCHED 1 will maintain or enhance the significant ecological values of that site.
DPR-0212	*ESAI*	*FS063*	*Oppose In Part*	*Disallow in part where it relates to land uses beyond or adjacent to protected ecological areas and SNA's.*
DPR-0407	*Forest & Bird*	*FS122*	*Oppose*	*Reject the submission*
DPR-0441	*Manawa*	*FS050*	*Oppose*	*Reject*
DPR-0427	DOC	097	Oppose In Part	Amend as follows: Protect threatened or at-risk species and the habitats of ~~specified~~ indigenous fauna ~~that have been identified as being of ecological significance~~, by managing activities that would adversely affect those habitats.
DPR-0301	*UWRG*	*FS238*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS263*	*Support*	*Accept the submission*
DPR-0441	*Manawa*	*FS051*	*Oppose*	*Reject*
DPR-0440	EDSI	013	Support In Part	Amend to include a schedule of the "specified indigenous species" referred to in ECO-P6.
DPR-0301	*UWRG*	*FS299*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS013*	*Support*	*Accept the submission*
DPR-0468	*Fish & Game*	*FS018*	*Support*	*Supports submission*
DPR-0440	EDSI	014	Support In Part	Amend as follows: Protect the habitats of specified indigenous fauna that have been identified as being of ecological significance,

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				by ~~managing~~ avoiding activities that would adversely affect those habitats.
DPR-0301	*UWRG*	*FS300*	*Support*	*Allow in full*
DPR-0375	*WKNZTA*	*FS096*	*Oppose*	*Reject the suggested wording.*
DPR-0407	*Forest & Bird*	*FS014*	*Support*	*Accept the submission*
DPR-0441	*Manawa*	*FS052*	*Oppose*	*Reject*
DPR-0468	*Fish & Game*	*FS019*	*Support*	*Supports submission*
DPR-0441	Manawa	102	Support In Part	Accept relief sought for ECO-SCHED1 And: Amend as follows: Protect the significant habitats of ~~specified~~ indigenous fauna as listed in ECO-SCHED4, ~~that have been identified as being of ecological significance,~~ by managing activities that would adversely affect those habitats. And: Add a new policy as follows: In areas that meet the criteria set out in ECO-SCHED1, where the activity would adversely affect indigenous biodiversity values, ensure that the adverse effects are remedied or mitigated while recognising the functional needs of regionally significant infrastructure.
DPR-0375	*WKNZTA*	*FS099*	*Support*	*Consider the wording proposed by the submitter so that the importance of regionally significant infrastructure is recognised.*
DPR-0446	Transpower	085	Support In Part	Amend as follows: Protect the habitats of specified indigenous fauna that have been identified as being of ecological significance, by managing the adverse effects of activities on ~~that would adversely affect~~ those habitats.
DPR-0375	*WKNZTA*	*FS105*	*Support*	*Accept the proposed wording.*

Analysis

10.69 CRC[100] request that Council develop a transparent process outside the district plan for the identification of species and habitats that are of ecological significance. For the reasons set out in relation to the same submission point on ECO-P5 I recommend that the submission point be rejected.

10.70 Forest & Bird and EDSI[101] each request that the relevant habitats be listed in a schedule or included in an overlay. The overlays relevant to this policy are the Crested Grebe Overlay and the Mudfish

[100] DPR-0260.178 CRC
[101] DPR-0407.019 Forest & Bird, DPR-0440.013 EDSI

Habitat Protection Overlay. I therefore recommend that the Forest & Bird and EDSI[102] submission points be accepted in part, with the policy amended to specify these habitats.

10.71 DOC[103] requests amendments to ECO-P6 such that it applies to threatened or at-risk species, rather than specified species. I consider that the amendment described above would better give effect to the objectives than that requested by DOC, and that the requested expansion of the policy to cover all indigenous fauna, rather than those 'of ecological significance' would dilute the policy to the extent that it would not have the desired effect. I therefore recommend that the submission point be accepted in part.

10.72 UWRG, Forest & Bird, and EDSI[104] each request that ECO-P6 be amended to require that activities that would adversely affect habitats be avoided, rather than managed. Activities that adversely affect habitats may be appropriate in some circumstance, and so I consider that 'manage' rather than 'avoid' is appropriate, I therefore recommend that these submission points be rejected.

10.73 Transpower[105] requests that the focus of ECO-P6 be amended from managing activities to managing the effects of activities. I consider that this would assist user understanding of the outcomes sought by the Plan, and recommend that the submission point be accepted.

10.74 Manawa[106] requests amendments to ECO-P6 so that it only applies to SNAs listed in ECO-SCHED4. and the inclusion of a new policy for regionally significant infrastructure. As noted above, ECO-P6 was intended to apply to the Crested Grebe Overlay and the Mudfish Habitat Protection Overlay, not to all SNAs listed in ECO-SCHED4. Considering my assessment at paragraph 10.134 of a requested new policy for important infrastructure, I recommend that the submission point be rejected.

10.75 FFNC[107] request that ECO-P4, ECO-P5 and ECO-P6 be replaced with a single policy managing activities within or adjoining a site that meets the ECO-SCHED1 criteria. I agree that there is a high degree of overlap between the policies, and that the current wording means that areas subject to ECO-P5 and ECO-P6 may also be subject to ECO-P4, such that clarification would be beneficial. I agree with ESAI[108] that it would be inappropriate to extend the policy to areas beyond the where the policy currently applies. I therefore recommend that the submission point be accepted in part.

10.76 CDHB, Beef + Lamb NZ & Deer NZ, Dairy Holdings, and RIL[109] each request that ECO-P6 be retained as notified. Considering my recommendations above, I recommend that these submission points be accepted in part.

Recommendations and amendments

10.77 I recommend, for the reasons given above, that the Hearings Panel amend ECO-P6 as shown in **Appendix 2** to give better effect to the objectives of the Plan.

[102] DPR-0407.019 Forest & Bird, DPR-0440.013 EDSI
[103] DPR-0427.097 DOC
[104] DPR-0301.019 UWRG, DPR-0407.019 Forest & Bird DPR-0440.013 EDSI
[105] DPR-0446.085 Transpower
[106] DPR-0441.102 Manawa
[107] DPR-0422.147 FFNC
[108] DPR-0212.FS063 ESAI
[109] DPR-0343.029 CDHB, DPR-0368.011 Beef + Lamb NZ & Deer NZ, DPR-0372.048 Dairy Holdings, DPR-0390.037 RIL

10.78 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

10.79 The scale of change does not require a s32AA evaluation.

ECO-P7

Introduction

10.80 This section responds to the submission points relating to ECO-P7, relating to the use of Biodiversity Management Plans.

Submissions

10.81 Twelve submission points and nine further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0168	P Godfrey	004	Oppose	Amend to provide incentives to aid landowners in preserving, maintaining and enhancing natural indigenous habitats.
DPR-0233	CBS	006	Oppose In Part	Not specified.
DPR-0301	*UWRG*	*FS027*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS357*	*Support*	*Accept the submission*
DPR-0260	CRC	070	Support	Retain as notified.
DPR-0301	*UWRG*	*FS044*	*Support*	*Allow*
DPR-0301	UWRG	020	Support	Retain as notified.
DPR-0407	*Forest & Bird*	*FS328*	*Support*	*Accept the submission*
DPR-0343	CDHB	030	Support	Retain as notified
DPR-0353	HortNZ	129	Oppose	Delete as notified. Alternatively, provide evidence and amend to avoid duplication of consenting requirements.
DPR-0407	*Forest & Bird*	*FS501*	*Oppose*	*Reject the submission*
DPR-0368	Beef + Lamb NZ & Deer NZ	012	Support	Retain as notified.
DPR-0407	*Forest & Bird*	*FS435*	*Oppose*	*Reject the submission*
DPR-0372	Dairy Holdings	049	Support	Retain as notified
DPR-0390	RIL	038	Support	Retain as notified.
DPR-0407	Forest & Bird	021	Support In Part	Amend as follows: Encourage the use of Biodiversity Management Plans <u>in addition to ECO-SCHED4</u>, that are prepared in accordance with ECO-SCHED2, to manage land use activities, where the activities are integrated with the

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				comprehensive identification, sustainable management, and protection of indigenous biodiversity values.
DPR-0301	*UWRG*	*FS099*	*Support*	*Allow in full*
DPR-0427	*DOC*	*FS017*	*Support*	*Decision not specified*
DPR-0422	FFNC	148	Oppose	Delete as notified and replace with: Notwithstanding policies ECO P3 to P5, enable activities and any associated removal of indigenous vegetation which are provided for or identified as appropriate for a particular site or property within a management plan for the site or property which has been prepared: a. in accordance with an approved environmental accreditation programme; or (ii) prepared by an appropriately qualified ecologist; or, b. in the case of a site which is subject to a protective covenant, has been approved by the covenantor.
DPR-0407	*Forest & Bird*	*FS123*	*Oppose*	*Reject the submission*
DPR-0441	Manawa	103	Support	Retain as notified

Analysis

10.82 P Godfrey[110] requests that ECO-P7 be amended to provide incentives to aid landowners in preserving, maintaining and enhancing natural indigenous habitats. The consideration of such incentives forms part of the Biodiversity Strategy currently being developed by Council, and sit outside the district plan framework. I therefore recommend that the submission point be rejected.

10.83 HortNZ[111] requests that ECO-P7 be deleted as notified, or that it be amended to avoid duplication of consenting requirements, while FFNC[112] requests that ECO-P7 be deleted and replaced with a policy that references management plans prepared: in accordance with an approved environmental accreditation programme; by an appropriately qualified ecologist; or where the land is subject to a protective covenant, has been approved by the covenanter. I do not consider that the policy is necessary. Biodiversity Management Plans are used in the PDP as thresholds in rules – a less restrictive activity status applies where one has been prepared in accordance with ECO-SCHED2. A policy to encourage their use is therefore not required and so I recommend that the submission points each be accepted in part.

10.84 CBS[113] and Forest & Bird[114] each request changes to ECO-P7. Considering my recommendations above, I recommend that these submission points be rejected.

[110] DPR-0168.004 P Godfrey
[111] DPR-0353.129 HortNZ
[112] DPR-0422.148 FFNC
[113] DPR-0233.006 CBS
[114] DPR-0407.021 Forest & Bird

10.85 CRC, UWRG, CDHB, Beef + Lamb NZ & Deer NZ, Dairy Holdings, RIL and Manawa[115] each request that ECO-P7 be retained as notified. Considering my recommendations above, I recommend that these submission points be rejected.

Recommendation and amendments

10.86 I recommend, for the reasons given above, that the Hearings Panel delete ECO-P7 as notified.

10.87 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

10.88 The associated section 32AA assessment is located at the end of Section 10 of this report.

ECO-P8

Introduction

10.89 This section responds to the submission points relating to ECO-P8, regarding biodiversity offsets.

Submissions

10.90 Thirteen submission points and 13 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	071	Support	Retain as notified.
DPR-0301	*UWRG*	*FS045*	*Support*	*Allow*
DPR-0343	CDHB	031	Support	Retain as notified
DPR-0353	HortNZ	130	Support	Retain as notified
DPR-0407	*Forest & Bird*	*FS502*	*Oppose*	*Reject the submission*
DPR-0367	Orion	054	Support	Retain as notified.
DPR-0407	*Forest & Bird*	*FS623*	*Oppose*	*Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.*
DPR-0368	Beef + Lamb NZ & Deer NZ	013	Support	Retain as notified.
DPR-0407	*Forest & Bird*	*FS436*	*Oppose*	*Reject the submission*
DPR-0372	Dairy Holdings	050	Support In Part	Amend as follows: Consider biodiversity offsets as part of resource consent applications ~~only~~ where residual adverse effects cannot otherwise be avoided, remedied or mitigated, and the offset will achieve ~~at least~~ no net loss of indigenous biodiversity, and where the biodiversity offset is consistent with the framework detailed in ECO-SCHED5.

[115] DPR-0260.070 CRC, DPR-0301.020 UWRG, DPR-0343.030 CDHB, DPR-0368.012 Beef + Lamb NZ & Deer NZ, DPR-0372.049 Dairy Holdings, DPR-0390.038 RIL, DPR-0441.103 Manawa

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0388	Craigmore	023	Support In Part	Amend as follows: Consider biodiversity offsets as part of resource consent applications ~~only~~ where residual adverse effects cannot otherwise be avoided, remedied or mitigated, and the offset will achieve ~~at least~~ no net loss of indigenous biodiversity, and where the biodiversity offset is consistent with the framework detailed in ECO-SCHED5.
DPR-0390	RIL	040	Support In Part	Amend as follows: Consider biodiversity offsets as part of resource consent applications ~~only~~ where residual adverse effects cannot otherwise be avoided, remedied or mitigated, and the offset will achieve ~~at least~~ no net loss of indigenous biodiversity, and where the biodiversity offset is consistent with the framework detailed in ECO-SCHED5.
DPR-0422	FFNC	149	Support In Part	Delete as notified and replace with: Enable biodiversity offsets to be used as a tool to mitigate adverse effects of an activity on indigenous biodiversity provided: (i) The activity does not involve off-setting destruction of a site which meets the criteria for significance set out in ECO-SCHED 1; and (ii) Any biodiversity offset meets the criteria set out in ECO-SCHED 5.
DPR-0407	*Forest & Bird*	*FS124*	*Oppose In Part*	*Reject the submission accept to the extent that offsetting is not generally available where adverse effects are to be avoided to ensure the protection of an area that meets the significance criteria ECO-SCHED 1.*
DPR-0427	DOC	098	Oppose In Part	Amend as follows: Only consider ~~Consider~~ biodiversity offsets as part of resource consent applications ~~only~~ where: a. residual adverse effects cannot otherwise be avoided, remedied or mitigated, and b. the residual adverse effects on biodiversity are capable of being offset and will be fully compensated by the ~~offset will achieve at least~~ to ensure no net loss of indigenous biodiversity, or preferably a net gain, and c. where the biodiversity offset is consistent with the framework detailed in ECO-SCHED5.
DPR-0301	*UWRG*	*FS239*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS264*	*Support*	*Accept the submission*
DPR-0441	*Manawa*	*FS053*	*Oppose*	*Reject*
DPR-0441	Manawa	104	Support In Part	Amend as follows: Consider biodiversity offsets as part of resource consent applications only where significant residual adverse effects cannot otherwise be avoided, remedied or mitigated, and the offset will achieve ~~at least~~ no net loss

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				of indigenous biodiversity, and where the biodiversity offset is consistent with the framework detailed in ECO-SCHED5.
DPR-0407	*Forest & Bird*	*FS059*	*Oppose*	*Reject the submission*
DPR-0446	Transpower	086	Support In Part	Amend as follows: Consider biodiversity offsets, where offered, as part of resource consent applications or notices of requirement for a designation only where residual adverse effects cannot otherwise be avoided, remedied or mitigated, and the offset will achieve at least no net loss of indigenous biodiversity, and where the biodiversity offset is consistent with the framework detailed in ECO-SCHED5.
DPR-0375	*WKNZTA*	*FS106*	*Support*	*Accept proposed amendment.*
DPR-0468	Fish & Game	009	Oppose	Not specified
DPR-0301	*UWRG*	*FS313*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS372*	*Support*	*Accept the submission*
DPR-0441	*Manawa*	*FS054*	*Oppose*	*Reject*

Analysis

10.91 DOC[116] request that ECO-P8 be amended so that biodiversity offsetting is only used where the residual adverse effects on biodiversity are capable of being offset and will be fully compensated to ensure no net loss of biodiversity, and preferably a net gain. I consider that introducing a requirement to consider whether offsetting would be likely to actually achieve the desired outcome is a practical clarification that may also address the concern raised by Fish & Game[117] that very few places in Selwyn would be suitable for biodiversity offsetting. I consider that the DOC request to prefer a net gain in indigenous biodiversity is problematic. The requested wording would create uncertainty for decision makers as it is unclear if an application is acceptable if there is only no net loss, or if there is a requirement to go beyond that. I therefore recommend that the DOC submission point be accepted in part.

10.92 I consider that the requested amendments are practical clarifications of how biodiversity offsetting is intended to be used, and so recommend that the submission point be accepted in part.

10.93 Dairy Holdings, Craigmore and RIL[118] each request that ECO-P8 be amended so that biodiversity offsets can be considered in a wider set of circumstances, and that reference to 'at least no net loss' be replaced with reference to 'no net loss'. The phrase 'at least no let loss' is more consistent with the 'maintain and enhance' requirements of the Act and so I recommend that these submission points each be rejected.

[116] DPR-0427.098 DOC
[117] DPR-0468.009 Fish & Game
[118] DPR-0372.050 Dairy Holdings, DPR-0388.023 Craigmore, DPR-0390.040 RIL

10.94 Manawa[119] requests that ECO-P8 be amended so that biodiversity offsets are considered only where there are significant residual adverse effects, rather than any residual adverse effects. I consider it unlikely that offsetting is unlikely to ever be adequate to address significant residual adverse effects to a level that results in no net loss. I consider that this would unduly limit the availability of offsets and so recommend that the submission point be rejected.

10.95 Transpower[120] requests that ECO-P8 be amended so that biodiversity offsets are only considered where they are offered, and that their applicability be extended to include notices of requirement for designations, rather than just resource consent applications. I agree that there should be scope to consider the use of biodiversity offsets in association with notices of requirement for designations, but do not consider that the policy should restrict their consideration to when they have been offered by an applicant. I therefore recommend that the submission point be accepted in part.

10.96 FFNC[121] request that ECO-P8 be replaced with a policy that allows biodiversity offsetting to be used in any circumstance, provided that offsetting destruction of an SNA is not proposed, and provided that the criteria in ECO-SCHED5 are met. I consider that this could result in biodiversity offsets being considered the first resort rather than the last with effects that could be avoided, remedied or mitigated being proposed to be offset rather than addressed, and so recommend that the submission point be rejected.

10.97 Fish & Game[122] consider that that many landscapes and species are so rare that biodiversity offsetting simply does not work, and that very few places in Selwyn would be suitable for biodiversity offsetting. This does not negate the fact that there may be instances where biodiversity offsetting may be appropriate, and so I recommend that the submission point be rejected.

10.98 CRC, CDHB, HortNZ, Orion, and Beef + Lamb NZ & Deer NZ[123] each request that ECO-P8 be retained as notified. Considering my recommendations above, I recommend that these submission points be accepted in part.

Recommendations and amendments

10.99 I recommend, for the reasons given above, that the Hearings Panel amend ECO-P8 as shown in **Appendix 2** to provide better clarity for Plan users.

10.100 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

10.101 The scale of change does not require a s32AA evaluation.

[119] DPR-0441.104 Manawa
[120] DPR-0446.086 Transpower
[121] DPR-0422.149 FFNC
[122] DPR-0468.009 Fish & Game
[123] DPR-0260.071 CRC, DPR-0343.031 CDHB, DPR-0353.130 HortNZ, DPR-0367.054 Orion, DPR-0368.013 Beef + Lamb NZ & Deer NZ

ECO-P9

Introduction

10.102 This section responds to the submission points relating to ECO-P9, which addresses the removal of indigenous vegetation for mahinga kai purposes.

Submissions

10.103 Five submission points and three further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	072	Support In Part	Amend as follows: Enable the removal of indigenous vegetation for mahinga kai purposes in accordance with tikanga protocol.
DPR-0301	*UWRG*	*FS046*	*Support*	*Allow*
DPR-0343	CDHB	032	Support	Retain as notified
DPR-0372	Dairy Holdings	051	Neither Support Nor Oppose	Retain as notified
DPR-0422	FFNC	150	Oppose	Delete as notified.
DPR-0427	DOC	099	Support	Retain as notified.
DPR-0301	*UWRG*	*FS240*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS265*	*Support*	*Accept the submission*

Analysis

10.104 CRC[124] request that ECO-P9 be amended to require the vegetation removal to be undertaken in accordance with tikanga protocol. Mahinga kai is defined as including *the work (mahi), methods and cultural activities involved in obtaining foods and resources carried out by Ngāi Tahu whānui for the purpose of sustaining and harvesting food resources and other cultural materials in accordance with tikanga*. Because reference to tikanga is made in the definition, I do not consider that the amendment is required. I therefore recommend that the submission point be rejected.

10.105 FFNC[125] request that ECO-P9 be deleted as notified, on the basis that such clearance would be addressed through their requested amended policies. ECO-P9 directly addresses s6(e) RMA, and I consider it appropriate to retain a separate policy to address this matter of national importance. I therefore recommend that the submission point be rejected.

10.106 CDHB, Dairy Holdings, and DOC[126] each request that ECO-P9 be retained as notified. Considering my recommendation above, I recommend that these submission points be accepted.

[124] DPR-0260.072 CRC
[125] DPR-0422.150 FFNC
[126] DPR-0343.032 CDHB, DPR-0372.051 Dairy Holdings, DPR-0427.099 DOC

Recommendations

10.107 I recommend, for the reasons given above, that the Hearings Panel retain ECO-P9 as notified.

10.108 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

ECO-P10

Introduction

10.109 This section responds to the submission points relating to ECO-P10, which relates to the use of non-statutory options and protection mechanisms to protect, create, and enhance indigenous biodiversity and mahinga kai values.

Submissions

10.110 Six submission points and four further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	073	Support	Retain as notified.
DPR-0301	*UWRG*	*FS047*	*Support*	*Allow*
DPR-0301	UWRG	021	Support	Retain as notified.
DPR-0407	*Forest & Bird*	*FS329*	*Support*	*Accept the submission*
DPR-0343	CDHB	033	Support	Retain as notified
DPR-0372	Dairy Holdings	052	Neither Support Nor Oppose	Retain as notified
DPR-0390	RIL	039	Support	Retain as notified.
DPR-0427	DOC	100	Oppose In Part	Amend as follows: Encourage the protection, enhancement and restoration of indigenous biodiversity by: ~~and~~ 1.supporting Nga Rūnanga, landowners/land managers and the community ~~to protect, create, and enhance indigenous biodiversity and mahinga kai values~~, through cooperation and a range of non-statutory options and protection mechanisms. 2. Consider the use of incentives for protection of areas of significant indigenous vegetation and significant habitats; 3. Support community initiatives; 4. Promote 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.
DPR-0301	*UWRG*	*FS241*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS266*	*Support*	*Accept the submission*

Analysis

10.111 DOC[127] request that ECO-P10 be amended to focus on the outcome sought (the protection, enhancement and restoration of indigenous biodiversity), and to expand on the types of non-statutory options and protection mechanisms that might be considered. I consider that some minor grammatical amendments would be required, but that the proposed amendments would improve certainty and clarity for plan users by providing examples of what might be considered. I therefore recommend that the submission point be accepted in part.

10.112 CRC, UWRG, CDHB, Dairy Holdings and RIL[128] each request that ECO-P10 be retained as notified. Considering my recommendation above, I recommend that these submission points be accepted in part.

Recommendations and amendments

10.113 I recommend, for the reasons given above, that the Hearings Panel amend ECO-P10 to provide better certainty and clarity for plan users.

10.114 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

10.115 The scale of change does not require a s32AA evaluation.

ECO-P11

Introduction

10.116 This section responds to the submission points relating to ECO-P11, which relates to pest tree and plant species.

Submissions

10.117 Nine submission points and 8 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0168	P Godfrey	005	Support In Part	Not specified.
DPR-0233	CBS	007	Support In Part	Not specified.
DPR-0301	*UWRG*	*FS028*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS358*	*Support*	*Accept the submission*
DPR-0260	CRC	074	Support	Retain as notified.
DPR-0301	*UWRG*	*FS048*	*Support*	*Allow*
DPR-0301	UWRG	022	Support	Retain as notified.
DPR-0407	*Forest & Bird*	*FS330*	*Support*	*Accept the submission*
DPR-0343	CDHB	034	Support	Retain as notified

[127] DPR-0427.100 DOC
[128] DPR-0260.073 CRC, DPR-0301.021 UWRG, DPR-0343.033 CDHB, DPR-0372.052 Dairy Holdings, DPR-0390.039 RIL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0372	Dairy Holdings	053	Support	Retain as notified
DPR-0407	Forest & Bird	022	Support In Part	Amend as follows: Avoid planting pest tree and plant species identified in the CRPMP or the NPPA that adversely would affect indigenous biodiversity values.
DPR-0301	*UWRG*	*FS100*	*Support*	*Allow in full*
DPR-0422	*FFNC*	*FS073*	*Support*	*Allow the submission point.*
DPR-0422	FFNC	151	Oppose In Part	Amend as follows: Avoid planting ~~pest~~ exotic tree ~~and plant~~ species that would affect indigenous biodiversity values and/or are prone to wilding spread in hill and high country areas.
DPR-0427	DOC	101	Oppose In Part	Amend as follows: Avoid planting pest tree and plant species ~~that would affect indigenous biodiversity values~~.
DPR-0301	*UWRG*	*FS242*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS267*	*Support*	*Accept the submission*

Analysis

10.118 P Godfrey[129] considers that pest plant lists should be created and freely available, and that Councils should not fund the planting of non-native species. No amendment to the policy is requested and the other requested actions sit outside the PDP, and so I recommend that the submission point be rejected.

10.119 CBS[130] considers that planting pest species makes no sense for the future. No amendment to the policy is requested, and so I recommend that the submission point be rejected.

10.120 Forest & Bird[131] request that ECO-P11 be strengthened by linking to the Canterbury Regional Pest Management Plan or the National Pest Plant Accord and considers that this would keep the plan current with changes to these documents. However, linking to either document would require linking to a specific version of that document and any updates would need to be followed by a Schedule 1 plan change process to update the PDP to reflect that new version. I therefore recommend that the submission point be rejected.

10.121 FFNC and DOC[132] have similar concerns about ECO-P11 perhaps not capturing the intent of the policy in the way it is worded. FFNC note that the Biosecurity Act already prevents the planting or propagating of species identified as a pest in the Regional Pest Management Plan, while DOC note that pest species can have adverse effects beyond indigenous biodiversity values, which FFNC specifically identify as wilding tree spread. While this is correct, the *Ecosystems and Indigenous Biodiversity* chapter is limited to considering effects on ecosystems and indigenous biodiversity.

[129] DPR-0168.005 P Godfrey
[130] DPR-0233.007 CBS
[131] DPR-0407.022 Forest & Bird
[132] DPR-0422.151 FFNC, DPR-0427.101 DOC

Managing vegetation planning for landscape reasons is assessed in the s42A report for the *Natural Features and Landscapes* chapter. I therefore recommend that the submission points be rejected.

10.122 CRC, UWRG, CDHB and Dairy Holdings[133] each request that ECO-P11 be retained as notified. Considering my recommendations above, I recommend that these submission points be accepted.

Recommendations

10.123 I recommend, for the reasons given above, that the Hearings Panel retain ECO-P11 as notified.

10.124 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

New policies requested

Introduction

10.125 This section responds to the submission points requesting that new policies be added to the *Ecosystems and indigenous biodiversity* chapter.

Submissions

10.126 Eleven submission points and 28 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0367	Orion	055	New	Neither Support Nor Oppose	Insert as follows: Provide for small scale, low impact indigenous vegetation clearance where it will enable the continued use of and the maintenance of existing important infrastructure.
DPR-0375	*WKNZTA*	*FS080*	*New*	*Support*	*Consider inclusion of the policy (though maybe subject to different wording).*
DPR-0407	*Forest & Bird*	*FS041*	*New*	*Oppose*	*Reject the submission*
DPR-0446	*Transpower*	*FS030*	*New*	*Support*	*Allow the submission.*
DPR-0367	Orion	056	New	Neither Support Nor Oppose	Insert new policy as follows: Recognise that locational, operational and technical requirements of new or upgrades to, utilities or important infrastructure operated by network utility operators may necessitate the removal of indigenous vegetation and habitats of indigenous fauna within all ECO overlay areas.
DPR-0375	*WKNZTA*	*FS081*	*New*	*Support*	*Consider inclusion subject to amended wording to provide for all infrastructure including Waka Kotahi assets.*

[133] DPR-0260.074 CRC, DPR-0301.022 UWRG, DPR-0343.034 CDHB, DPR-0372.053 Dairy Holdings

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0407	*Forest & Bird*	*FS042*	*New*	*Oppose*	*Reject the submission*
DPR-0446	*Transpower*	*FS031*	*New*	*Support*	*Allow the submission.*
DPR-0375	WKNZTA	090	New	Neither Support Nor Oppose	Insert a new policy which recognises and provides for infrastructure within ecosystems and areas of indigenous biodiversity.
DPR-0372	*Dairy Holdings*	*FS049*	*New*	*Support*	*Accept the submission.*
DPR-0390	*RIL*	*FS008*	*New*	*Support*	*Accept the submission.*
DPR-0422	FFNC	204	New	Neither Support Nor Oppose	Insert new policy as follows: Incentivise subdivision in the Rural Zone, where there is the legal and physical protection of Significant Natural Areas, provided the areas are of a suitable size and quality to achieve a functioning ecosystem.
DPR-0407	*Forest & Bird*	*FS133*	*New*	*Oppose In Part*	*Accept the new policy in part, as follows:* *New Policy SUB-Px: Promote the legal and physical protection of Significant Natural Areas where subdivision is proposed in the Rural Zone.*
DPR-0422	FFNC	298	New	Support In Part	Insert a new policy as follows: Manage activities which may have a moderate or significant impact on indigenous biodiversity to ensure: 1. The ecological integrity and value of sites which meet the criteria for significance in SCIB-SCHED 1 are protected; and 2. Any loss of indigenous biodiversity in other areas is offset through appropriate restoration or enhancement works in the same location, in accordance with ECO-P5.
DPR-0375	*WKNZTA*	*FS092*	*New*	*Oppose*	*That Council consider the wording proposed by the applicant and its relationship to infrastructure providers.*
DPR-0427	DOC	102	New	Neither Support Nor Oppose	Insert new policy as follows: Manage the clearance of indigenous vegetation within 20 metres of water bodies, and ensure that such clearance does not create or contribute to erosion, or reduce natural character and indigenous biodiversity values of riparian corridors.
DPR-0212	*ESAI*	*FS068*	*New*	*Oppose*	*Disallow in full*

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0301	*UWRG*	*FS243*	*New*	*Support*	*Allow in full*
DPR-0372	*Dairy Holdings*	*FS069*	*New*	*Oppose*	*Reject the submission.*
DPR-0390	*RIL*	*FS015*	*New*	*Oppose*	*Reject the submission.*
DPR-0407	*Forest & Bird*	*FS268*	*New*	*Support*	*Accept the submission*
DPR-0422	*FFNC*	*FS016*	*New*	*Oppose*	*Disallow the submission point*
DPR-0468	*Fish & Game*	*FS031*	*New*	*Support*	*Supports proposed amendment*
DPR-0427	DOC	103	New	Support	Insert new policy as follows: Only consider biodiversity compensation where: 1. the compensation is proposed to address residual adverse effects after taking steps to first: a. avoid adverse effects; then b. minimise adverse effects as far as practicable; by 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 environmental 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
DPR-0301	*UWRG*	*FS244*	*New*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS020*	*New*	*Oppose In Part*	*Reject the submission unless adequate policy direction is included to address the concerns set out in the reasons for this further submission.*
DPR-0422	*FFNC*	*FS017*	*New*	*Neither Support Nor Oppose*	*That any development or changes to the general rural zone provides the opportunity for FFNZ involvement.*
DPR-0441	Manawa	100	ECO-P4	Support In Part	Accept relief sought for ECO-SCHED1 And: Amend as follows: Avoid the clearance of indigenous vegetation, and any earthworks or plantation forestry within scheduled

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					Significant Natural Areas. ~~and those other areas that meet the criteria set out in ECO-SCHED1, where the activity would adversely affect indigenous biodiversity values~~ And: Add a new policy as follows: In areas that meet the criteria set out in ECO-SCHED1, where the activity would adversely affect indigenous biodiversity values, ensure that the adverse effects are remedied or mitigated while recognising the functional needs of regionally significant infrastructure
DPR-0375	*WKNZTA*	*FS097*	*ECO-P4*	*Oppose In Part*	*Suggest rewording the policy to remove the word "avoid".*
DPR-0407	*Forest & Bird*	*FS057*	*ECO-P4*	*Oppose*	*Reject the submission*
DPR-0441	Manawa	102	ECO-P6	Support In Part	Accept relief sought for ECO-SCHED1 And: Amend as follows: Protect the significant habitats of ~~specified~~ indigenous fauna as listed in ECO-SCHED4, ~~that have been identified as being of ecological significance,~~ by managing activities that would adversely affect those habitats. And: Add a new policy as follows: In areas that meet the criteria set out in ECO-SCHED1, where the activity would adversely affect indigenous biodiversity values, ensure that the adverse effects are remedied or mitigated while recognising the functional needs of regionally significant infrastructure.
DPR-0375	*WKNZTA*	*FS099*	*ECO-P6*	*Support*	*Consider the wording proposed by the submitter so that the importance of regionally significant infrastructure is recognised.*
DPR-0446	Transpower	083	New	Neither Support Nor Oppose	Insert a new Policy as follows: ECO-PX Seek to avoid adverse effects of the development and upgrade of the National Grid on the indigenous biodiversity values of: a. Significant Natural Areas;

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					b. those other areas that meet the criteria set out in ECO-SCHED1; c. specified indigenous species that have been identified as being of ecological significance.
DPR-0375	*WKNZTA*	*FS103*	*New*	*Support*	*Council consider further broadening this policy so that it applies to regionally significant infrastructure including WKNZTA's assets.*
DPR-0468	Fish & Game	008	New	Neither Support Nor Oppose	Add a new policy which sets out the means for identifying and scheduling SNAs that is in line with the NPS-IB.
DPR-0301	*UWRG*	*FS312*	*New*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS371*	*New*	*Support*	*Accept the submission*
DPR-0422	*FFNC*	*FS138*	*New*	*Oppose*	*Disallow the submission point.*
DPR-0446	*Transpower*	*FS056*	*New*	*Neither Support Nor Oppose*	*If the submission is allowed, take a cautious approach to relying on the NPS-IB.*

Analysis

10.127 Fish & Game[134] request a new policy which sets out the means for identifying and scheduling SNAs that is in line with the draft NPS-IB. The draft NPS-IB is not yet finalised, and so it is premature to make such amendments to the PDP at this point. A future variation or plan change will likely be required to give effect to the NPS-IB, but at this time I recommend that the submission point be rejected.

10.128 FFNC[135] request that a new policy be inserted to manage activities which have a moderate or significant impact on indigenous biodiversity to ensure that SNAs are protected and that biodiversity offsets are used. I consider that the requested outcomes are already addressed by other policies, and so recommend that the submission point be rejected.

10.129 DOC[136] request that a new policy be inserted to manage the clearance of indigenous vegetation within 20 metres of water bodies, and ensure that such clearance does not create or contribute to erosion, or reduce natural character and indigenous biodiversity values of riparian corridors. This is already addressed in the provisions of the *Natural character* chapter and so I recommend that the submission point rejected.

10.130 DOC[137] request that a new policy be inserted to outline when biodiversity compensation may be considered to address residual adverse effects, in the event that managing effects on-site and

[134] DPR-0468.008 Fish & Game
[135] DPR-0422.298 FFNC
[136] DPR-0427.102 DOC
[137] DPR-0427.103 DOC

biodiversity offsets are considered insufficient. Forest & Bird[138] are concerned that such a policy may provide a pathway to granting resource consent for activities that should in fact be declined because their effects would be such that even biodiversity offsets would be insufficient. On balance, I agree with the position of Forest & Bird. It is appropriate to require activities that would have significant adverse effects on a s6 matter to pass a high bar, rather than setting a policy framework that implies that they may be appropriate. I therefore recommend that this DOC submission point[139] be rejected.

10.131 FFNC[140] consider that the protection of suitable natural features can be encouraged through incentives such as additional subdivision rights that can be granted in-situ, or transferred to another location, if the locality where the natural feature or area in question is situated is too sensitive to allow conservation lots in that location. They therefore request a policy to incentivise subdivision in the Rural Zone where SNAs are protected.

10.132 FFNC considers that the protection of suitable natural features can be encouraged through incentives such as additional subdivision rights that can be granted in-situ, or transferred to another location, if the locality where the natural feature or area in question is situated is too sensitive to allow conservation lots in that location. In such cases, they consider that it should be feasible to enable some form subdivision right, with a Transferable Development Right option, to create one or more qualifying conservation lots elsewhere, in exchange for the protection of a natural feature.

10.133 The provisions of the *Subdivision* chapter provide for flexibility in site size in the GRUZ, DPZ and MPZ where the overall residential density is maintained (SUB-R11), and a simpler process for the creation of reserves (SUB-R13) in all zones. Subdivision affected by the *Ecosystems and indigenous biodiversity* chapter provisions is subject to the objectives and policies of this chapter, and the assessment of the proposal against ECO-MAT3 would be guided by these objectives and policies. The protection of suitable areas is therefore incentivised by the applicant's desire to obtain consent and so I do not consider that the requested approach is required. I therefore recommend that the FFNC[141] submission point be rejected.

10.134 Orion, WKNZTA, Manawa and Transpower[142] each request that policies be inserted into the *Ecosystems and indigenous biodiversity* chapter to separately provide for infrastructure projects. I agree that such a policy would be appropriate, but prefer the wording shown in **Appendix 2** as ECO-PB, for consistency with the equivalent policy proposed in the s42A reports for the *Natural Features and Landscapes* and *Coastal environment* chapters. I therefore recommend that the submission points be accepted in part.

[138] DPR-0407.FS020 Forest & Bird
[139] DPR-0427.103 DOC
[140] DPR-0422.204 FFNC
[141] DPR-0422.204 FFNC
[142] DPR-0367.055, DPR-0367.056 Orion, DPR-0375.090 WKNZTA, DPR-0441.100, DPR-0441.102 Manawa, DPR-0446.083 Transpower

Recommendations and amendments

10.135 I recommend, for the reasons given above, that the Hearings Panel introduce a new policy, shown as ECO-PB in **Appendix 2**, to provide better guidance in the assessment of important infrastructure projects affected by this chapter.

10.136 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

Section 32AA evaluation

10.137 The following points evaluate the recommended changes under Section 32AA of the RMA.

Effectiveness and efficiency

10.138 The introduction of ECO-PA would be an effective and efficient way to recognizing the role of extensive, dryland pastoral systems based on low-input, low-output grazing of predominantly indigenous tussocklands and scrublands in maintaining indigenous biodiversity in the back country and on Banks Peninsula.

10.139 The introduction of ECO-PB would be an effective and efficient way to recognizing the role of important infrastructure in providing community benefit, and that there may be times where such infrastructure has an operational need or a functional need to operate in a particular place in a particular way.

Costs and benefits

10.140 The policies would work with ECO-O1 to have the benefit of enabling landowners and important infrastructure operators to make reasonable use of their land and facilities, while protecting areas that require protection.

Risk of acting or not acting

10.141 As noted in the s32 report, it is considered that there is a high level of knowledge of the issues and the need to identify and protect biodiversity values, such that there is a low risk of acting in the manner proposed.

Conclusion as to the most appropriate option

10.142 The inclusion of the additional policies is considered to be the most appropriate way to achieve objective ECO-O1, compared to the notified version.

11. Rules and Overlays, generally

Non-notification clauses

Introduction

11.1 This section responds to the submission points seeking the introduction of non-notification clauses throughout the chapter.

Submissions

11.2 Four submission points and 29 further submission points were received in relation to the insertion of specific non-notification clauses.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	405	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.
DPR-0032	*CCC*	*FS191*	*Oppose In Part*	*Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.*
DPR-0298	*Trices Road*	*FS922*	*Support*	*Accept submission*
DPR-0371	*CIAL*	*FS043*	*Support In Part*	*Accept in part*
DPR-0375	*WKNZTA*	*FS320*	*Oppose*	*Retain relevant provisions without a non-notification clause.*
DPR-0414	*Kāinga Ora*	*FS116*	*Support*	*Not Specified*
DPR-0453	*Midland & Lyttelton Ports*	*FS043*	*Support In Part*	*Accept in part*
DPR-0456	*Four Stars & Gould*	*FS012*	*Support*	*Accept submission*
DPR-0363	IRHL	430	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.
DPR-0032	*CCC*	*FS225*	*Oppose In Part*	*Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.*
DPR-0298	*Trices Road*	*FS956*	*Support*	*Accept submission*
DPR-0371	*CIAL*	*FS146*	*Support In Part*	*Accept in part*
DPR-0375	*WKNZTA*	*FS321*	*Oppose*	*Retain relevant provisions without a non-notification clause.*
DPR-0414	*Kāinga Ora*	*FS150*	*Support*	*Not Specified*
DPR-0422	*FFNC*	*FS203*	*Support In Part*	*Allow the submission on controlled activity.* *Disallow the submission point that notification is not required for all restricted discretionary applications.*

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0453	*Midland & Lyttelton Ports*	*FS144*	*Support In Part*	*Accept in part*
DPR-0456	*Four Stars & Gould*	*FS046*	*Support*	*Accept submission*
DPR-0374	RIHL	476	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.
DPR-0032	*CCC*	*FS263*	*Oppose In Part*	*Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.*
DPR-0298	*Trices Road*	*FS990*	*Support*	*Accept submission*
DPR-0371	*CIAL*	*FS077*	*Support In Part*	*Accept in part*
DPR-0375	*WKNZTA*	*FS322*	*Oppose*	*Retain relevant provisions without a non-notification clause.*
DPR-0414	*Kāinga Ora*	*FS184*	*Support*	*Not Specified*
DPR-0453	*Midland & Lyttelton Ports*	*FS077*	*Support In Part*	*Accept in part*
DPR-0456	*Four Stars & Gould*	*FS080*	*Support*	*Accept submission*
DPR-0384	RIDL	509	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.
DPR-0032	*CCC*	*FS298*	*Oppose In Part*	*Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.*
DPR-0298	*Trices Road*	*FS1017*	*Support*	*Accept submission*
DPR-0371	*CIAL*	*FS110*	*Support In Part*	*Accept in part*
DPR-0375	*WKNZTA*	*FS323*	*Oppose*	*Retain relevant provisions without a non-notification clause.*
DPR-0414	*Kāinga Ora*	*FS218*	*Support*	*Not Specified*

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0453	*Midland & Lyttelton Ports*	*FS110*	*Support In Part*	*Accept in part*
DPR-0456	*Four Stars & Gould*	*FS114*	*Support*	*Accept the submission*

Analysis

11.3 RWRL, IRHL, RIHL and RIDL[143] all request that all CON and RDIS activities be amended to insert a non-notification clause, with the result that no application would be limited or publicly notified. I recommend that the submissions be rejected because the RMA notification tests allow for non-notification where it is appropriate, or a level of notification appropriate to the application, which is a matter of fact and degree. The management of ecosystems and indigenous biodiversity can have effects that are wider than a single property, and so it would be inappropriate to prevent those who may be adversely affected by a particular proposal from having the opportunity to participate in the process.

Recommendation

11.4 I recommend, for the reasons given above, that the Hearings Panel decline to insert a non-notification clause as requested.

11.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

ECO-R1 generally – indigenous vegetation clearance and earthworks

Introduction

11.6 This section responds to the submission points relating to ECO-R1 generally, rather than specific provisions which are assessed separately below.

Submissions

11.7 Fourteen submission points and 19 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0019	S Jarvis	004	Support	Retain as notified
DPR-0032	CCC	017	Support	Retain as notified
DPR-0168	P Godfrey	003	Oppose	Amend plan to make all clearance of indigenous vegetation a restricted discretionary activity.
DPR-0441	*Manawa*	*FS055*	*Oppose*	*Reject*
DPR-0233	CBS	011	Support In Part	Amend to make all indigenous vegetation clearance a restricted discretionary activity.

[143] DPR-0358.405 RWRL, DPR-0363.430 IRHL, DPR-0374.476 RIHL, DPR-0384.509 RIDL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				Refer to original submission for full decision requested.
DPR-0301	*UWRG*	*FS032*	*Support*	*Allow in full*
DPR-0375	*WKNZTA*	*FS071*	*Oppose*	*Retain the permitted activity status for small-scale indigenous vegetation clearance, particularly in relation to road maintenance activities and network utilities.*
DPR-0381	*Coleridge Downs*	*FS005*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS362*	*Support*	*Accept the submission*
DPR-0441	*Manawa*	*FS058*	*Oppose*	*Reject*
DPR-0486	*Coleridge Downs*	*FS005*	*Oppose*	*Disallow*
DPR-0260	CRC	093	Support In Part	Delete Rules ECO-R1.8, ECO-R1.12, ECO-R1.22 and ECO-R1.24 and replace with the following: ECO-RXX Activity Status: RDIS: Indigenous vegetation clearance except where provided for in ECO-R1.4 or ECO-R1.6. Where: a. the clearance is not within a SNA; and b. the application is accompanied by a Biodiversity Management Plan which has been prepared in accordance with the requirements of ECO-SCHED2 Matters for discretion: The exercise of discretion in relation to ECO-RXX is restricted to the following matters: a. ECO-MAT1; and b. Where relevant, any effects on indigenous vegetation and habitats of indigenous fauna in the coastal environment Activity status when compliance not achieved: When compliance with ECO-R1.XX.a is not achieved: NC When compliance with ECO-R1.XX.b is not achieved: DIS
DPR-0215	*Winstone*	*FS015*	*Support In Part*	*Accept the submission in part.*
DPR-0372	*Dairy Holdings*	*FS030*	*Support*	*Accept the submission in part*
DPR-0390	*RIL*	*FS003*	*Support*	*Accept the submission in part.*
DPR-0441	*Manawa*	*FS063*	*Oppose*	*Reject*

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0299	S & J West	008	Oppose In Part	List the ECO Management Overlay: Canterbury Plains Area areas where different parts of ECO-R1 applies by zone, rather than relying on the Overlay.
DPR-0301	UWRG	043	Neither Support Nor Oppose	Mackenzie District Council Plan Change18 should assist Council in providing clearer and consistent rules around indigenous vegetation clearance.
DPR-0407	*Forest & Bird*	*FS351*	*Support*	*Accept the submission*
DPR-0345	PAR	018	Support	Retain ECO-R1 Indigenous Vegetation Clearance and Earthworks
DPR-0391	*CHAT*	*FS001*	*Support*	*We wish the submission point to be allowed in full as requested by PAR*
DPR-0407	*Forest & Bird*	*FS803*	*Oppose*	*Reject the submissions*
DPR-0353	HortNZ	137	Oppose In Part	Amend to provide clarification on which rules have immediate legal effect.
DPR-0407	*Forest & Bird*	*FS506*	*Oppose*	*Reject the submission*
DPR-0375	WKNZTA	091	Support In Part	Retain Rule in part with amendment to avoid potential confusion and better provide for the clearance of vegetation associated with infrastructure projects.
DPR-0422	FFNC	152	Oppose	Delete as notified and replace as follows: ECO-R1 Clearance of indigenous vegetation within any of the following sites: a. sites listed in ECO-SCHED4 and shown on the planning maps as an SNA; b. In the SKIZ where the clearance exceeds 5m2during any one month period; or c. Within the area shown on GRAZ-FIG 1; is a permitted activity if it complies with the following conditions: i. The indigenous vegetation clearance is ancillary to the erection, maintenance, repair or replacement of fences, walkways, firebreaks or waterway crossings or existing vehicle tracks or roads, existing dams or ponds, existing flood protection works, existing drains or existing network utilities; or ii. The vegetation is causing imminent danger to people, structures, or utilities; or iii. The clearance is required by a network utility

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				operator for the safe operation of the National Grid or for road or rail safety; or iv. The indigenous vegetation clearance is associated with mahinga kai or other customary uses undertaken in accordance with tikanga Tahu; or v. The indigenous vegetation clearance is necessary to manage fire risk; or vi. The indigenous vegetation clearance is provided for in an approved Biodiversity Management Plan for the site. ECO-R2 Clearance of indigenous vegetation on any site not described in ECO-R1 is a permitted activity if it complies with the following conditions: i. The indigenous vegetation clearance is ancillary to the erection, maintenance, repair or replacement of fences, stock or drinking water pipes, tanks or troughs, infrastructure walkways, firebreaks, waterway crossings or existing vehicle tracks or roads, existing dams or ponds, existing flood protection works, existing drains or existing network utilities; or ii. The vegetation is causing imminent danger to people, structures, or utilities; or iii. The clearance is required by a network utility operator for the safe operation of the National Grid or for road or rail safety; or iv. The indigenous vegetation clearance is associated with mahinga kai or other customary uses undertaken in accordance with tikanga Tahu; or v. The indigenous vegetation clearance is necessary to manage fire risk; or vi. The indigenous vegetation has been planted for landscaping or amenity values; or vii. The indigenous vegetation has been planted for soil erosion or flood protection, or for other purposes than biodiversity values; or viii. The indigenous vegetation has been planted specifically for the purpose of harvesting; or ix. The indigenous vegetation is within an area of improved pasture or existing plantation forestry; or x. The activity is the grazing, oversowing or topdressing of 'mixed grasslands'; or

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				xi. The clearance is ancillary to maintenance, repair or replacement of existing buildings or structures or the erection of a new structure or building which is not more than 100m^2 in gross floor area; or xii. The indigenous vegetation clearance is provided for in an approved Biodiversity Management Plan for the site. ECO-R3 Clearance of indigenous vegetation which is not permitted under rule ECO-R2 is a permitted activity if it complies with the following conditions: -The vegetation is in the Port Hills Indigenous Biodiversity Overlay and the area cleared per property does not exceed 100m^2 per hectare of indigenous vegetation in any five-year period; or -The vegetation is in the Hills and High Country Indigenous Biodiversity Overly or the Major Rivers Indigenous Biodiversity Overlay and the area cleared per property does not exceed 500m^2 per hectare of indigenous vegetation in any five-year period. ECO-R4 Clearance of indigenous vegetation which does not comply with Rule ECO-R1 is a restricted discretionary activity unless it is a non-complying activity under Rule ECO-R6. Matters for discretion: i. The reasons for the proposed indigenous vegetation clearance; ii. The effects of the proposed activity on the significant ecological values of the site; and iii. The efficacy of any proposed mitigation measures. ECO-R5 Clearance of indigenous vegetation which does not comply with rules ECO-R2 or ECO-R3 is a restricted discretionary activity. Matters of discretion: i. The ecological values of the site, including whether it meets the criteria for significance set out in ECO-SCHED 1 or contains threatened species listed in ECO-SCHED 3 ECO-R6: Indigenous vegetation clearance within

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				any site which is listed in ECO-SCHED4 and shown on the planning maps as an SNA is a non-complying activity: i. Planting of any of the species listed in ECO-TABLE1 or ECO-TABLE2; ii. Plantation forestry or orchards; iii. Erecting new buildings or structures with a floor area exceeding 100m2; or iv. Mining or quarrying;
DPR-0375	*WKNZTA*	*FS091*	*Support In Part*	*The wording proposed by the applicant needs to be considered further to ensure the rule manages the appropriate effects.*
DPR-0407	*Forest & Bird*	*FS125*	*Oppose*	*Reject the submission on ECO rules*
DPR-0439	Rayonier	021	Oppose	Amend to align with the provisions of the NES-PF.
DPR-0407	*Forest & Bird*	*FS167*	*Oppose*	*Reject the submission*
DPR-0441	Manawa	107	Support In Part	Retain the provision as notified provided that Manawa's relief sought for ECO-R1.4, ECO-R1.6, and ECO-SCHED1 are accepted.
DPR-0407	*Forest & Bird*	*FS062*	*Oppose*	*Reject the submission*

Analysis

11.8 HortNZ[144] requests that ECO-R1 be amended to provide clarification on which rules have immediate legal effect. Consistent with the whole of the PDP, those provisions that have immediate legal effect are shown with an orange gavel, and I do not consider that additional amendments are required. I therefore recommend that the submission point be rejected.

11.9 P Godfrey and CBS[145] each request that ECO-R1 be amended so that all clearance of indigenous vegetation is a RDIS activity. I consider that this would impose an unreasonable consenting burden on landowners and therefore recommend that the submission points each be rejected.

11.10 CRC[146] request that ECO-R1 be restructured so that indigenous vegetation clearance be a RDIS activity in all ECO Management Overlay areas, subject to conditions, where outside a significant natural area and where not permitted by ECO-R1.4 or ECO-R1.6. They consider that indigenous vegetation clearance within an SNA, that is not permitted by ECO-R1.6, should have NC status.

11.11 CRC contends that indigenous vegetation within the Port Hills Indigenous Biodiversity Overlay, the Hills and High Country Indigenous Biodiversity Overlay and the Major Rivers Indigenous Biodiversity Overlay is likely to meet the SNA criteria in ECO-SCHED1. They argue that permitting area-based

[144] DPR-0353.137 HortNZ
[145] DPR-0168.003 P Godfrey, DPR-0233.011 CBS
[146] DPR-0260.093 CRC

clearance in these areas is likely to undermine ECO-O1.1 and is not consistent with CRPS Policy 9.3.1, given that no SNAs have been scheduled in the Plan. They consider that a resource consent requirement in these areas would: provide an appropriate assessment of the vegetation clearance; prevent piecemeal indigenous biodiversity loss over consecutive 5-year cycles; provide more certainty for landowners; and be more practical to monitor and enforce. They contend that monitoring the clearance of permitted thresholds would make it very difficult to establish after the fact whether the vegetation cleared was significant or not. A resource consent requirement would not require a landowner to repeatedly apply for resource consent as the application would establish (in accordance with a Biodiversity Management Plan) what vegetation clearance is and isn't permissible over the duration of that consent. I agree that this would be a more useful approach. I therefore recommend that the submission point be accepted in part.

11.12 UWRG[147] request that the PDP provisions be amended for consistency with other Councils in Canterbury, noting that Mackenzie District Council Plan Change 18 may be of assistance. I agree that cross-council consistency is desirable, but note that Mackenzie Plan Change 18 is currently subject to appeal by EDSI, Forest & Bird, DOC, and Meridian Energy Ltd. As such, it is not yet settled. However, the Mackenzie District Council decision on their Plan Change 18 is similar to the CRC submission point discussed above, and so I recommend that the submission point be accepted in part.

11.13 S & J West[148] request that ECO-R1 be restructured so that indigenous vegetation clearance in the ECO Management Overlay: Canterbury Plains Area be applied by zone, rather than relying on the overlay. I agree that this would be a more useful approach and recommend that the submission point be accepted.

11.14 FFNC[149] considers that the rule structure is unnecessarily complex, with a large number of cross references to other rules, no explanation about the relationship between parts of the rule and inconsistencies between the conditions for permitted and restricted discretionary activities. They therefore request a significant restructure of ECO-R1. I agree with the need to restructure and simplify the rules, but differ as to the detail of the restructure. I therefore recommend that the submission point be accepted in part.

11.15 Rayonier[150] requests that ECO-R1 be amended to align with the NES-PF. Except for plantation forestry activities in SNAs, ECO-R1 does not manage the same activities as the NES-PF and so outside of SNAs, alignment is not required. Within SNAs, I agree that the provisions could be restructured to clarify the relationship between the *Ecosystems and indigenous biodiversity* chapter and the NES-PF, and recommend that the submission point be accepted in part. This matter is discussed in more detail at paragraph 16.55 as part of the discussion of ECO-R4.

11.16 WKNZTA[151] request that ECO-R1 be retained in part with amendment to avoid potential confusion and better provide for the clearance of vegetation associated with infrastructure projects.

[147] DPR-0301.043 UWRG
[148] DPR-0299.008 S & J West
[149] DPR-0422.152 FFNC
[150] DPR-0439.021 Rayonier
[151] DPR-0375.091 WKNZTA

Manawa[152] requests that ECO-R1 be retained as notified, provided that that their relief sought for ECO-R1.4, ECO-R1.6, and ECO-SCHED1 are accepted. ECO-R1 only applies to infrastructure projects where directly referenced by a relevant provision in the Energy, Infrastructure and Transport section of the PDP. I consider that the insertion of the recommenced new Policy ECO-P2 will avoid confusion between how the chapters interrelate, and therefore consider no amendment to ECO-R1 is required. I therefore recommend that these submission points be rejected.

11.17 S Jarvis, CCC and PAR[153] each request that ECO-R1 be retained as notified. Considering my recommendations above and those below regarding individual clauses of ECO-R1, I recommend that these submission points be accepted in part. I have reviewed these submissions in full as they relate to the *Ecosystems and indigenous biodiversity* chapter, and consider that, in principle, the proposed amendments do not conflict with their desired relief.

Recommendations and amendments

11.18 I recommend, for the reasons given above, that the Hearings Panel:

a) Amend ECO-R1, as shown as ECO-RC and ECO-RD at **Appendix 2** to provide better clarity for Plan users;
b) Make consequential amendments to ECO-R2 and ECO-R4 as shown at **Appendix 2**, to provide better clarity for Plan users about what provisions apply in what parts of the district.
c) Delete the ECO Management Overlay, with the exception of the ECO Management Overlay: Hills and High Country Area which is required in relation to ECO-R3 (see Section 19 of this report)

11.19 The amendments recommended to the rules, incorporating recommendations to individual clauses of ECO-R1 that are discussed below, are set out in a consolidated manner at the end of **Appendix 2**.

11.20 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

Section 32AA evaluation – reliance on zone-based provisions rather than an overlay

11.21 The following points evaluate the recommended changes to the provisions to manage indigenous biodiversity under Section 32AA of the RMA, particularly the recommended change to using zone-based provisions rather than the ECO Management Overlay.

Effectiveness and efficiency

11.22 Indigenous vegetation within the Port Hills Indigenous Biodiversity Overlay, the Hills and High Country Indigenous Biodiversity Overlay and the Major Rivers Indigenous Biodiversity Overlay is likely to meet the SNA criteria in ECO-SCHED1, particularly the areas identified in ECO-SCHED3. So little original indigenous vegetation remains on the Canterbury Plains that any such vegetation is likely to meet the SNA criteria in ECO-SCHED1. Permitting area-based clearance in these areas is likely to undermine ECO-O1.1 and is not consistent with CRPS Policy 9.3.1, given that the PDP does not contain a comprehensive schedule of SNAs.

[152] DPR-0441.107 Manawa
[153] DPR-0019.004 S Jarvis, DPR-0032.017 CCC, DPR-0345.018 PAR

11.23 A simplified resource consent requirement would: provide an appropriate assessment of the vegetation clearance; prevent piecemeal indigenous biodiversity loss over consecutive 5-year cycles; provide more certainty for landowners; and be more practical to monitor and enforce. Monitoring the clearance of permitted thresholds in areas where these apply would make it very difficult to establish after the fact whether the vegetation cleared was significant or not.

11.24 A resource consent requirement would not require a landowner to repeatedly apply for resource consent as the application would establish (in accordance with a Biodiversity Management Plan) what vegetation clearance is and isn't permissible under the terms of that consent. As such, I consider that the recommended amendment would be a more effective mechanism to meet Councils s6(c) obligations than the notified provisions.

Costs and benefits

11.25 Removing generic area-based clearance provisions does come with an opportunity cost to landowners, who would now be subject to restrictions based on the purpose of the clearance, rather than the size of it. However, I consider that this is outweighed by the community benefit of identifying and protecting areas of national importance.

11.26 Where consistent provisions apply regardless of where in the district a property is located, there are opportunities outside the district plan to provide incentives to landowners to recognise and protect these areas, including funding opportunities for maintenance or restoration work.

Risk of acting or not acting

11.27 On a district-wide scale, very little indigenous biodiversity remains, which makes what does remain more important. Not recognizing the importance of these areas risks losing them completely, potentially as a permitted activity.

11.28 The cost would fall on landowners to identify whether an area of indigenous vegetation they wish to clear meets the criteria to be considered 'significant' before undertaking that clearance. Certainty for landowners could be established through assessments undertaken in accordance with ECO-SCHED1 and subsequent listing of qualifying areas in ECO-SCHED4.

Conclusion as to the most appropriate option

11.29 The recommended amendment to the provisions to define, identify, and manage SNAs would be more effective and efficient than the notified provisions and would provide community benefit. Not acting could result in continued loss of areas of national importance. The amendments are therefore considered to be more appropriate in achieving the purpose of the RMA and achieving the objectives of the Ecosystems and biodiversity chapter than the notified version.

12. Zone provisions and the ECO Management Overlay generally

Introduction

12.1 This section responds to the submission points relating to the ECO Management Overlay as a whole, together with the provisions that apply in zones – ECO-R1.1 – ECO-R1.5.

Extent of the ECO Management Overlay

Introduction

12.2 This section responds to the submission points relating to the ECO Management Overlay as a whole. The Overlay covers the non-urban parts of the district, and is broken into specific areas with separate provisions to recognise their ecosystems:

- Hills and High Country Area
- Major Rivers Area
- Port Hills Area
- Canterbury Plains

Submissions

12.3 Six submission points and 8 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0101	Chorus, Spark & Vodafone	027	Oppose In Part	Request review of the mapped extent of the ECO overlay and refine as appropriate to ensure it only covers areas meeting the criteria to be included in the overlay.
DPR-0372	*Dairy Holdings*	*FS001*	*Support*	*Accept the submission.*
DPR-0390	*RIL*	*FS001*	*Support*	*Accept the submission.*
DPR-0136	L & M Stewart, L & C Townsend & R Fraser	014	Oppose	Delete the ECO Management Overlay from the land, being: - 1137 Springs Road (Lot 1 DP 335366) - 1153 Springs Road (Lot 2 DP 335366) - 1/1153 Springs Road (Lot 1 DP 67090) - 2/1153 Springs Road (Lot 2 DP 70736) Delete from other sites that do not warrant ECO status.
DPR-0176	B Macaulay & B Reid	013	Oppose	Remove the ECO (Ecosystems and Indigenous Biodiversity) Overlay from Lot 1 DP 323286, Lot 2 DP 323286, Lot 3 DP 33959, Lot 3 DP 26021 and Lot 4 DP 26021, and other sites which do not warrant ECO status.
DPR-0246	*C Robertson*	*FS014*	*Support In Part*	*Support the submission subject to the rezoning proposal providing for appropriate integration and connectivity with residential development of my land.*
DPR-0234	M Booker & A Roberts	002	Oppose In Part	Remove the ECO Management Overlay from 58 Hayes Road.
DPR-0440	EDSI	005	Oppose	All converted land/improved pasture be mapped to provide certainty for landowners as to where clearance can and cannot occur.
DPR-0301	*UWRG*	*FS291*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS005*	*Support*	*Accept the submission*
DPR-0422	*FFNC*	*FS136*	*Oppose*	*Disallow the submission point.*
DPR-0427	*DOC*	*FS022*	*Support In Part*	*Decision not specified*
DPR-0468	*Fish & Game*	*FS012*	*Support*	*Supports submission*
DPR-0458	KiwiRail	065	Support In Part	Amend ECO Management Overlay by removing the area subject to KRH-1.

Analysis

12.4 EDSI[154] request that all converted land/improved pasture be mapped to provide certainty for landowners as to where clearance can and cannot occur. That option was explored as part of the preparation of PDP provisions, but did not form part of the final preferred option, for reasons of which I am unaware. I therefore recommend that the submission point be rejected.

12.5 Chorus, Spark & Vodafone[155] request a review of the mapped extent of the Overlay to ensure that it only covers areas meeting the criteria to be included in the Overlay. L & M Stewart, L & C Townsend & R Fraser, B Macaulay & B Reid, M Booker & A Roberts, and KiwiRail[156] each request that the Overlay be removed from specific land in particular, and from other sites that do not warrant protected status in general. Following on from my recommendations in Section 11 of this report, I recommend that these submission points each be accepted.

12.6 The Overlay identifies which additional criteria apply in particular areas, and is intended to provide a level of protection to significant natural areas that have not yet been formally identified, by imposing additional limits on clearances of a type more likely to adversely affect these areas. I therefore recommend that these submission points be rejected.

Recommendation and amendments

12.7 I recommend, for the reasons given above, that the Hearings Panel those parts of the ECO Management Overlay where additional provisions are required. These are discussed further in Sections 13, 14 and 15 of this report.

12.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

ECO-R1.1 – R1.5 Zone provisions and the ECO Management Overlay

Introduction

12.9 This section responds to the submission points relating to the proposed zone-based rules for indigenous vegetation clearance and earthworks, other than relating to significant natural areas.

Submissions – ECO-R1.1 – ECO-R1.5

12.10 Thirty-seven submission points and 85 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0212	ESAI	044	Oppose In Part	Amend ECO-R1.4.h to read: .... v. has been planted as part of an ecological or enhancement restoration project and has grown in

[154] DPR-0440.005 EDSI
[155] DPR-0101.027 Chorus, Spark & Vodafone
[156] DPR-0136.014 L & M Stewart, L & C Townsend & R Fraser, DPR-0176.013 B Macaulay & B Reid, DPR-0234.002 M Booker & A Roberts, DPR-0458.065 KiwiRail

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				an area reducing or diverting natural waterbody flow; vi. has been planted as part of an ecological or enhancement restoration project and has died, fallen or shifted location due to natural processes.
DPR-0372	*Dairy Holdings*	*FS016*	*Support*	*Accept the submission.*
DPR-0375	*WKNZTA*	*FS068*	*Support*	*Only allow amendment to Plan if assessed as being appropriate.*
DPR-0441	*Manawa*	*FS056*	*Support*	*Accept*
DPR-0260	CRC	076	Support In Part	Amend ECO-R1.1.a as follows: a. Any indigenous vegetation clearance is not within a SNA ~~identified on the Planning Maps and listed in ECO-SCHED4~~ or alternatively: a. Any indigenous vegetation clearance is not within ~~a SNA identified on the Planning Maps and listed in ECO-SCHED4~~ an area identified as meeting the criteria set out in ECO-SCHED1.
DPR-0212	*ESAI*	*FS052*	*Oppose*	*Disallow in full*
DPR-0381	*Coleridge Downs*	*FS008*	*Oppose*	*Disallow*
DPR-0441	*Manawa*	*FS059*	*Oppose*	*Reject*
DPR-0486	*Coleridge Downs*	*FS008*	*Oppose*	*Disallow*
DPR-0260	CRC	077	Support In Part	Amend the conditions of ECO-R1.1 to be connected with "ands" instead of "ors", as follows: a. Any indigenous vegetation clearance is not within a SNA ~~identified on the Planning Maps and listed in ECO-SCHED4; or~~ ; and b. Any removal in the SKIZ is less than 5m^2 during a one month period; and c. Any removal in the SKIZ is associated with Controlled or Restricted Discretionary earthworks as outlined in NFL-R2; ~~or~~ and d. The indigenous vegetation clearance is not located in the GRAZ natural resource area as identified on GRAZ-FIG1.
DPR-0212	*ESAI*	*FS053*	*Oppose*	*Disallow in full*
DPR-0381	*Coleridge Downs*	*FS009*	*Oppose*	*Disallow*
DPR-0486	*Coleridge Downs*	*FS009*	*Oppose*	*Disallow*
DPR-0260	CRC	079	Support In Part	Amend ECO-R1.4.b as follows: b. the maintenance, repair or replacement of any existing ~~defence against water~~ public flood, erosion

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				or drainage works administered by a Regional or Territorial Authority.
DPR-0260	CRC	189	Support In Part	Amend ECO-R1.4 as follows: o. not located within an SNA.
DPR-0301	*UWRG*	*FS053*	*Support*	*Allow*
DPR-0441	*Manawa*	*FS064*	*Oppose*	*Reject*
DPR-0260	CRC	190	Support In Part	Delete ECO-R1.4.k as notified.
DPR-0301	*UWRG*	*FS054*	*Support*	*Allow*
DPR-0381	*Coleridge Downs*	*FS012*	*Oppose*	*Disallow*
DPR-0441	*Manawa*	*FS065*	*Oppose*	*Reject*
DPR-0486	*Coleridge Downs*	*FS012*	*Oppose*	*Disallow*
DPR-0260	CRC	191	Support In Part	Delete ECO-R1.4.m as notified.
DPR-0301	*UWRG*	*FS055*	*Support*	*Allow*
DPR-0260	CRC	192	Support In Part	Delete ECO-R1.4.n as notified.
DPR-0301	*UWRG*	*FS056*	*Support*	*Allow*
DPR-0381	*Coleridge Downs*	*FS014*	*Oppose*	*Disallow*
DPR-0441	*Manawa*	*FS070*	*Oppose*	*Reject*
DPR-0486	*Coleridge Downs*	*FS014*	*Oppose*	*Disallow*
DPR-0301	UWRG	023	Oppose In Part	Amend ECO-R1.1 to Restricted Discretionary
DPR-0381	*Coleridge Downs*	*FS094*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS331*	*Support*	*Accept the submission*
DPR-0486	*Coleridge Downs*	*FS094*	*Oppose*	*Disallow*
DPR-0301	UWRG	025	Oppose In Part	Amend ECO-1.4 to Restricted Discretionary
DPR-0375	*WKNZTA*	*FS074*	*Oppose*	*Retain the permitted activity status as notified and provide further clarity to ensure that the relevant activity status is clear.*
DPR-0381	*Coleridge Downs*	*FS095*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS333*	*Support*	*Accept the submission*
DPR-0441	*Manawa*	*FS071*	*Oppose*	*Reject*
DPR-0486	*Coleridge Downs*	*FS095*	*Oppose*	*Disallow*
DPR-0353	HortNZ	131	Support In Part	Retain ECO-R1.4 and amend the definition of indigenous vegetation clearance.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				Alternatively amend ECO-R1.4 as follows: … Where the works are: … o. indigenous vegetation clearance associated with routine maintenance of shelter belts; p. indigenous vegetation clearance of scattered trees, shrubs or regenerating bush amongst pasture or horticultural crops; or q. vegetation that is infected by an unwanted organism as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.
DPR-0375	*WKNZTA*	*FS077*	*Support*	*Amend the rule to better provide for indigenous vegetation clearance associated with infrastructure projects.*
DPR-0381	*Coleridge Downs*	*FS061*	*Support*	*Allow*
DPR-0407	*Forest & Bird*	*FS481*	*Oppose In Part*	*Reject the submission*
DPR-0486	*Coleridge Downs*	*FS061*	*Support*	*Allow*
DPR-0367	Orion	057	Support In Part	Amend as follows: 4. indigenous vegetation clearance .... f. indigenous vegetation clearance where required by a network utility operator, for the safe or efficient operation, ~~or~~ maintenance or repair of the National Grid, and any Significant Electricity Distribution Line or to remove a potential fire risk.
DPR-0407	*Forest & Bird*	*FS043*	*Support In Part*	*Accept with limits to the extent of clearance.*
DPR-0367	Orion	201	Neither Support Nor Oppose	Move ECO-R1.4.f. as amended by submission point DPR-0367.057 and insert to the EI Chapter.
DPR-0407	*Forest & Bird*	*FS770*	*Oppose*	*Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.*
DPR-0368	Beef + Lamb NZ & Deer NZ	014	Support	Retain ECO-R1.1 as notified.
DPR-0407	*Forest & Bird*	*FS437*	*Oppose*	*Reject the submission*
DPR-0368	Beef + Lamb NZ & Deer NZ	015	Oppose	Not specified for ECO-R1.2.
DPR-0407	*Forest & Bird*	*FS438*	*Oppose*	*Reject the submission*

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0368	Beef + Lamb NZ & Deer NZ	016	Support	Retain ECO-R1.4 as notified without prejudice to submissions made on SNAs, BMPs and EIB Sched3 with regards to subsection (i)
DPR-0381	*Coleridge Downs*	*FS002*	*Support*	*Allow*
DPR-0407	*Forest & Bird*	*FS439*	*Oppose*	*Reject the submission*
DPR-0486	*Coleridge Downs*	*FS002*	*Support*	*Allow*
DPR-0372	Dairy Holdings	054	Support In Part	Amend as follows: 4. Indigenous vegetation clearance Where: The works are: a. .... b. the installation, operation and maintenance of irrigation infrastructure; … within an area of improved pasture, ~~except where it is covered by ECO-R1.24b~~.
DPR-0381	*Coleridge Downs*	*FS025*	*Support*	*Allow*
DPR-0486	*Coleridge Downs*	*FS025*	*Support*	*Allow*
DPR-0381	Coleridge Downs	036	Support In Part	Retain ECO-R1.4.a, c, i, j and k as notified
DPR-0407	*Forest & Bird*	*FS543*	*Oppose*	*Reject the submission*
DPR-0388	Craigmore	024	Support In Part	Amend as follows: 4. Indigenous vegetation clearance Where: The works are: ... b. the installation, operation and maintenance of irrigation infrastructure; … i. within an area of improved pasture, ~~except where it is covered by ECO-R1.24b.~~ ...
DPR-0381	*Coleridge Downs*	*FS022*	*Support*	*Allow*
DPR-0486	*Coleridge Downs*	*FS022*	*Support*	*Allow*
DPR-0390	RIL	041	Support In Part	Amend ECO-R1.4 as follows: 4. Indigenous vegetation clearance Where: The works are: a. the maintenance, repair or replacement of existing fences, vehicle tracks, roads, walkways, firebreaks, dams, waterway crossings, or network utilities.;

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				b. the installation, operation and maintenance of irrigation infrastructure; … within an area of improved pasture, ~~except where it is covered by ECO-R1.24b.~~
DPR-0381	*Coleridge Downs*	*FS028*	*Support*	*Allow*
DPR-0486	*Coleridge Downs*	*FS028*	*Support*	*Allow*
DPR-0407	Forest & Bird	023	Support In Part	Amend as follows: 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 not within an area that meets the significance criteria in ECO-SCHED1; or ...
DPR-0301	*UWRG*	*FS101*	*Support*	*Allow in full*
DPR-0381	*Coleridge Downs*	*FS081*	*Oppose*	*Disallow*
DPR-0439	*Rayonier*	*FS007*	*Oppose*	*Decline*
DPR-0486	*Coleridge Downs*	*FS081*	*Oppose*	*Disallow*
DPR-0407	Forest & Bird	024	Support In Part	Retain ECO-R1.4.i as notified if the definition of improved pasture is changed as requested.
DPR-0301	*UWRG*	*FS102*	*Support*	*Allow in full*
DPR-0407	Forest & Bird	027	Oppose	Amend the activity status for non-compliance with ECO-R1.4.m. to NC
DPR-0301	*UWRG*	*FS105*	*Support*	*Allow in full*
DPR-0375	*WKNZTA*	*FS085*	*Oppose*	*Reject the request for a Non-Complying Activity status and include an exclusion for infrastructure projects.*
DPR-0439	*Rayonier*	*FS008*	*Oppose*	*Decline*
DPR-0407	Forest & Bird	028	Oppose	Amend the activity status for non-compliance with ECO-R1.4.n. to NC
DPR-0301	*UWRG*	*FS106*	*Support*	*Allow in full*
DPR-0375	*WKNZTA*	*FS086*	*Oppose*	*Reject the request for a Non-Complying Activity status and include an exclusion for infrastructure projects.*
DPR-0439	*Rayonier*	*FS009*	*Oppose*	*Decline*
DPR-0468	*Fish & Game*	*FS026*	*Support*	*Support proposed amendment*
DPR-0421	R & A Hill	003	Oppose In Part	Amend ECO-R1.4 as follows: 1. Indigenous vegetation clearance Where: …. e. any indigenous vegetation clearance carried out as

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				part of an approved certified biodiversity management plan in conjunction with an approved Farm Environment Plan
DPR-0301	*UWRG*	*FS070*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS420*	*Oppose*	*Reject the submission*
DPR-0427	DOC	104	Oppose	Delete ECO-R1.1 as notified.
DPR-0301	*UWRG*	*FS245*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS269*	*Support*	*Accept the submission*
DPR-0427	DOC	105	Support	Consequential amendments to ECO-R1.2 in relation to relief sought on ECO-R1.1.
DPR-0301	*UWRG*	*FS246*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS270*	*Support*	*Accept the submission*
DPR-0427	DOC	106	Oppose	Amend ECO-R1.4 permitted activity to include conditions covering the following: - appropriate area thresholds applying to all permitted works; - exclusions applying to a threatened species list; and - excluding clearance within sensitive ecosystems listed in ECO-SCHED3 – Indigenous Species and Areas Lists.
DPR-0301	*UWRG*	*FS247*	*Support*	*Allow in full*
DPR-0375	*WKNZTA*	*FS093*	*Support In Part*	*Include an exclusion for infrastructure projects as per our original submission.*
DPR-0407	*Forest & Bird*	*FS271*	*Support*	*Accept the submission*
DPR-0427	DOC	107	Oppose	Delete condition ECO-R1.4.l. as notified.
DPR-0301	*UWRG*	*FS248*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS272*	*Support*	*Accept the submission*
DPR-0437	The Stations	004	Oppose In Part	Amend as follows: 4. Indigenous vegetation clearance ... 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~~ 800m² per hectare of indigenous vegetation in any ~~5~~ 2 year period; ...
DPR-0301	*UWRG*	*FS077*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS159*	*Oppose*	*Reject the submission*
DPR-0441	Manawa	105	Support In Part	Amend as follows: 4. Indigenous vegetation clearance ... a. the maintenance, repair or replacement of existing fences, vehicle tracks, roads, walkways, firebreaks, dams, waterway crossings, or network utilities or electricity generation facilities.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				... o. the upgrade of a lawfully established renewable electricity generation activity.
DPR-0407	*Forest & Bird*	*FS060*	*Support In Part*	*Accept the submission in part by including provision for the maintenance and repair of lawfully established electricity generation facilities is a permitted activity provided it is required to be carried out within environmental limits.*
DPR-0446	Transpower	087	Support In Part	Amend as follows: .... 4. Indigenous vegetation clearance Where: The works are: .... 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. .... 5. Except as set out in X When compliance with ECO-R1.4. is not achieved: refer to ECO-R1.8. to ECO-R1.25. (inclusive) to confirm activity status X. Where compliance with ECO-R1.4.f including for the upgrade and development of the National Grid: RDIS. Matters for discretion: X. The exercise of discretion in relation to ECO-R1.X. is restricted to the following matters: a. ECO-MAT1 ....
DPR-0375	*WKNZTA*	*FS107*	*Support In Part*	*Consider amended wording to provide for infrastructure, not just the National Grid.*
DPR-0454	CPW	012	Support In Part	Amend ECO-R1.4 as follows: a. the maintenance, repair, ~~or~~ replacement or upgrade of existing fences, vehicle tracks, roads, walkways, firebreaks, dams, waterway crossings, or network utilities.
DPR-0407	*Forest & Bird*	*FS163*	*Oppose*	*Reject the submission*
DPR-0468	Fish & Game	002	Oppose	Delete ECO-R1.4.i as notified and replace with the following: i. in an area of converted pasture on planning map ...., except where this is covered by ECO-R1.24b
DPR-0301	*UWRG*	*FS306*	*Support*	*Allow in full*
DPR-0381	*Coleridge Downs*	*FS075*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS365*	*Support*	*Accept the submission*

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0486	*Coleridge Downs*	*FS075*	*Oppose*	*Disallow*
DPR-0468	Fish & Game	005	Oppose In Part	Amend ECO-R1.4k. as notified as follows: k. pest control only with backpack spraying equipment necessary in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993.
DPR-0301	*UWRG*	*FS309*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS368*	*Support*	*Accept the submission*
DPR-0468	Fish & Game	006	Oppose In Part	Delete ECO-R1.4n. as notified and replace with the following: n. in an area of converted pasture on planning map
DPR-0301	*UWRG*	*FS310*	*Support*	*Allow in full*
DPR-0381	*Coleridge Downs*	*FS077*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS369*	*Support*	*Accept the submission*
DPR-0486	*Coleridge Downs*	*FS077*	*Oppose*	*Disallow*
DPR-0471	D & K Calder, R Jamison & R Reed	001	Oppose	Amend ECO-R1.1 as follows: e. The indigenous vegetation clearance carried out under an approved certified biodiversity management plan in conjunction with an approved Farm Environment Plan. Alternatively, delay the plan until the SNA mapping has been completed.

Analysis

ECO-R1.1 – ECO-R1.3 – Indigenous vegetation clearance outside GRUZ and MPZ

12.11 CRC[157] requests that the conditions of ECO-R1.1 be connected with 'and', rather than 'or'. I consider that the provision as notified is confusing, in that the rule includes conditions that apply to particular zones subject to ECO-R1.1, but not to all of them. To clarify this and to respond to CRC and UWRG submission points discussed in Section 11 of this report, I have recommended that ECO-R1.1 – ECO-R1.3 be restructured to form ECO-RC (for vegetation clearance outside of an SNA) and ECO-RD (for vegetation clearance within an SNA). I consider that this restructure achieves the intent of the submission point, and so recommend that the submission point be accepted in part.

12.12 UWRG[158] requests that the activity status of ECO-R1.1 be amended from PER to RDIS, so that any clearance of indigenous vegetation in developed areas requires a resource consent application. I consider that this would place an unreasonable consenting burden on landowners and so recommend that the submission point be rejected.

[157] DPR-0260.077 CRC
[158] DPR-0301.023 UWRG

12.13 CRC and Forest & Bird[159] each request that ECO-R1.1.a be amended so that the indigenous vegetation clearance cannot occur in any SNA, regardless of whether it has been listed in ECO-SCHED4 and shown on the planning maps. I agree that, given the limited indigenous biodiversity remaining in the district and the lack of scheduled SNAs in the PDP as notified, that restrictions on indigenous vegetation clearance should apply to all SNAs. I therefore recommend that the submission points each be accepted.

12.14 DOC[160] request that ECO-R1.1 be deleted as notified, with consequential amendments to ECO-R1.2. The areas subject to ECO-R1.1 are, in the main, highly modified. In relation to the SKIZ provisions, DOC is concerned with including appropriate area thresholds for vegetation clearance. They note that vegetation in the SKIZ Zone is slow growing and even small amount of removal could have significant adverse effects on the ecosystem. Vegetation removal is proposed to be permitted in the SKIZ only in limited amounts (5m^2 per month), or where an earthworks consent has been granted under NFL-R2. The matters of control or discretion for such applications include NFL-MAT2.6 *Terrestrial and aquatic ecological values within the area of disturbance and the potential to minimise or avoid disturbance that will affect the function and integrity of plants and habitat*… and so I consider that the appropriate consideration will be made of effects on ecosystems and indigenous biodiversity. I therefore recommend that this submission point be rejected, but note that recommended ECO-RC.11 and ECO-RD.4 are intended to provide greater clarity about the activity status for indigenous vegetation clearance in this area.

12.15 Beef + Lamb NZ & Deer NZ[161] request that ECO-R1.1 be retained as notified. Considering my recommendations above, I recommend that this submission point be accepted in part.

12.16 Beef + Lamb NZ & Deer NZ[162] oppose ECO-R1.2, but do not specify a relief sought. Considering my recommendations above, I recommend that this submission point be rejected.

ECO-R1.4 – ECO-R1.5 – Indigenous vegetation clearance in GRUZ and MPZ

12.17 As a result of the restructure of ECO-R1 discussed above, the recommended amendments to ECO-R1.4 and ECO-R1.5 are shown in **Appendix 2** as amendments to ECO-RC.3-ECO-RC.7.

12.18 UWRG[163] requests that the activity status of ECO-R1.4 be amended from PER to RDIS, so that any clearance of indigenous vegetation requires a resource consent application. I consider that this would place an unreasonable consenting burden on landowners and so recommend that the submission point be rejected.

12.19 Manawa[164] request that ECO-R1.4.a be amended to include electricity generation facilities. Compliance with ECO-R1 is only required in the *Energy and Infrastructure* chapter of the PDP where compliance with EI-REQ4 Clearance of vegetation is required. Compliance with EI-REQ4 is required by the following rules:

[159] DPR-0260.076 CRC, DPR-0407.023 Forest & Bird
[160] DPR-0427.104, DPR-0427.105 DOC
[161] DPR-0368.014 Beef + Lamb NZ & Deer NZ
[162] DPR-0368.015 Beef + Lamb NZ & Deer NZ
[163] DPR-0260.025 UWRG
[164] DPR-0441.105 Manawa

- EI-R7 All Activities Regulated by the National Environmental Standards for Telecommunication Facilities 2016 (NESTF)
- EI-R8 New and Temporary Customer Connections
- EI-R9 Temporary Network Utilities
- EI-R10 Below Ground Network Utilities Upgrading or Installation
- EI-R11 Upgrading of Existing Above Ground Network Utilities
- EI-R13 Small Cell Units
- EI-R14 Telecommunication Cabinets
- EI-R17 Telecommunication Poles and Attached Antennas
- EI-R19 Overhead Telecommunication Lines, Electricity Distribution Lines, and Associated Support Structures and Equipment
- EI-R21 Substations and Switching Stations
- EI-R22 Environmental Monitoring Equipment Associated with a Network Utility
- EI-R24 Navigation Aids
- EI-R26 Artificial Waterways and Associated Structures
- EI-R27 Other Network Utility Structures
- EI-R28 Renewable Electricity Generation Investigations
- EI-R32 Emergency Services Facility
- EI-R33 Public Healthcare Institution

12.20 All of these *Energy and infrastructure* rules relate to new or expanded activities, not to the maintenance of existing activities as anticipated by ECO-R1.4.a. Maintenance, repair and replacement is not a part of any of the activities subject to EI-REQ4, and so the inclusion of electricity generation facilities to ECO-R1.4.a. would serve no purpose. I therefore recommend that the Manawa[165] submission point be rejected.

12.21 CPW[166] request that ECO-R1.4.a be amended to allow for upgrades rather than just maintenance, repair and replacement. Upgrades imply a level of disturbance greater than generally associated for maintenance, repair or replacement, and so I consider it appropriate to subject these upgrades to a potential consenting requirement. I therefore recommend that the submission point be rejected.

12.22 Coleridge Downs[167] request that ECO-R1.4.a be retained as notified. Considering my recommendations above, I recommend that the submission point be accepted in part.

12.23 CRC[168] request that ECO-R1.4.b be amended in line with their submission points on the natural hazards chapter relating to public flood, erosion or drainage works. Consistent with my recommendation in that chapter, I recommend that this submission point be accepted in part, as works administered by a regional or territorial authority are already public works and so the additional word is not required.

[165] DPR-0441.105 Manawa
[166] DPR-0454.012 CPW
[167] DPR-0381.036 Coleridge Downs
[168] DPR-0260.079 CRC

12.24 Coleridge Downs[169] request that ECO-R1.4.c be retained as notified. Given that no amendments are requested to ECO-R1.4.c, I recommend that the submission point be accepted.

12.25 Orion[170] requests that ECO-R1.4.f be amended to include mention of the efficient operation of the National Grid, and to include Significant Distribution Lines within the provision. Transpower[171] requests that ECO-R1.4.f be amended to permit vegetation clearance required for the safe operation of the National Grid, regardless of who undertakes the work.

12.26 Transpower[172] request that non-compliance with ECO-R1.4.f becomes a RDIS activity, rather than directing the user to consider which overlay area the site is located in to determine the activity status.

12.27 Compliance with ECO-R1 is only required in the *Energy and Infrastructure* chapter of the PDP where compliance with EI-REQ4 Clearance of vegetation is required. The rules where compliance with EI-REQ4 is required is listed in paragraph 12.20 above.

12.28 As with ECO-R1.4.a, of these *Energy and infrastructure* rules relate to new or expanded activities, not to the maintenance of existing activities as anticipated by ECO-R1.4.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 is not a part of any of the activities subject to EI-REQ4, and so ECO-R1.4.f. serves no purpose. Given the intent of the Orion[173] and Transpower[174] submission points to provide greater certainty for their operations, I recommend that they be accepted in part and ECO-R1.4.f be deleted.

12.29 Orion[175] requests that ECO-R1.4.f be moved to the *Energy and Infrastructure* chapter. In light of my recommendation above to delete ECO-R1.4.f, I recommend that the submission point be rejected.

12.30 ESAI[176] requests that new provisions be added to ECO-R1.4.h to allow for indigenous vegetation clearance where the vegetation was planted as part of an ecological or enhancement restoration project and has either grown into an area that is adversely affecting natural waterbody flow, or has died, fallen or shifted due to natural processes. This submission point has been specifically addressed by Dr Lloyd in his evidence (**Appendix 3**) and I accept his conclusion that the first part is already provided for through ECO-R1.4.c and that dead or fallen indigenous vegetation should ideally be left on site, although it could be moved and/or cut up to facilitate access and safety considerations. Dr Lloyd notes that the proposed rule framework does not provide an exemption for vegetation that is regenerating after previous lawful clearance, or regenerating on land previously clear of indigenous vegetation, but that this could be considered. I recommend that the submission point be accepted in part, noting that ECO-R1.4.i provides as a permitted activity for the clearance of indigenous vegetation within areas of improved pasture that have been cultivated within the past five years (ECO-R1.24.b).

[169] DPR-0381.036 Coleridge Downs
[170] DPR-0367.057 Orion
[171] DPR-0446.087 Transpower
[172] DPR-0446.087 Transpower
[173] DPR-0367.058 Orion
[174] DPR-0446.087 Transpower
[175] DPR-0367.201 Orion
[176] DPR-0212.044 ESAI

12.31 HortNZ[177] request that, if their requested amendment to the definition of indigenous vegetation clearance is not accepted, a new condition be added to ECO-R1.4 to allow the clearance of scattered trees, shrubs or regenerating bush amongst pasture or horticultural crops. The clearance of indigenous vegetation within an area of improved pasture is already subject to ECO-R1.4.i and for the reasons discussed above I recommend that an amendment be made to ECO-R1.4.i to provide for clearance within areas that have been subject to cultivation within the previous 5 years. I therefore recommend that the submission point be accepted in part.

12.32 Dairy Holdings, Craigmore and RIL[178] each request that ECO-R1.4.i be amended to remove the reference to ECO-R1.24.b, which they also oppose. Considering my recommendation in relation to a simplified rule structure in Section 11 of this report, I recommend that this submission point be accepted.

12.33 Fish & Game[179] request that ECO-R1.4.i be amended so that the area of improved pasture is shown on the planning maps. The mapping of areas of improved pasture was considered as part of the preparation of the PDP, but has not been progressed at this time. I therefore recommend that the submission point be rejected.

12.34 Coleridge Downs[180] request that ECO-R1.4.i be retained as notified. Considering my recommendations above, I recommend that the submission point be accepted in part.

12.35 Forest & Bird[181] request that ECO-R1.4.i be retained as notified, if their submission point on the definition of improved pasture is accepted. Considering my recommendation about the definition of improved pasture, and my recommendations above, I recommend that the submission point be accepted in part.

12.36 Coleridge Downs[182] request that ECO-R1.4.j be retained as notified. No amendments have been sought in relation to ECO-R1.4.j, and so I recommend that the submission point be accepted.

12.37 Fish & Game[183] request that ECO-R1.4.k be amended to only allow pest control where it is undertaken with backpack spraying equipment. This would assist in reducing collateral damage for indigenous vegetation associated with pest management, but would have a cost associated with it by increasing the time it takes to do pest management by landowners, potentially making it too expensive to do. I consider that these costs would outweigh the benefits, and so recommend that the submission point be rejected.

12.38 CRC[184] request that ECO-R1.4.k be deleted as notified, noting that exemptions for vegetation clearance associated with pest management can lead to collateral damage for indigenous vegetation. They note that there is a mechanism under the Regional Pest Management Plan to apply

[177] DPR-0353.131 HortNZ
[178] DPR-0372.054 Dairy Holdings, DPR-0388.024 Craigmore, DPR-0390.041 RIL
[179] DPR-0468.005 Fish & Game
[180] DPR-0381.036 Coleridge Downs
[181] DPR-0407.024 Forest & Bird
[182] DPR-0381.036 Coleridge Downs
[183] DPR-0468.005 Fish & Game
[184] DPR-0260.190 CRC

for an exemption to a requirement to remove pest species. Considering my recommendation above, I recommend that the submission point be rejected.

12.39 HortNZ[185] request that, if their requested amendment to the definition of indigenous vegetation clearance is not accepted, a new condition be added to ECO-R1.4 to allow the clearance of vegetation that is infected by an unwanted organism. This matter is provided for in ECO-R1.4.k and has already been considered by the hearing on the *Contaminated land and hazardous substances* chapter. The *Ecosystems and indigenous biodiversity* rule amendments proposed by Ms Lewes[186] require consent only for earthworks in SNAs (indigenous vegetation clearance in this circumstance is permitted in all areas) and so I recommend that this submission point be accepted in part.

12.40 Coleridge Downs[187] request that ECO-R1.4.k be retained as notified. Considering the amendment proposed by Ms Lewes[188] and my recommendation above, I recommend that the submission point be accepted in part.

12.41 DOC[189] request that ECO-R1.4.l be deleted as notified, on the basis that a management plan prepared outside an RMA framework may not give adequate consideration to effects on the environment. The provision as notified allows for work to be undertaken in accordance with a management plan that has been through one of two identified Council process, both of which processes would require the effects on mudfish to be considered.[190] I consider however that the notified drafting makes it difficult to interpret the provisions for the clearance of vegetation in the Mudfish Habitat Overlay. I therefore recommend that ECO-R1.4.l be deleted and instead replicated as a separate rule for the Mudfish Habitat Overlay, to clarify which works are permitted and which require additional consideration. I therefore recommend that this submission point be accepted in part.

12.42 DOC[191] request that ECO-R1.4 be amended to include: conditions applying area thresholds to all permitted works; exclusions applying to a threatened species list; and excluding clearance within the sensitive ecosystems listed in ECO-SCHED3. I consider that the activities described in ECO-R1.4.a-ECO-R1.4.k are by their description self-limiting in extent. I agree with CRC[192] that the sensitive ecosystems described in ECO-SCHED3 are likely to contains areas that meet the definition of an SNA, such that the amended ECO-R1.6 would apply instead of ECO-R1.4.

12.43 I therefore recommend that ECO-R1.4.m and ECO-R1.4.n be deleted and instead replicated as a separate rule for each overlay or group of overlays. I therefore recommend that the DOC[193] and CRC[194] submission points be accepted in part.

[185] DPR-0353.131 HortNZ
[186] Right of Reply Report, Contaminated Land and Hazardous Substances
[187] DPR-0381.036 Coleridge Downs
[188] Right of Reply Report, Contaminated Land and Hazardous Substances
[189] DPR-0427.107 DOC
[190] In addition to s6(c) RMA, s10(1)(b) Local Government Act 2002 describes the purpose of local government – to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.
[191] DPR-0427.106 DOC
[192] DPR-0260.191 CRC
[193] DPR-0427.106 DOC
[194] DPR-0260.191 CRC

12.44 Forest & Bird[195] request that non-compliance with ECO-R1.4.m result in a NC activity status. Non-compliance with ECO-R1.4.m results in an RDIS status only where additional criteria are met (ECO-R1.8), else a DIS or NC status results. I consider that this is an appropriate response to the policies, and so recommend that the submission point be rejected.

12.45 The Stations[196] request that ECO-R1.4.n be amended to increase the permitted clearance to 800m^2 per 2 years, rather than 500m^2 per 5 years. Quantities of permitted clearance were considered through the drafting process, and I consider that requiring a consent to clear more than 500m^2 per hectare of indigenous vegetation per 5 years is an appropriate balance between continuing existing activities and Councils s31 RMA obligations. Clearance in excess of these quantities is an RDIS activity where an appropriate biodiversity management plan has been prepared, which I do not consider to be an onerous consenting burden. I therefore recommend that the submission point be rejected.

12.46 Fish & Game request the ECO-R1.4.n be amended so that indigenous vegetation clearance is permitted in any area of converted pasture shown on a planning map. The mapping of areas of improved pasture was considered as part of the preparation of the PDP, but has not been progressed at this time. While the concept has planning merit in terms of providing certainty, I understand that it was not progressed further because of cost and complexity issues, including landowner access. It is likely that this will be considered again through the preparation of Council's Biodiversity Strategy, outside of the PDP process. I therefore recommend that the submission point be rejected.

12.47 CRC[197] request that ECO-R1.4.n be deleted as notified and Forest & Bird[198] request that non-compliance with ECO-R1.4.n result in a NC activity status. Non-compliance with ECO-R1.4.n results in an RDIS status only where additional criteria are met (ECO-R1.12), else a DIS or NC status results. For the same reasons as for ECO-R1.4.m above, I consider this appropriate, and therefore recommend that the submission points be rejected.

12.48 CRC[199] request that a new condition be added to ECO-R1.4 to require the works not to occur within an SNA. In the absence of a comprehensive schedule of identified SNAs, I agree that this would add clarity to the relationship between ECO-R1.4 and ECO-R1.6, and recommend that the submission point be accepted.

12.49 HortNZ[200] request that, if their requested amendment to the definition of indigenous vegetation clearance is not accepted, a new condition be added to ECO-R1.4 to allow clearance associated with the routine maintenance of indigenous vegetation that has been planted as a shelterbelt. I agree that an amendment to ECO-R1.4.g would be appropriate to recognise that shelterbelts are as purposefully planted as amenity planting and as such recommend that the submission point be accepted in part.

12.50 Dairy Holdings, Craigmore and RIL[201] each request that ECO-R1.4 be amended to allow the clearance of indigenous vegetation associated with the installation, operation and maintenance of irrigation

[195] DPR-0407.027 Forest & Bird
[196] DPR-0437.004 The Stations
[197] DPR-0260.192 CRC
[198] DPR-0407.028 Forest & Bird
[199] DPR-0260.189 CRC
[200] DPR-0353.131 HortNZ
[201] DPR-0372.054 Dairy Holdings, DPR-0388.024 Craigmore, DPR-0390.041 RIL

infrastructure. As notified, indigenous vegetation clearance is permitted where the vegetation is causing an imminent danger to infrastructure (ECO-R1.4.d), and for the for the maintenance, repair or replacement of existing structures (ECO-R1.4.j). As such, only indigenous vegetation clearance associated with the installation of irrigation infrastructure is not already provided for, and the submitter has not provided any justification for why that activity should take precedence over Council's s31(1)(b)(iii) obligations. I therefore recommend that the submission point be rejected.

12.51 R & A Hill and D & K Calder, R Jamison & R Reed [202] each request that ECO-R1.4 be amended to provide, as a permitted activity, for indigenous vegetation clearance carried out as part of an approved certified biodiversity management plan in conjunction with an approved Farm Environment Plan. The process for approving biodiversity management plans is through a resource consent, which is managed through ECO-R1.8 and ECO-R1.12. The process of approving such plans through a permitted rule process would be essentially the same (a certificate of compliance) and cost no less, resulting in no advantage to any party. I therefore recommend that the submission points each be rejected.

12.52 Manawa[203] request that ECO-R1.4 be amended to provide, as a permitted activity, for indigenous vegetation clearance associated with the upgrade of a lawfully established renewable electricity generation activity. Permitted upgrades to the Coleridge HEPS do not have to comply with ECO-R1 (EI-R29 is not subject to EI-REQ4), and the establishment or expansion of any other renewable electricity generation activity is a DIS activity where effects on indigenous biodiversity would be considered as relevant to the proposal. I therefore recommend that the submission point be rejected.

12.53 Beef + Lamb NZ & Deer NZ[204] request that ECO-R1.4 be retained as notified, without prejudice as to their submissions made on SNAs. Considering my recommendations above, I recommend that the submission point be accepted in part.

Recommendations and amendments

12.54 I recommend, for the reasons given above, that the Hearings Panel:

a) Amend references to scheduled SNAs to instead refer to all SNAs as defined.
b) Delete the ECO Management Overlay, with the exception of the ECO Management Overlay: Hill and High Country Area.
c) Make amendments to ECO-R1.1 – ECO-R1.4 as shown as ECO-RC in **Appendix 2** to improve clarity and ease of use for Plan users.

12.55 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

12.56 The section 32AA evaluation of the recommended change from reliance on a schedule to identify SNAs where additional provisions occur to reliance on a definition is located in Section 16 of this report.

[202] DPR-0421.003 R & A Hill, DPR-0471.001 D & K Calder, R Jamison & R Reed
[203] DPR-0441.105 Manawa
[204] DPR-0368.016 Beef + Lamb NZ & Deer NZ

13. ECO Management Overlay: Port Hills Area

Introduction

13.1 This section responds to the submission points relating to the ECO Management Overlay: Port Hills Area. This area is the same as the combination of the areas included in the Port Hills ONL and the Port Hills VAL.

Extent of the ECO Management Overlay: Port Hills Overlay

Submissions – extent of ECO Management Overlay: Port Hills Area

13.2 One submission point and four further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0440	EDSI	002	Oppose	All converted land/improved pasture in the Port Hills Area be mapped to provide certainty for landowners as to where clearance can and cannot occur.
DPR-0301	*UWRG*	*FS288*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS002*	*Support*	*Accept the submission*
DPR-0427	*DOC*	*FS019*	*Support In Part*	*Decision not specified*
DPR-0468	*Fish & Game*	*FS009*	*Support*	*Supports submission*

Analysis

13.3 EDSI[205] request that all converted land/improved pasture in the Port Hills Area be mapped to provide certainty for landowners as to where clearance can and cannot occur. As discussed elsewhere in this report, that option was explored as part of the preparation of PDP provisions, but did not form part of the final preferred option. I therefore recommend that the submission point be rejected.

Recommendation and amendments

13.4 I recommend, for the reasons discussed in Section 11 of this report, that the Hearings Panel delete the ECO Management Overlay: Port Hills Area as notified.

ECO-R1.8 – ECO-R1.11 Port Hills Area

Introduction

13.5 This section responds to the submission points relating to indigenous vegetation clearance in the ECO Management Overlay: Port Hills Overlay. This area is the same as the combined Port Hills Outstanding Natural Landscape (ONL) and the Port Hills Visual Amenity Landscape (VAL).

Submissions

13.6 Six submission points and eight further submission points were received in relation to this subtopic.

[205] DPR-0440.002 EDSI

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	084	Support In Part	Amend Rule R1.8 as follows: 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.~~ Where: a. the clearance is not within a SNA ~~identified on the Planning Maps and listed in ECO-SCHED4~~; and b. ....
DPR-0441	*Manawa*	*FS061*	*Oppose*	*Reject*
DPR-0260	CRC	085	Support	Retain ECO-R1.10 as notified.
DPR-0368	Beef + Lamb NZ & Deer NZ	019	Support In Part	Delete ECO-R1.8a. and b.; and Amend the activity status from RDIS to CON
DPR-0407	*Forest & Bird*	*FS442*	*Oppose*	*Reject the submission*
DPR-0368	Beef + Lamb NZ & Deer NZ	020	Oppose	Delete ECO-R1.10
DPR-0407	*Forest & Bird*	*FS443*	*Oppose*	*Reject the submission*
DPR-0407	Forest & Bird	030	Support In Part	Amend ECO-R1.8 as follows: 8. Clearance of indigenous vegetation, except where provided for in ECO-R1.4 and ECO-R1.6 ~~that exceeds 100m² per hectare of indigenous vegetation (in any 5 year period)~~ 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
DPR-0301	*UWRG*	*FS108*	*Support*	*Allow in full*
DPR-0375	*WKNZTA*	*FS087*	*Oppose*	*Include an exclusion for infrastructure projects as per our original submission.*
DPR-0439	*Rayonier*	*FS011*	*Oppose*	*Decline*
DPR-0427	DOC	109	Support In Part	Retain ECO-R1.8 provided appropriate amendments are made to ECO-R1.4, ECO-R1.6, ECO-MAT1 and the relief sought in ECO-SCHED3 – Indigenous Species and Area Lists and to include a threatened species list is accepted.
DPR-0301	*UWRG*	*FS250*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS274*	*Support*	*Accept the submission*

Analysis

13.7 CRC[206] request that ECO-R1.8 be simplified to remove the references to an area of clearance and to setbacks, and that clearance not be located in any SNA, rather than just those listed in the PDP. Consistent with my recommendation in Section 11 of this report, I recommend that the submission point be accepted.

13.8 Forest & Bird[207] request that ECO-R1.8 be simplified to remove the reference to an area of clearance, because this is already referred to in ECO-R1.4. Consistent with my recommendation in Section 11 of this report, I consider that this would improve ease of use for Plan users, and recommend that the submission point be accepted.

13.9 Beef + Lamb NZ & Deer NZ[208] request that ECO-R1.8.a and ECO-R1.8.b be deleted, and that the activity status for the clearance of indigenous vegetation in the Port Hills Area be amended from RDIS to CON. I agree that ECO-R1.8.a replicates ECO-R1.6 and associated provisions and should be deleted to avoid unnecessary duplication. However, it will not always be appropriate to grant consent for vegetation clearance, and so a CON activity status would be inappropriate. I therefore recommend that the submission point be accepted in part.

13.10 DOC[209] request that ECO-R1.8 be retained as notified, provided appropriate amendments are made to ECO-R1.4, ECO-R1.6, ECO-MAT1 and the relief sought in ECO-SCHED3 is granted. Considering my recommendations in Section 12 relating to ECO-R1.4, Section 16 ECO-R1.6, Section 21 relating to ECO-MAT1 and Section 23 relating to ECO-SCHED3 and the discussion above, I recommend that the submission point be accepted in part.

13.11 Beef + Lamb NZ & Deer NZ[210] request that ECO-R1.10 be deleted as notified. Considering my recommendations above, I recommend that the submission point be rejected. Given its status as a matter of national importance, it is appropriate that the clearance of indigenous vegetation in significant natural areas have a NC activity status.

13.12 CRC[211] requests that ECO-R1.10 be retained as notified. Considering my recommendations above, I recommend that the submission point be accepted in part.

Recommendations and amendments

13.13 I recommend, for the reasons given above, that the Hearings Panel delete ECO-R1.8 – 1.11 and instead rely on ECO-R1.4 and ECO-R1.6 (shown with recommended amendments as ECO-RC and ECO-RD in **Appendix 2**) to manage the clearance of indigenous vegetation in the Port Hills.

13.14 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

[206] DPR-0260.084 CRC
[207] DPR-0407.030 Forest & Bird
[208] DPR-0368.019 Beef + Lamb NZ & Deer NZ
[209] DPR-0427.109 DOC
[210] DPR-0368.20 Beef + Lamb NZ & Deer NZ
[211] DPR-0260.085 CRC

13.15 The section 32AA evaluation for the reliance on SNAs as defined rather than on SNAs as listed in ECO-SCHED4 is located in Section 16 of this report.

13.16 The remaining amendments are not of a nature or scale that require a s32AA evaluation.

14. ECO Management Overlay: Hills and High Country Area and Major Rivers Area

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

Introduction

14.1 This section responds to the submission points relating to the ECO Management Overlay: Hill and High Country Area. This area extends over the High Country and Malvern Hills, but does not closely follow any other PDP zone, overlay or specific control area.

Submissions

14.2 Three submission points and 11 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0097	Flock Hill	003	ECO Hill and High Country	Oppose In Part	Delete the ECO notation from Flock Hill Station being Lot 2 DP 546766 and Lots 3-4 DP 540423 at 10128 West Coast Road, Lake Pearson.
DPR-0301	*UWRG*	*FS003*	*ECO Hill and High Country*	*Oppose*	*Disallow in Full*
DPR-0440	EDSI	003	ECO Management Overlay	Oppose	All converted land/improved pasture in the Hills and High Country Areas be mapped to provide certainty for landowners as to where clearance can and cannot occur.
DPR-0301	*UWRG*	*FS289*	*ECO Management Overlay*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS003*	*ECO Management Overlay*	*Support*	*Accept the submission*
DPR-0422	*FFNC*	*FS134*	*ECO Management Overlay*	*Oppose*	*Disallow the submission point.*
DPR-0427	*DOC*	*FS020*	*ECO Management Overlay*	*Support In Part*	*Decision not specified*
DPR-0468	*Fish & Game*	*FS010*	*ECO Management Overlay*	*Support*	*Supports submission*

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0468	Fish & Game	003	ECO Management Overlay	Neither Support Nor Oppose	Map areas of converted pasture in the Hills and High Country Area of the ECO Indigenous Biodiversity Management Overlay.
DPR-0301	*UWRG*	*FS307*	*ECO Management Overlay*	*Support*	*Allow in full*
DPR-0381	*Coleridge Downs*	*FS076*	*ECO Management Overlay*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS366*	*ECO Management Overlay*	*Support*	*Accept the submission*
DPR-0427	*DOC*	*FS023*	*ECO Management Overlay*	*Support In Part*	*Decision not specified*
DPR-0486	*Coleridge Downs*	*FS076*	*ECO Management Overlay*	*Oppose*	*Disallow*

Analysis

14.3 Flock Hill[212] requests that the overlay be removed from Flock Hill Station. The station is within the area where additional provisions to manage the planting of pest species are in my view required (see Section 19 of this report), and so I recommend that the submission point be rejected.

14.4 EDSI and Fish & Game[213] each request that all converted land/improved pasture in the Hills and High Country Area be mapped to provide certainty for landowners as to where clearance can and cannot occur. As discussed elsewhere in this report, that option was explored as part of the preparation of PDP provisions, but did not form part of the final preferred option. I therefore recommend that the submission point be rejected.

Extent of the ECO Management Overlay: Major Rivers Area

Introduction

14.5 This section responds to the submission points relating to the ECO Management Overlay: Major Rivers Area.

Submissions

14.6 Four submission points and 15 further submission points were received in relation to this subtopic.

[212] DPR-0097.003 Flock Hill
[213] DPR-0440.003 EDSI, DPR-0468.003 Fish & Game

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0260	CRC	086	ECO Management Overlay	Support In Part	Remove the ECO Management Overlay: Major Rivers.
DPR-0372	*Dairy Holdings*	*FS029*	*ECO Management Overlay*	*Support*	*Accept the submission.*
DPR-0390	*RIL*	*FS002*	*ECO Management Overlay*	*Support*	*Accept the submission.*
DPR-0422	*FFNC*	*FS033*	*ECO Management Overlay*	*Support*	*Allow the submission point.*
DPR-0440	EDSI	004	ECO Management Overlay	Oppose	All converted land/improved pasture in the Major Rivers Area be mapped to provide certainty for landowners as to where clearance can and cannot occur.
DPR-0301	*UWRG*	*FS290*	*ECO Management Overlay*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS004*	*ECO Management Overlay*	*Support*	*Accept the submission*
DPR-0422	*FFNC*	*FS135*	*ECO Management Overlay*	*Oppose*	*Disallow the submission point.*
DPR-0427	*DOC*	*FS021*	*ECO Management Overlay*	*Support In Part*	*Decision not specified*
DPR-0468	*Fish & Game*	*FS011*	*ECO Management Overlay*	*Support*	*Supports submission*
DPR-0427	DOC	110	ECO-R1	Support In Part	Amend activity status of ECO-R1.12 to a discretionary activity; and Amend to the planning map - Major River Overlay to ensure it includes the entire length of the rivers and the river berms; and Amend ECO-R1.12 to include SKIZ.
DPR-0301	*UWRG*	*FS251*	*ECO-R1*	*Support*	*Allow in full*
DPR-0372	*Dairy Holdings*	*FS070*	*ECO-R1*	*Oppose*	*Reject the submission.*
DPR-0407	*Forest & Bird*	*FS275*	*ECO-R1*	*Support*	*Accept the submission*
DPR-0468	Fish & Game	004	ECO Management Overlay	Neither Support	Map areas of converted pasture in the Major Rivers areas of the ECO

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
				Nor Oppose	Indigenous Biodiversity Management Overlay.
DPR-0301	*UWRG*	*FS308*	*ECO Management Overlay*	*Support*	*Allow in full*
DPR-0372	*Dairy Holdings*	*FS072*	*ECO Management Overlay*	*Oppose*	*Reject the submission.*
DPR-0407	*Forest & Bird*	*FS367*	*ECO Management Overlay*	*Support*	*Accept the submission*
DPR-0427	*DOC*	*FS024*	*ECO Management Overlay*	*Support In Part*	*Decision not specified*

Analysis

14.7 CRC[214] request that the Major Rivers Overlay be deleted as notified. On the basis of my recommendations in Section 11 of this report, I recommend that the submission point be accepted.

14.8 EDSI and Fish & Game[215] each request that all converted land/improved pasture in the Major Rivers Area be mapped to provide certainty for landowners as to where clearance can and cannot occur. Given my recommendation above, I recommend that the submission point be rejected.

14.9 DOC[216] request that the Major Rivers Overlay be amended to ensure that it includes the entire length of the rivers and the river berms. Given my recommendation above, I recommend that the submission point be rejected.

ECO-R1.12 – ECO-R1.15 Hills and High Country Area and Major Rivers Area

Introduction

14.10 This section responds to the submission points relating to indigenous vegetation clearance in the ECO Management Overlay: Hill and High Country Area and in the ECO Management Overlay: Major Rivers Area.

Submissions

14.11 Fourteen submission points and 36 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0104	L Travnicek	007	Oppose	Amend ECO-R1.12 as follows: Delete requirement for an ecological report or

[214] DPR-0260.086 CRC
[215] DPR-0440.004 EDSI, DPR-0468.004 Fish & Game
[216] DPR-0427.110 DOC

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				biodiversity plan and rather include as part of a Farm Environment Plan. Amend the proposed setback requirements of clearance of indigenous vegetation from waterways of 20m and from wetlands of 50m so that they are increased.
DPR-0301	*UWRG*	*FS011*	*Oppose*	*Disallow in full*
DPR-0407	*Forest & Bird*	*FS559*	*Oppose*	*Reject the submission*
DPR-0212	ESAI	045	Oppose In Part	Amend as follows: 12. Clearance of indigenous vegetation, except where provided for in ECO-R1.4 or ECO-R1.6 that exceeds 500m^2 per hectare of indigenous vegetation (in any 5 year period), or is within any wetland or within ~~50m~~ 10m of the boundary of any wetland, or is within ~~20m~~ 5m from the bank of any surface water body, or is at an altitude of 800m or higher.
DPR-0441	*Manawa*	*FS057*	*Oppose*	*Reject*
DPR-0260	CRC	087	Support In Part	Amend Rule R1.12 as follows: 12. Clearance of indigenous vegetation, except where provided for in ECO-R1.4 or ECO-R1.6 ~~that exceeds 500m^2 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~~. Where: a. the clearance is not within a SNA ~~identified on the Planning Maps and listed in ECO-SCHED4~~; and b. the species are not ....
DPR-0381	*Coleridge Downs*	*FS011*	*Oppose*	*Disallow*
DPR-0381	*Coleridge Downs*	*FS013*	*Oppose*	*Disallow*
DPR-0441	*Manawa*	*FS062*	*Oppose*	*Reject*
DPR-0486	*Coleridge Downs*	*FS011*	*Oppose*	*Disallow*
DPR-0486	*Coleridge Downs*	*FS013*	*Oppose*	*Disallow*
DPR-0345	PAR	019	Oppose In Part	Amend ECO -R1.12. Management Overlay: Hills and High Country Area by adding the words excluding SKIZ in the first column; or an alternative wording to the rule which achieves the same effect.
DPR-0391	*CHAT*	*FS002*	*Support*	*We wish the submission point to be allowed in full as requested by PAR*
DPR-0407	*Forest & Bird*	*FS804*	*Oppose*	*Reject the submissions*

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0368	Beef + Lamb NZ & Deer NZ	021	Support In Part	Amend the activity status of ECO-R1.12 from RDIS to CON
DPR-0381	*Coleridge Downs*	*FS004*	*Support*	*Allow*
DPR-0407	*Forest & Bird*	*FS444*	*Oppose*	*Reject the submission*
DPR-0486	*Coleridge Downs*	*FS004*	*Support*	*Allow*
DPR-0368	Beef + Lamb NZ & Deer NZ	022	Oppose	Delete ECO-R1.14
DPR-0407	*Forest & Bird*	*FS445*	*Oppose*	*Reject the submission*
DPR-0372	Dairy Holdings	056	Support In Part	If relief sought in relation to ECO-R1.4 is not granted then amend as follows: 12. Clearance of indigenous vegetation, except where provided for in ECO-R1.4 or ECO-R1.6 that exceeds 500m^2 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, unless it is for the purpose of installing, operating or maintaining irrigation infrastructure (in which case ECO-R1.4 applies).
DPR-0381	*Coleridge Downs*	*FS027*	*Support*	*Allow*
DPR-0486	*Coleridge Downs*	*FS027*	*Support*	*Allow*
DPR-0381	Coleridge Downs	038	Oppose In Part	Amend ECO-R1.12, List 3 of ECO-SCHED3, ECO-R2 and the ECO rule framework to the effect of providing a controlled or restricted discretionary activity rule for limited clearance of indigenous vegetation (in particular matagouri) where associated with ongoing farm operations – for example: - when establishing farm tracks, water tanks, piping networks between infrastructure, new storage ponds, etc; and - when clearing areas previously used as part of normal farming rotation (for example, areas that were previously improved pasture but matagouri or non-indigenous species have invaded in the intervening period (for example, in the last 5 years)).
DPR-0301	*UWRG*	*FS061*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS545*	*Oppose*	*Reject the submission*

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0381	Coleridge Downs	039	Support In Part	Insert ECO-MAT3 into Rule ECO-R1.13 as follows: Matters for discretion: 13. The exercise of discretion in relation to ECO-R1.12 is restricted to the following matters: a. ECO-MAT1; and b. ECO-MAT3
DPR-0407	*Forest & Bird*	*FS546*	*Oppose*	*Reject the submission*
DPR-0388	Craigmore	026	Oppose In Part	Retain ECO-R1.12 as notified provided ECO-R1.4 is amended. Alternatively, as follows: Activity status: RDIS 12. Clearance of indigenous vegetation, except where provided for in ECO-R1.4 or ECO-R1.6 that exceeds 500m^2 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., unless it is for the purpose of installing, operating or maintaining irrigation infrastructure (in which case ECO-R1.4 applies).
DPR-0381	*Coleridge Downs*	*FS024*	*Support*	*Allow*
DPR-0486	*Coleridge Downs*	*FS024*	*Support*	*Allow*
DPR-0390	RIL	043	Oppose In Part	Retain ECO-R1.12 provided R1.4 is amended. If relief sought in relation to ECO-R1.4 is not granted then amend ECO-R1.12 as follows: Activity status: RDIS 12. Clearance of indigenous vegetation, except where provided for in ECO-R1.4 or ECO-R1.6 that exceeds 500m^2 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., unless it is for the purpose of installing, operating or maintaining irrigation infrastructure (in which case ECO-R1.4 applies). ....
DPR-0381	*Coleridge Downs*	*FS030*	*Support*	*Allow*
DPR-0486	*Coleridge Downs*	*FS030*	*Support*	*Allow*
DPR-0407	Forest & Bird	031	Support In Part	Amend ECO-R1.12 as follows: 12. Clearance of indigenous vegetation, except where provided for in ECO-R1.4 and ECO-R1.6 ~~that exceeds 500m^2 per hectare of indigenous vegetation (in any 5 year~~

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				~~period)~~ or is within a 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
DPR-0301	*UWRG*	*FS109*	*Support*	*Allow in full*
DPR-0375	*WKNZTA*	*FS088*	*Oppose*	*Include an exclusion for infrastructure projects as per our original submission.*
DPR-0381	*Coleridge Downs*	*FS083*	*Oppose*	*Disallow*
DPR-0439	*Rayonier*	*FS012*	*Oppose*	*Decline*
DPR-0441	*Manawa*	*FS074*	*Oppose*	*Reject*
DPR-0468	*Fish & Game*	*FS027*	*Support*	*Support proposed amendment*
DPR-0486	*Coleridge Downs*	*FS083*	*Oppose*	*Disallow*
DPR-0427	DOC	110	Support In Part	Amend activity status of ECO-R1.12 to a discretionary activity; and Amend to the planning map - Major River Overlay to ensure it includes the entire length of the rivers and the river berms; and Amend ECO-R1.12 to include SKIZ.
DPR-0301	*UWRG*	*FS251*	*Support*	*Allow in full*
DPR-0372	*Dairy Holdings*	*FS070*	*Oppose*	*Reject the submission.*
DPR-0407	*Forest & Bird*	*FS275*	*Support*	*Accept the submission*
DPR-0437	The Stations	005	Oppose In Part	Amend as follows: 12. .... ~~c. the application is accompanied by a Biodiversity Management Plan which has been prepared in accordance with the requirements of ECO-SCHED2.~~
DPR-0301	*UWRG*	*FS078*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS160*	*Oppose*	*Reject the submission*
DPR-0422	*FFNC*	*FS234*	*Support*	*Allow the submission point.*

Analysis

14.12 PAR[217] request that ECO-R1.12 – ECO-R1.15 not apply to the SKIZ, while DOC[218] requests that it does. The provisions of the SKIZ chapter were prepared on the basis that the *Ecosystems and biodiversity* chapter, including ECO-R1.12 – ECO-R1.15 apply in the same way that the provisions of other district-

[217] DPR-0345.019 PAR
[218] DPR-0427.110 DOC

wide chapters apply to the zone. I therefore recommend that the PAR[219] submission point be rejected and the DOC[220] submission point be accepted.

14.13 Beef + Lamb NZ & Deer NZ[221] request that the activity status for ECO-R1.12 be amended from RDIS to CON. While an RDIS status allows appropriate applications to be granted, a CON status would prevent inappropriate applications from being declined, and so I recommend that the submission point be rejected.

14.14 CRC[222] requests that ECO-R12 be amended so that it applies to clearance of all indigenous vegetation that is not already provided for in ECO-R1.4 or ECO-R1.6. Forest & Bird[223] make a similar request. I consider that removing the permitted activity conditions of ECO-R1.4 and ECO-R1.6 would improve user understanding of the PDP and so recommend that the CRC[224] submission point be accepted in part and the Forest & Bird[225] submission point be accepted.

14.15 L Travnicek and The Stations[226] each request that ECO-R1.12.c (biodiversity management plans to accompany resource consent applications) be deleted. I do not consider that this would achieve the objectives of the *Ecosystems and indigenous biodiversity* chapter, and so recommend that the submission point be rejected.

14.16 Dairy Holdings, Craigmore and RIL[227] each request that, if their relief sought in relation to ECO-R1.4 is not granted, the installation, operation and maintenance of irrigation infrastructure be provided for as an RDIS activity in the Hill and High Country Area and in the Major Rivers Area. The installation, operation and maintenance of irrigation infrastructure is managed by EI-R26, with the *Energy and Infrastructure* Right of Reply report[228] recommending that EI-R26 apply even where the works are not being undertaken by a network utility operator, but subject to a number of rule requirements including EI-REQ4 and EI-REQ5. EI-REQ4 specifically requires indigenous vegetation clearance to comply with ECO-R1, while EI-REQ5 requires compliance with the earthworks rules for SNAs and the Mudfish Habitat Overlay unless the works are within a land transport corridor. Given that this aspect of the integration between infrastructure and the *Ecosystems and indigenous biodiversity* chapter has already been specifically considered, I recommend that these submission points each be rejected.

14.17 Coleridge Downs[229] request that provisions be amended to the effect of allowing, as a CON or RDIS activity, limited clearance of indigenous vegetation (in particular matagouri) where associated with ongoing farm operations. Such limited clearance is already provided for as a PER activity in ECO-R1.6 and as a RDIS activity in ECO-R1.12, and so I recommend that the submission point be accepted in part.

[219] DPR-0345.019 PAR
[220] DPR-0427.110 DOC
[221] DPR-0368.021 Beef + Lamb NZ & Deer NZ
[222] DPR-0260.087 CRC
[223] DPR-0407.031 Forest & Bird
[224] DPR-0260.087 CRC
[225] DPR-0407.031 Forest & Bird
[226] DPR-0104.007 L Travnicek, DPR-0437.005 The Stations
[227] DPR-0372.056 Dairy Holdings, DPR-0388.026 Craigmore, DPR-0390.043 RIL
[228] Right of Reply Report, Energy and infrastructure, Appendix 2
[229] DPR-0381.038 Coleridge Downs

14.18 L Travnicek[230] requests that the setbacks from wetlands and waterways be increased, while ESAI[231] request that the setbacks from wetlands be reduced to 10m and the setback from water bodies be reduced to 5m. Given my recommendations in Section 11 to not have separate provisions for the clearance of indigenous vegetation in the Hills and Hill Country, I recommend that the L Travnicek[232] submission point be rejected and the ESAI[233] submission point be accepted in part.

14.19 Coleridge Downs[234] request that ECO-MAT3 be added as a matter of discretion to ECO-R1.13. ECO-MAT3 links to SUB-R21 and sets out the ecosystems and indigenous biodiversity matters to be considered when a proposed subdivision is located within the Mudfish Protection Overlay, the Crested Grebe Protection Overlay, or contains a SNA. In this case, I do not consider that they would improve the exercise of discretion when assessing an application under ECO-R1.13, and so recommend that the submission point be rejected.

14.20 Beef + Lamb NZ & Deer NZ[235] request that ECO-R1.14 be deleted, so that non-compliance with the standards in ECO-R1.12.a or ECO-R1.12.b becomes DIS rather than NC. ECO-R1.12.a or ECO-R1.12.b describe areas that are, or that are likely to be, significant natural areas. As such, I consider that NC is an appropriate activity status to reflect the national importance of these areas.

Recommendations and amendments

14.21 I recommend, for the reasons given above, that the Hearings Panel:

a) Retain the ECO Management Overlay: Hills and High Country Area, but to better describe the purpose of the overlay rename it to "Hills and High Country Pest Management Overlay" as discussed in Section 19 of this report

b) Delete ECO-R1.12 – ECO-R1.15 as shown in **Appendix 2** to provide better clarity for Plan users.

14.22 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

14.23 The section 32AA evaluation for the provision amendments is included at the end of Section 11 of this report.

15. ECO Management Overlay: Canterbury Plains Area

Extent of the ECO Management Overlay: Canterbury Plains Area

Introduction

15.1 This section responds to the submission points relating to the ECO Management Overlay: Canterbury Plains Area.

Submissions

15.2 Three submission points and one further submission point were received in relation to this subtopic.

[230] DPR-0104.007 L Travnicek
[231] DPR-0212.045 ESAI
[232] DPR-0104.007 L Travnicek
[233] DPR-0212.045 ESAI
[234] DPR-0381.039 Coleridge Downs
[235] DPR-0368.022 Beef + Lamb NZ & Deer NZ

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0299	S & J West	007	Oppose In Part	Delete the ECO Management Overlay: ECO Canterbury Plains Area from the planning maps.
DPR-0302	A Smith, D Boyd & J Blanchard	011	Oppose	Delete the ECO Canterbury Plains Area overlay from the land shown outlined red in Figure 1 attached to the submission and any land in the District that has not had a specific site investigation to determine that there are in fact ecosystems and indigenous biodiversity present.
DPR-0493	*Gallina & Heinz-Wattie*	*FS011*	*Neither Support Nor Oppose*	*Neutral*
DPR-0456	Four Stars & Gould	015	Oppose	Delete the ECO Management Overlay Canterbury Plains Area from any site in the District that has not had a specific site investigation to determine that there are in fact ecosystems and indigenous biodiversity present.

Analysis

15.3 S & J West, A Smith, D Boyd & J Blanchard, and Four Stars and Gould[236] each request that the overlay be deleted, either in its entirety, from specific properties, or from all land that has not had a specific site investigation to determine that there are in fact ecosystems and indigenous biodiversity present. As discussed in Section 11 of this report, I agree that the provisions can better be described through zone-based rules and recommend that the submission points be accepted.

ECO-R1.22 – ECO-R1.24 Canterbury Plains Area

Introduction

15.4 This section responds to the submission points relating to the clearance of indigenous vegetation within the ECO Management Overlay: Canterbury Plains Area.

Submissions

15.5 Seventeen submission points and 14 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0207	The Council	032	Oppose In Part	Amend as follows: 24. Any indigenous vegetation clearance Where: ... <u>c. Any indigenous vegetation clearance within an area of improved pasture that is part of an ecological restoration and enhancement project.</u>
DPR-0212	*ESAI*	*FS049*	*Oppose*	*Disallow in full*

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

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0212	ESAI	047	Oppose In Part	Amend as follows: 22. Except where provided for in ECO-R1.4, ECO-R1.6, or ECO-R1.26 the clearance of indigenous vegetation Where: a. it is within any wetland or within ~~50m~~ 10m of the boundary of any wetland; or b. it is within ~~20m~~ 5m from the bank of any surface water body
DPR-0372	*Dairy Holdings*	*FS017*	*Support*	*Accept the submission.*
DPR-0375	*WKNZTA*	*FS069*	*Support*	*Only allow amendment to Plan if assessed as being appropriate.*
DPR-0260	CRC	091	Support In Part	Delete ECO-R1.22 as notified.
DPR-0260	CRC	092	Support In Part	Amend ECO-R1.24 as follows: Activity status: RDIS ~~DIS~~ 24. Any indigenous vegetation clearance except where provided for in ECO-R1.4 or ECO-R1.6 Where: a. The indigenous vegetation clearance is not within a SNA; ~~and identified on the Planning Maps and listed in ECO-SCHED4, except where provided for in ECO-R1.4 or ECO-R1.6. 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.l.)~~ b. The application is accompanied by a Biodiversity Management Plan which has been prepared in accordance with the requirements of ECO-SCHED2. Matters for discretion: 25. The exercise of discretion in relation to ECO-R1.22. is restricted to the following matters: a. ECO-MAT1; and b. Where relevant, any effects on indigenous vegetation and habitats of indigenous fauna in the coastal environment Activity Status when compliance not achieved: 27. When compliance with ECO-R1.24.a. is not achieved: NC. 28. When compliance with ECO-R1.24.b. is not achieved: DIS.
DPR-0215	*Winstone*	*FS014*	*Support In Part*	*Accept the submission in part.*
DPR-0375	*WKNZTA*	*FS072*	*Support*	*Only allow amendment to Plan if assessed as being appropriate.*
DPR-0353	HortNZ	135	Oppose	Delete ECO-R1.22as notified

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0407	*Forest & Bird*	*FS504*	*Oppose*	*Reject the submission*
DPR-0353	HortNZ	136	Oppose	Amend ECO-R1.24 to a restricted discretionary activity and include appropriate matters of discretion.
DPR-0375	*WKNZTA*	*FS078*	*Support*	*That the activity status be amended to Restricted Discretionary from Discretionary as per the submitters request.*
DPR-0407	*Forest & Bird*	*FS505*	*Oppose*	*Reject the submission*
DPR-0368	Beef + Lamb NZ & Deer NZ	029	Support	Retain ECO-R1.22 as notified
DPR-0407	*Forest & Bird*	*FS452*	*Oppose*	*Reject the submission*
DPR-0372	Dairy Holdings	057	Support In Part	If relief sought in relation to ECO-R1.4 is not granted then amend as follows: 22. Except where provided for in ECO-R1.4, ECO-R1.6, or ECO-R1.26 the clearance of indigenous vegetation Where: a. ....; or b. it is within 20m from the bank of any surface water body unless it is for the purpose of installing, operating or maintaining irrigation infrastructure (in which case ECOR1.4 applies). ....
DPR-0372	Dairy Holdings	058	Oppose In Part	Amend as follows: Activity status: ~~DIS~~ RDIS 24. Any indigenous vegetation clearance Where: 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 ECOR1.4 or ECO-R1.6. ~~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.l).~~ Activity status when compliance not achieved: 25. When compliance with ECO-R1.24.a. is not achieved: ~~NC~~ DIS
DPR-0388	Craigmore	027	Support In Part	Retain ECO-R1.22 as notified provided ECO-R1.4 is amended. Alternatively, amend as follows: 22. Except where provided for in ECO-R1.4, ECO-R1.6, or ECO-R1.26 the clearance of indigenous vegetation Where: ... ;

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				unless it is for the purpose of installing, operating or maintaining irrigation infrastructure (in which case ECO-R1.4 applies).
DPR-0388	Craigmore	028	Oppose In Part	Amend as follows: Activity status: ~~DIS~~ RDIS 24. Any indigenous vegetation clearance Where: ... ~~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.l).~~ Activity status when compliance not achieved: 27. When compliance with ECO-R1.24.a. is not achieved: ~~NC~~ DIS
DPR-0390	RIL	044	Oppose In Part	Retain ECO-R1.22 provided R1.4 is amended. If relief sought in relation to ECO-R1.4 is not granted then amend ECO-R1.22 as follows: Activity status: RDIS 22. Except where provided for in ECO-R1.4, ECO-R1.6, or ECO-R1.26 the clearance of indigenous vegetation Where: a. it is within any wetland or within 50m of the boundary of any wetland; or b. it is within 20m from the bank of any surface water body unless it is for the purpose of installing, operating or maintaining irrigation infrastructure (in which case ECO-R1.4 applies). …
DPR-0390	RIL	045	Oppose In Part	Amend ECO-R1.24 as follows: Activity status: ~~DIS~~ RDIS 24. Any indigenous vegetation clearance Where: 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. 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.l). Activity status when compliance not achieved: 27. When compliance with ECO-R1.24.a. is not achieved: ~~NC~~ DIS
DPR-0407	Forest & Bird	057	Support In Part	Amend ECO-R1.24.b as follows: b. Any indigenous vegetation clearance within an area of

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				improved pasture that has not been subject to any cultivation ~~in the past~~ as part of a regular cycle, that has been mapped and identified in a Farm Biodiversity Plan (this clause takes precedent over ECO-R1.4.1).
DPR-0301	*UWRG*	*FS135*	*Support*	*Allow in full*
DPR-0427	DOC	115	Support In Part	Retain ECO-R1.22 as notified, provided appropriate amendments are made to ECO-R1.4, ECO-R1.6, ECO-MAT1 and relief sought in ECO-SCHED3 – Indigenous Species and Area Lists are made.
DPR-0301	*UWRG*	*FS257*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS280*	*Support*	*Accept the submission*
DPR-0427	DOC	116	Oppose In Part	Delete ECO-R.1.24 (b) and replace with a timebound improved pasture condition i.e. 'improved pasture where maintenance has occurred within the previous 10 years', and any consequential amendments to definitions. Alternatively Retain provided appropriate amendments are made to ECO-R1.4, ECO-R1.6, ECO-MAT1 and relief sought in ECO-SCHED3 – Indigenous Species and Area Lists are made.
DPR-0301	*UWRG*	*FS258*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS281*	*Support*	*Accept the submission*
DPR-0456	Four Stars & Gould	016	Oppose	Delete Rule ECO-R1.24 as notified

Analysis

15.6 CRC, and HortNZ[237] each request that ECO-R1.22 be deleted as notified. Considering my recommendations in Section 11 of this report, I recommend that the submission points be accepted in part, noting that I have recommended that zone-based provisions replace it.

15.7 ESAI[238] request that ECO-R1.22 be amended to reduce the setbacks where consent is required to 10m from the boundary of any wetland and 5m from the bank of any surface water body. Considering my recommendations in Section 11 of this report, I recommend that the submission point be accepted in part, noting that these areas may meet the criteria for being considered a significant natural area.

15.8 Dairy Holdings, Craigmore, and RIL[239] each request that, if their relief in relation to ECO-R1.4 is not granted, ECO-R1.22 be amended to provide for the installation, operation or maintenance of irrigation infrastructure as a permitted activity. Considering the discussion in Section 12 regarding irrigation infrastructure and this chapter, I recommend that the submission points be rejected.

[237] DPR-0260.091 CRC, DPR-0353.135 HortNZ
[238] DPR-0212.047 ESAI
[239] DPR-0372.057 Dairy Holdings, DPR-0388.027 Craigmore, DPR-0390 RIL

15.9 DOC[240] request that ECO-R1.22 be retained as notified, provided appropriate amendments are made to ECO-R1.4, ECO-R1.6, ECO-MAT1 and the relief sought in ECO-SCHED3 is granted. Considering my recommendations in Section 11 of this report, I recommend that the submission point be accepted in part, noting that I have recommended that zone-based provisions replace it.

15.10 Beef + Lamb NZ & Deer NZ[241] request that ECO-R1.22 be retained as notified. Considering my recommendations above, I recommend that the submission point be accepted in part, noting that I have recommended that zone-based provisions replace it.

15.11 The Council[242] requests that ECO-R1.24 be amended to require consent for indigenous vegetation clearance in areas of improved pasture where it is part of an ecological restoration and enhancement project. As a result of the rule restructure recommended in Section 11 of this report, I consider that this is already provided for in ECO-R1.4.h.ii (refer recommended ECO-RC.3.h.ii) and no further amendment is required. I therefore recommend that the submission point be rejected.

15.12 CRC[243] request that ECO-R1.24 be amended so that it does not apply to activities permitted by ECO-R1.4 or ECO-R1.6, rather than to all clearances, but that it applies to all SNAs, regardless of whether they are listed in the PDP, or not. They request that the activity status be RDIS rather than DIS. HortNZ[244] also request that ECO-R1.24 be amended so that the activity status be RDIS rather than DIS, and that appropriate matters for discretion be included. Considering my recommendations in Section 11 of this report, I recommend that the submission point be accepted.

15.13 Dairy Holdings, Craigmore, and RIL[245] each request that ECO-R1.24 be amended so that the activity status be RDIS rather than DIS, that ECO-R1.24.b be deleted, and that the status when compliance is not achieved be amended from NC to DIS. Considering my recommendations in Section 11 of this report, I recommend that the submission point be accepted in part.

15.14 Forest & Bird[246] request that ECO-R1.24.b be amended to include reference to their requested definition of 'regular cycle', and that the area subject to clearance has been mapped and included in a Farm Biodiversity Plan. Considering my recommendations in Section 11 of this report, I recommend that the submission point be rejected.

15.15 DOC[247] request that ECO-R1.24.b be deleted and replaced with a timebound improved pasture condition, suggesting 'improved pasture where maintenance has occurred within the previous 10 years' Considering my recommendations in Section 11 of this report, I recommend that the submission point be rejected.

15.16 Four Stars & Gould[248] request that ECO-R1.24 be deleted as notified. Considering my recommendations above, I recommend that the submission point be accepted.

[240] DPR-0427.115 DOC
[241] DPR-0368.029 Beef + Lamb NZ & Deer NZ
[242] DPR-0207.032 The Council
[243] DPR-0260.092 CRC
[244] DPR-0353.136 HortNZ
[245] DPR-0372.058 Dairy Holdings, DPR-0388.028 Craigmore, DPR-0390.045 RIL
[246] DPR-0407.057 Forest & Bird
[247] DPR-0427.116 DOC
[248] DPR-0456.016 Four Stars & Gould

Recommendations and amendments

15.17 I recommend, for the reasons given above, that the Hearings Panel:

a) Delete the ECO Management Overlay: Canterbury Plains Area

b) Delete ECO-R1.22 – ECO-R1.24 as shown in **Appendix 2** to provide better clarity for Plan users.

15.18 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

15.19 The section 32AA evaluation for the changes is located at the end of Section 11 of this report.

16. Significant natural areas

Introduction

16.1 This section responds to the submission points relating to the definition, identification and management of significant natural areas.

Definition – Significant natural area

Submissions

16.2 Four submission points and 12 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	064	Support In Part	Amend as follows: An area identified as meeting the criteria set out in ECO-SCHED1 or ~~for listing~~ listed in the district plan as a significant natural area in relation to indigenous biodiversity.
DPR-0301	*UWRG*	*FS038*	*Support*	*Allow*
DPR-0375	*WKNZTA*	*FS020*	*Support In Part*	*Waka Kotahi would want to ensure that if the amendment sought is introduced then State Highway infrastructure is still recognised and provided for and the opportunity is made for all parties to consider the implications of the amendment sought.*
DPR-0381	*Coleridge Downs*	*FS006*	*Oppose*	*Disallow*
DPR-0486	*Coleridge Downs*	*FS006*	*Oppose*	*Disallow*
DPR-0422	FFNC	085	Support	Retain as notified
DPR-0372	*Dairy Holdings*	*FS056*	*Support*	*Accept the submission*
DPR-0407	*Forest & Bird*	*FS096*	*Oppose in Part*	*Reject the submission*
DPR-0427	DOC	017	Oppose	Amend as follows: An area identified as meeting the criteria set out in ECO-SCHED1 for determining significant indigenous vegetation and significant habitat of indigenous fauna,

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				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~~
DPR-0301	*UWRG*	*FS159*	*Support*	*Allow in full*
DPR-0375	*WKNZTA*	*FS021*	*Support In Part*	*Waka Kotahi would want to ensure that if the amendment sought is introduced then State Highway infrastructure is still recognised and provided for and the opportunity is made for all parties to consider the implications of the amendment sought.*
DPR-0381	*Coleridge Downs*	*FS050*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS183*	*Support*	*Accept the submission*
DPR-0486	*Coleridge Downs*	*FS050*	*Oppose*	*Disallow*
DPR-0441	Manawa	022	Support In Part	Retain as notified provided that the relief sought for ECO-SCHED1 is accepted.
DPR-0407	*Forest & Bird*	*FS050*	*Oppose In Part*	*Reject the submission*

Analysis

16.3 CRC and DOC[249] propose different phrasing, but each request that the definition be amended 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. Of the two, I consider that the phrasing proposed by DOC would provide better clarity for plan users than either the PDP definition or the CRC submission point, a position also taken by Dr Lloyd (**Appendix 3**). I therefore recommend that the DOC submission point[250] be accepted and the CRC submission point[251] be accepted in part.

16.4 Manawa[252] requests that the definition be retained as notified, provided that their relief sought for ECO-SCHED1 is accepted, while FFNC[253] request that the definition be retained as notified. Considering my recommendation above and my recommendation in relation to ECO-SCHED1 in Section 23 of this report, I recommend that the submission points be accepted in part.

Recommendations and amendments

16.5 I recommend, for the reasons given above, that the Hearings Panel amend the definition of 'significant natural area' as shown in **Appendix 2** to provide better clarity for plan users.

16.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

[249] DPR-0260.064 CRC, DPR-0427.017 DOC
[250] DPR-0427.017 DOC
[251] DPR-0260.064 CRC
[252] DPR-0441.022 Manawa
[253] DPR-0422.085 FFNC

16.7 The consolidated section 32AA evaluation for these changes is located at the end of this section of the report.

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

Introduction

16.8 This section responds to the submission points relating to the identification of significant natural areas through the ECO Significant Natural Areas Overlay and ECO-SCHED4 - Significant Natural Areas.

Submissions

16.9 Eleven submission points and six further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0019	S Jarvis	005	ECO-R1	Support In Part	Requests that all areas of significant indigenous vegetation and fauna should be assessed and listed.
DPR-0168	P Godfrey	009	New	Support In Part	Amend plan to ensure SNA's are included on private land.
DPR-0168	P Godfrey	012	New	Oppose	Include SNA's in the overlay maps.
DPR-0168	P Godfrey	013	New	Oppose	Include already protected areas into the overlay maps.
DPR-0168	P Godfrey	018	ECO	Neither Support Nor Oppose	Requests that SNA and protected areas layers be included.
DPR-0233	CBS	012	ECO-SCHED4	Oppose	That Council undertake extensive SNA surveys on both public and private land to identify areas of natural values. Refer to original submission for full decision requested.
DPR-0301	*UWRG*	*FS033*	*ECO-SCHED4*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS363*	*ECO-SCHED4*	*Support*	*Accept the submission*
DPR-0260	CRC	102	ECO-SCHED4	Support In Part	Add the area outlined in red in Figure 1 of the Ecological Assessment of Environment Canterbury Long-Term Lease Land, Thompsons Road, West Melton (February 2019) to ECO-SCHED4.
DPR-0260	CRC	103	ECO-SCHED4	Support In Part	Add the area outlined in blue in Figure 1 of the Ecological Assessment of Environment Canterbury Long-Term Lease Land, Thompsons Road, West Melton (February 2019) to ECO-SCHED4.
DPR-0260	CRC	104	ECO Significant Natural	Support In Part	Add the area outlined in red in Figure 1 of the Ecological Assessment of Environment Canterbury Long-Term Lease Land, Thompsons Road, West Melton (February

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
			Areas Overlay		2019) to the ECO-Significant Natural Areas overlay.
DPR-0260	CRC	194	ECO Significant Natural Areas Overlay	Support In Part	Add the area outlined in blue in Figure 1 of the Ecological Assessment of Environment Canterbury Long-Term Lease Land, Thompsons Road, West Melton (February 2019) to the ECO-Significant Natural Areas overlay.
DPR-0368	Beef + Lamb NZ & Deer NZ	035	ECO-SCHED4	Oppose	Delete ECO-SCHED4 in its entirety.
DPR-0407	*Forest & Bird*	*FS458*	*ECO-SCHED4*	*Oppose*	*Reject the submission*
DPR-0427	DOC	125	ECO-SCHED4	Oppose In Part	Amend ECO-SCHED4 to include identified significant natural areas.
DPR-0212	*ESAI*	*FS070*	*ECO-SCHED4*	*Oppose*	*Disallow in full*
DPR-0301	*UWRG*	*FS267*	*ECO-SCHED4*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS290*	*ECO-SCHED4*	*Support*	*Accept the submission*
DPR-0458	KiwiRail	064	ECO Significant Natural Areas Overlay	Support In Part	Amend ECO Significant Natural Areas Overlay by removing the area subject to KRH-1.

Analysis

16.10 CRC[254] have requested that two areas within their ownership at Thompsons Road, West Melton are included in the overlay and in ECO-SCHED4.

Figure 1: SNAs identified by CRC:

[254] DPR-0260.102, DPR-0260.103, DPR-0260.104, DPR-0260.194 CRC

16.11 As outlined in his evidence (**Appendix 3**), Dr Lloyd agrees that the sites meet the ecological significance criteria in ECO-SCHED1 and that they warrant inclusion in ECO-SCHED4 and in the ECO Significant Natural Areas Overlay. I therefore recommend that the submission points be accepted. These amendments will also partially address the concerns raised by DOC[255], and I recommend that their submission point be accepted.

16.12 S Jarvis and CBS[256] each request that all areas of significant indigenous vegetation and fauna should be assessed and listed. I agree that this is the ideal, but consider that this is outside the scope of what is currently before the Hearing Panel to action, as no SNAs were included in the PDP as notified, and only CRC have requested that specific areas be included in the in ECO-SCHED4 and in the ECO Significant Natural Areas Overlay. Considering my recommendation above to accept the CRC[257] submission points, I recommend that the S Jarvis and CBS[258] submission points be accepted in part.

16.13 P Godfrey[259] requests that additional overlays be added to the planning maps, showing SNAs and protected areas. The role of the planning maps is to spatially identify where plan provisions apply, in this case through the ECO Significant Natural Areas Overlay. However, it is not the role of a district plan to show areas protected through other mechanisms. I therefore recommend that submission point DPR-0168.012 be accepted and the other submission points[260] be rejected.

[255] DPR-0427.125 DOC
[256] DPR-0019.005 S Jarvis, DPR-0233.012 CBS
[257] DPR-0260.102, DPR-0260.103, DPR-0260.104, DPR-0260.194 CRC
[258] DPR-0019.005 S Jarvis, DPR-0233.012 CBS
[259] DPR-0168.009, DPR-0168.012, DPR-0168.013, DPR-0168.018 P Godfrey
[260] DPR-0168.009, DPR-0168.013, DPR-0168.018 P Godfrey

16.14 KiwiRail[261] have requested that the area subject to KRH-1 be removed from the ECO Significant Natural Areas Overlay. The area subject to KRH-1 is not within the overlay, and so I recommend that the submission point be rejected.

16.15 Beef and Lamb + Deer NZ[262] request that ECO-SCHED4 be deleted as notified. They recognise that the Council must give effect to the NPS-IB when it commences, but consider that a SNA-centric approach fails to recognise the main drivers of habitat and species loss in New Zealand and would therefore fail to achieve the policy's goals, as the greatest threat to indigenous biodiversity comes from pests and weeds. Beef and Lamb + Deer NZ also consider that the SNA approach proposed will encourage perverse outcomes that are likely to have detrimental effects on indigenous biodiversity, as well as economic and social wellbeing in Selwyn.

16.16 The current exposure draft of the NPS-IB, which supersedes the version referred to by Beef and Lamb + Deer NZ, continues the use of SNAs. Identifying SNAs through plan provisions provides certainty to landowners about what activities are permitted in which parts of their property (because they no longer need to make individual assessments about whether an area of indigenous biodiversity is 'significant' or not when determining which rules apply where), and which require further consideration of their effects. They also provide a pathway for Council to recognise and support the ongoing conservation efforts of landowners. I therefore recommend that the submission point be rejected.

Recommendations and amendments

16.17 I recommend, for the reasons given above, that the Hearings Panel add the areas shown blue and red in Figure 1 above as SNAs to ECO-SCHED4 and and in the ECO Significant Natural Areas Overlay as shown in **Appendix 2** to recognize that the protection of these areas is a matter of national importance.

16.18 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

16.19 The scale of change does not require a s32AA evaluation.

ECO-R1.6 – ECO-R1.7 Clearance of indigenous vegetation in SNAs

Introduction

16.20 This section responds to the submission points relating to the clearance of indigenous vegetation within areas that have been identified as an SNA and listed in the PDP.

Submissions

16.21 Nineteen submission points and 33 further submission points were received in relation to this subtopic.

[261] DPR-0458.064 KiwiRail
[262] DPR-0368.035 Beef and Lamb + Deer NZ

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	080	Support In Part	Amend ECO-R1.6 as follows: ... b. the maintenance, repair, or replacement of existing public flood, erosion or drainage ~~protection~~ works administered by a Regional or Territorial Authority.
DPR-0260	CRC	081	Support In Part	Amend ECO-R1.6.e as follows: ... e. indigenous vegetation clearance by Ngāi Tahu whānui for the purposes of mahinga kai or other customary uses, where it has been certified by Te Taumutu Rūnanga or by Te Ngāi Tūāhuriri Rūnanga that the activity will meet tikanga protocol (Note: Te Taumutu Rūnanga or Te Ngāi Tūāhuriri Rūnanga will notify the Selwyn District Council prior to such activities occurring). ~~the clearance is in accordance with tikanga protocols.~~ ...
DPR-0260	CRC	082	Support In Part	Apply ECO-R1.6 to all of the zones to which ECO-R1 applies and amend as follows: Indigenous vegetation clearance within a Significant Natural Area ~~identified on the Planning Maps and listed in ECO-SCHED4~~.
DPR-0441	*Manawa*	*FS060*	*Oppose*	*Reject*
DPR-0260	CRC	083	Support	Retain ECO-R1.7 as notified.
DPR-0301	UWRG	026	Oppose In Part	Amend ECO-1.6 to Restricted Discretionary
DPR-0375	*WKNZTA*	*FS075*	*Oppose*	*Retain the permitted activity status as notified and provide further clarity to ensure that the relevant activity status is clear.*
DPR-0381	*Coleridge Downs*	*FS096*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS334*	*Support*	*Accept the submission*
DPR-0441	*Manawa*	*FS072*	*Oppose*	*Reject*
DPR-0486	*Coleridge Downs*	*FS096*	*Oppose*	*Disallow*
DPR-0353	HortNZ	132	Oppose In Part	Amend ECO-R1.6 as follows: ... The works are: ... g. indigenous vegetation clearance where that vegetation is infected by an unwanted organism as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.
DPR-0407	*Forest & Bird*	*FS482*	*Oppose In Part*	*Reject the submission*

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0367	Orion	058	Support In Part	Amend as follows: 6. Indigenous vegetation clearance within a Significant Natural Area identified on the Planning Maps and listed in ECO-SCHED4 .... f. indigenous vegetation clearance where required by a network utility operator, for the safe operation, ~~or~~ maintenance, or repair of the National Grid, and any Significant Electricity Distribution Line or to remove a potential fire risk.
DPR-0407	*Forest & Bird*	*FS044*	*Oppose In Part*	*Accept with limits to the extent of clearance.*
DPR-0367	Orion	202	Neither Support Nor Oppose	Amend ECO-R1.6. as follows. As an alternative, amend ECO-R1.6 as follows and insert to the EI Chapter. 6. Indigenous vegetation clearance within a Significant Natural Area identified on the Planning Maps and listed in ECO-SCHED4. Where: The works are: .... f. indigenous vegetation clearance where required by a network utility operator, for the safe operation, ~~or~~ maintenance or repair of the National Grid and any Significant Electricity Distribution Line or to remove a potential fire risk.
DPR-0407	*Forest & Bird*	*FS771*	*Oppose*	*Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.*
DPR-0368	Beef + Lamb NZ & Deer NZ	017	Support	Retain ECO-R1.6 as notified without prejudice to submissions made on SNAs
DPR-0381	*Coleridge Downs*	*FS003*	*Support*	*Allow*
DPR-0407	*Forest & Bird*	*FS440*	*Oppose*	*Reject the submission*
DPR-0486	*Coleridge Downs*	*FS003*	*Support*	*Allow*
DPR-0368	Beef + Lamb NZ & Deer NZ	018	Oppose	Not specified for ECO-R1.7.
DPR-0407	*Forest & Bird*	*FS441*	*Oppose*	*Reject the submission*
DPR-0372	Dairy Holdings	055	Support In Part	Amend as follows: 6. Indigenous vegetation clearance within a Significant Natural Area identified on the Planning Maps and listed in ECO-SCHED-4 Where: The works are: a. ...

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				b. the installation, operation and maintenance of irrigation infrastructure; ... 7. When compliance with ECO-R1.6. is not achieved: ~~NC~~ RDIS
DPR-0381	*Coleridge Downs*	*FS026*	*Support*	*Allow*
DPR-0486	*Coleridge Downs*	*FS026*	*Support*	*Allow*
DPR-0381	Coleridge Downs	037	Support In Part	Retain ECO-R1.6.a and c as notified.
DPR-0407	*Forest & Bird*	*FS544*	*Oppose*	*Reject the submission*
DPR-0388	Craigmore	025	Oppose In Part	Amend as follows: 6. Indigenous vegetation clearance within a Significant Natural Area identified on the Planning Maps and listed in ECO-SCHED-4 Where: The works are: ... b. the installation, operation and maintenance of irrigation infrastructure; ... Activity status when compliance not achieved: 7. When compliance with ECO-R1.6. is not achieved: ~~NC~~ RDIS
DPR-0381	*Coleridge Downs*	*FS023*	*Support*	*Allow*
DPR-0486	*Coleridge Downs*	*FS023*	*Support*	*Allow*
DPR-0390	RIL	042	Support In Part	Amend ECO-R1.6 as follows: 6. Indigenous vegetation clearance within a Significant Natural Area identified on the Planning Maps and listed in ECO-SCHED-4 Where: The works are: a. the maintenance, repair or replacement of existing fences, vehicle tracks, roads, walkways, firebreaks, dams, waterway crossings, or network utilities.; b. the installation, operation and maintenance of irrigation infrastructure; ... Activity status when compliance not achieved: 7. When compliance with ECO-R1.6. is not achieved: ~~NC~~ RDIS
DPR-0381	*Coleridge Downs*	*FS029*	*Support*	*Allow*

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0486	*Coleridge Downs*	*FS029*	*Support*	*Allow*
DPR-0407	Forest & Bird	029	Oppose	Amend ECO-R1.6 as follows: 6. Indigenous vegetation clearance within a Significant Natural Area identified on the Planning Maps and listed in ECO-SCHED4 or any area that meets the criteria in ECO-SCHED1
DPR-0301	*UWRG*	*FS107*	*Support*	*Allow in full*
DPR-0381	*Coleridge Downs*	*FS082*	*Oppose*	*Disallow*
DPR-0439	*Rayonier*	*FS010*	*Oppose*	*Decline*
DPR-0441	*Manawa*	*FS073*	*Oppose*	*Reject*
DPR-0486	*Coleridge Downs*	*FS082*	*Oppose*	*Disallow*
DPR-0421	R & A Hill	004	Oppose In Part	Amend ECO-R1.6 as follows: 1. Indigenous vegetation clearance Where: …. e. any indigenous vegetation clearance carried out as part of an approved certified biodiversity management plan in conjunction with an approved Farm Environment Plan
DPR-0301	*UWRG*	*FS071*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS421*	*Oppose*	*Reject the submission*
DPR-0427	DOC	108	Oppose	Amend ECO-R1.6 permitted activity to include conditions covering the following: - appropriate area thresholds applying to all permitted works in SNA's; - exclusions applying to a threatened species list; and - excluding clearance within sensitive ecosystems listed in ECO-SCHED3 – Indigenous Species and Areas Lists
DPR-0301	*UWRG*	*FS249*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS273*	*Support*	*Accept the submission*
DPR-0441	*Manawa*	*FS075*	*Oppose*	*Reject*
DPR-0441	Manawa	106	Support In Part	Amend as follows: 6. Indigenous vegetation clearance within a Significant Natural Area identified on the Planning Maps and listed in ECO-SCHED4 ... a. the maintenance, repair or replacement of existing fences, vehicle tracks, roads, walkways, firebreaks, dams, waterway crossings, or network utilities or electricity generation facilities. … f. indigenous vegetation clearance where required by

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				a network utility operator or electricity generator, for the safe operation or maintenance of the National Grid or local distribution network or to remove a potential fire risk.
DPR-0375	*WKNZTA*	*FS100*	*Support In Part*	*Consider widening the proposed wording to cover other types of infrastructure.*
DPR-0407	*Forest & Bird*	*FS061*	*Support In Part*	*Accept the submission in part by including provision for the maintenance and repair of lawfully established electricity generation facilities is a permitted activity provided it is required to be carried out within environmental limits.*
DPR-0446	Transpower	087	Support In Part	Amend as follows: 6. Indigenous vegetation clearance within a Significant Natural Area identified on the Planning Maps and listed in ECO-SCHED4 Where: The works are: .... 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. 7.Except as set out in X When compliance with ECO-R1.6. is not achieved: NC X. Where compliance with ECO-R1.6.f including for the upgrade and development of the National Grid: RDIS. Matters for discretion: X. The exercise of discretion in relation to ECO-R1.X. is restricted to the following matters: a. ECO-MAT1
DPR-0375	*WKNZTA*	*FS107*	*Support In Part*	*Consider amended wording to provide for infrastructure, not just the National Grid.*

Analysis

16.22 CRC and Forest & Bird[263] each request that ECO-R1.6 be amended to apply to all zones to which ECO-R1 applies, so that it applies to all areas that meet the criteria in ECO-SCHED1, rather than just those listed in ECO-SCHED4. Given the national importance of these areas, and consistent with my recommendations on this matter elsewhere, I recommend that these submission points be accepted.

16.23 DOC[264] request that ECO-R1.6 be amended to introduce appropriate area thresholds applying to all permitted works in SNAs, exclusions for threatened species and excluding clearance within sensitive ecosystems listed in ECO-SCHED3. Noting that other rules also apply to protect threatened species

[263] DPR-0260.082 CRC, DPR-0407.029 Forest & Bird
[264] DPR-0427.108 DOC

and sensitive ecosystems, the appropriate level of activity has been considered through the s32 assessment, and consistent with ECO-P4 allows for a level of activity that is unlikely to adversely affect indigenous biodiversity values. I therefore recommend that the submission point be rejected.

16.24 UWRG[265] request that the activity status for ECO-R1.6 be amended from PER to RDIS. The appropriate activity status has been considered through the s32 assessment, and consistent with ECO-P4 allows for a level of activity that is unlikely to significantly adversely affect indigenous biodiversity values. I therefore recommend that the submission point be rejected.

16.25 CRC[266] request that ECO-R1.6.b be amended in line with their submission points on the natural hazards chapter relating to public flood, erosion or drainage works. Consistent with my recommendation in relation to that chapter[267], I recommend that this submission point be accepted in part, as works administered by a regional or territorial authority are already public works and so the additional word is not required.

16.26 CRC[268] requests that ECO-R1.6.e be amended to set out a process whereby compliance with the provision can be demonstrated. I consider that this would interfere with the ability of Ngāi Tahu whānui to exercise mana whenua and therefore be problematic in terms of Council's s6(e)[269] obligations. I therefore recommend that the submission point be rejected.

16.27 Orion[270] requests that ECO-R1.6.f be amended to allow for the repair of lines, and so that Significant Electricity Distribution Lines are subject to the same provisions as the National Grid. Manawa[271] also requests that ECO-R1.6.f be amended to provide for their activities at the Coleridge HEPS. WKNZTA[272] requests that consideration be given to widening the scope of ECO-R1.6.f to provide for other forms of infrastructure. Considering EI-P2, I recommend that the submission points be accepted in part and ECO-R1.6.f be amended to provide for the operation or maintenance of important infrastructure, or to remove a potential fire risk to that infrastructure.

16.28 Manawa[273] requests that ECO-R1.6.a be amended to also provide for clearance associated with the maintenance, repair or replacement of existing electricity generation facilities. The Coleridge HEPS is not a network utility, but is important infrastructure. I therefore recommend that the submission point be accepted in part, with ECO-R1.6.f instead amended as described in the previous paragraph.

16.29 HortNZ[274] request that provision be made in ECO-R1.6 for the clearance of indigenous vegetation that has been infected by an unwanted organism, as a permitted activity. This matter has already been considered by the hearing on the *Contaminated land and hazardous substances* chapter. Consistent with the recommendation in the officer's right of reply report for that hearing, I

[265] DPR-0301.026 UWRG
[266] DPR-0260.080 CRC
[267] Natural Hazards s42A report, starting at para 17.76
[268] DPR-0260.081 CRC
[269] S6 RMA - In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:
(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga
[270] DPR-0367.058, DPR-0367.202 Orion
[271] DPR-0441.106 Manawa
[272] DPR-0375.FS107 WKNZTA
[273] DPR-0441.106 Manawa
[274] DPR-0353.132 HortNZ

recommend that this submission point be accepted in part, with Ms Lewes' recommended definition of 'material infected by unwanted organisms' meaning that ECO-R1.6 can be simplified from that included in the HortNZ submission point.

16.30 R & A Hill[275] request that provision be made in ECO-R1.6 for the clearance of indigenous vegetation as part of a biodiversity management plan in conjunction with an approved Farm Environment Plan, as a permitted activity. The process for approving biodiversity management plans is through a resource consent, which is managed through ECO-R1.8 and ECO-R1.12. I therefore recommend that the submission points each be rejected

16.31 Dairy Holdings, Criagmore and RIL[276] each request that provision be made in ECO-R1.6 for the clearance of indigenous vegetation to allow for the installation, operation and maintenance of irrigation infrastructure, as a permitted activity. Considering the discussion above regarding irrigation infrastructure and this chapter, I recommend that the submission points be rejected.

16.32 Coleridge Downs[277] request that ECO-R1.6.a and ECO-R1.6.c be retained as notified. Considering my recommendations above, I recommend that the submission point be accepted in part.

16.33 Beef + Lamb NZ & Deer NZ[278] request that ECO-R1.6 be retained as notified, without prejudice as to their submissions made on SNAs. Considering my recommendations above, I recommend that the submission point be accepted in part.

16.34 Dairy Holdings, Craigmore, RIL and Transpower[279] each request that ECO-R1.7 be amended, so that non-compliance with ECO-R1.6 becomes an RDIS activity, rather than NC. Given the national importance of significant natural areas, I recommend that the submission points each be rejected

16.35 Beef + Lamb NZ & Deer NZ[280] oppose ECO-R1.7, but have not specified a relief sought. Considering my recommendations above, I recommend that the submission point be rejected.

16.36 CRC[281] request that ECO-R1.7 be retained as notified. Considering my recommendations above, I recommend that the submission point be accepted.

Recommendations and amendments

16.37 I recommend, for the reasons given above, that the Hearings Panel amend ECO-R1.6 as shown in **Appendix 2** to provide better clarity for Plan users, including a restructure of the rules as discussed in Section 12 of this report. Recommended provisions for the clearance of indigenous vegetation in significant natural areas are shown as Rule ECO-RD in **Appendix 2**.

16.38 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

[275] DPR-0421.004 R & A Hill
[276] DPR-0372.055 Dairy Holdings, DPR-0388.025 Craigmore, DPR-0390.042 RIL
[277] DPR-0381.037 Coleridge Downs
[278] DPR-0368.017 Beef + Lamb NZ & Deer NZ
[279] DPR-0372.055 Dairy Holdings, DPR-0388.025 Craigmore, DPR-0390.042 RIL, DPR-0446.087 Transpower
[280] DPR-0368.018 Beef + Lamb NZ & Deer NZ
[281] DPR-0260.083 CRC

ECO-R2 Earthworks within an SNA

Introduction

16.39 This section responds to the submission points relating to ECO-R2, which manages earthworks within the Significant Natural Areas Overlay.

Submissions

16.40 Ten submission points and nineteen further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	095	Support In Part	Apply ECO-R2 to all of the zones to which ECO-R1 applies and amend ECO-R2 as follows: 1. Any earthworks within an SNA except where ~~other than~~ provided for in ECO-R1.4 or ECO-R1.6.
DPR-0427	*DOC*	*FS018*	*Support*	*Decision not specified*
DPR-0353	HortNZ	138	Support	Retain as notified
DPR-0407	*Forest & Bird*	*FS484*	*Oppose In Part*	*Reject the submission*
DPR-0372	Dairy Holdings	059	Oppose In Part	Amend as follows: Activity Status: ~~NC~~ DIS 1. Any earthworks other than provided for in ECO-R1.4 or ECO-R1.6.
DPR-0381	*Coleridge Downs*	*FS032*	*Support*	*Allow*
DPR-0441	*Manawa*	*FS076*	*Support*	*Accept*
DPR-0486	*Coleridge Downs*	*FS032*	*Support*	*Allow*
DPR-0375	WKNZTA	092	Oppose	Amend Rule to better provide for earthworks within an SNA area associated with infrastructure projects.
DPR-0441	*Manawa*	*FS077*	*Support*	*Accept*
DPR-0381	Coleridge Downs	040	Oppose In Part	Amend ECO-R1.12, List 3 of ECO-SCHED3, ECO-R2 and the ECO rule framework to the effect of providing a restricted discretionary activity rule for limited clearance of indigenous vegetation (in particular matagouri) where associated with ongoing farm operations – for example: - when establishing farm tracks, water tanks, piping networks between infrastructure, new storage ponds, etc; and - when clearing areas previously used as part of normal farming rotation (for example, areas that were previously improved pasture but matagouri or non-indigenous species have invaded in the intervening period (for example, in the last 5 years)).
DPR-0301	*UWRG*	*FS062*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS547*	*Oppose*	*Reject the submission*

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0468	*Fish & Game*	*FS003*	*Oppose*	*Seeks an alternative approach for the high country wherein all converted (cultivated and irrigated) pasture be mapped and discretionary consents are required to clear vegetation outside of these areas.*
DPR-0388	Craigmore	029	Oppose In Part	Amend as follows: Activity Status: ~~NC~~ RDIS 1. Any earthworks other than provided for in ECO-1.4 or ECO-R1.6.
DPR-0381	*Coleridge Downs*	*FS031*	*Support*	*Allow*
DPR-0441	*Manawa*	*FS078*	*Support*	*Accept*
DPR-0486	*Coleridge Downs*	*FS031*	*Support*	*Allow*
DPR-0390	RIL	046	Oppose In Part	Amend ECO-R2 as follows: Activity Status: ~~NC~~ RDIS 1. Any earthworks other than provided for in ECO-1.4 or ECO-R1.6.
DPR-0381	*Coleridge Downs*	*FS033*	*Support*	*Allow*
DPR-0441	*Manawa*	*FS079*	*Support*	*Accept*
DPR-0486	*Coleridge Downs*	*FS033*	*Support*	*Allow*
DPR-0407	Forest & Bird	033	Support In Part	Not specified
DPR-0301	*UWRG*	*FS111*	*Support*	*Allow in full*
DPR-0441	*Manawa*	*FS080*	*Oppose*	*Reject*
DPR-0439	Rayonier	020	Oppose In Part	Amend to being only applicable to SNAs identified on planning maps and listed in ECO-SCHED4.
DPR-0407	*Forest & Bird*	*FS166*	*Oppose*	*Reject the submission*
DPR-0441	Manawa	108	Support In Part	Retain as notified provided that Manawa's relief sought for ECO-R1.4, ECO-R1.6 are accepted.
DPR-0407	*Forest & Bird*	*FS063*	*Oppose*	*Reject the submission*

Analysis

16.41 CRC[282] requests that ECO-R2 apply to all the zones to which ECO-R1 applies, and that a grammatical amendment be made. CRC and Forest & Bird[283] request that it apply to all areas meeting the criteria in ECO-SCHED1, rather than just those that have been mapped. Given the national importance of these areas and consistent with my recommendations elsewhere in this report, I recommend that these submission points be accepted.

[282] DPR-0260.095 CRC
[283] DPR-0407.033 Forest & Bird

16.42 Rayonier[284] request that ECO-R2 be amended so that it only applies to SNAs identified on planning maps and listed in ECO-SCHED4. Considering my recommendation above, I recommend that the submission point be rejected.

16.43 Coleridge Downs[285] request that ECO-R2 be amended to providing a restricted discretionary activity rule for limited clearance of indigenous vegetation (in particular, matagouri) where associated with ongoing farm operations. ECO-R2 only applies to significant natural areas rather than all areas containing indigenous vegetation, and associated ECO-R1.4 and ECO-R1.6 already provide for limited earthworks affecting indigenous vegetation for farm operations as a permitted activity, and so I do not consider that any amendment to ECO-R2 is required in response to this submission point. I therefore recommend that the submission point be rejected.

16.44 WKNZTA[286] requests that the rule be amended to better provide for earthworks associated with infrastructure projects within an SNA area. Considering my recommendations regarding improving the integration between this chapter and those within the *Energy, Infrastructure and Transport* heading, I recommend that this submission point be rejected.

16.45 Dairy Holdings[287] request that the activity status be amended from NC to DIS, while Craigmore and RIL[288] request that the activity status be amended from NC to RDIS. The appropriate status for activities was considered through the s32 assessment. Given the nationally important status of these areas, I consider that NC is an appropriate status and recommend that the submission points be rejected.

16.46 HortNZ[289] requests that ECO-R2 be retained as notified. In light of my recommendations above, I recommend that the submission point be accepted in part.

16.47 Manawa[290] request that ECO-R2 be retained as notified, subject to the acceptance of their submission point in relation to ECO-SCHED1. Given my recommendation on their submission point in Section 23 of this report and my recommendations above I recommend that the submission point be accepted in part.

16.48 The Kāinga Ora[291] submission in whole requested amendments to earthworks provisions throughout the PDP, so that all earthworks provisions are included in the *Earthworks* chapter. I agree that this would give better effect to the Planning Standards and provide greater clarity for Plan users. I therefore recommend that ECO-R2 be restructured as a rule requirement titled 'Earthworks and indigenous biodiversity' rather than as a rule (shown as ECO-REQG in **Appendix 2**), and that compliance with this ECO-REQ 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

[284] DPR-0439.020 Rayonier
[285] DPR-0381.040 Coleridge Downs
[286] DPR-0375.092 WKNZTA
[287] DPR-0372.059 Dairy Holdings
[288] DPR-0388.029 Craigmore, DPR-0390.046 RIL
[289] DPR-0353.138 HortNZ
[290] DPR-0441.108 Manawa
[291] DPR-0414 Kāinga Ora, para 34(n)

- EW-R4 Earthwork in the Dairy Processing Zone

Recommendations and amendments

16.49 I recommend, for the reasons given above, that the Hearings Panel:

a) amend ECO-R2 as shown in **Appendix 2** to provide better protection to SNAs;

b) make a consequential amendment to the rule heading as shown in **Appendix 2**, so that the heading links to the definition of 'significant natural area'.

c) Restructure the rule as a rule requirement as shown in **Appendix 2**, and require compliance with it for each of EW-R1, EW-R2, EW-R3 and EW-R4.

16.50 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

16.51 The s32AA evaluation for activities in SNAs follows at the end of this section of the report.

ECO-R4 Plantation forestry within an SNA

Introduction

16.52 This section responds to the submission points relating to plantation forestry within an SNA.

Submissions

16.53 Five submission points and four further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	097	Support In Part	Apply ECO-R4 to all of the zones to which ECO-R1 applies.
DPR-0212	*ESAI*	*FS055*	*Oppose*	*Disallow in full*
DPR-0260	CRC	193	Support In Part	Amend as follows: 1. Plantation forestry <u>within an SNA</u>
DPR-0212	*ESAI*	*FS056*	*Oppose*	*Disallow in full*
DPR-0407	Forest & Bird	035	Support In Part	Not specified
DPR-0301	*UWRG*	*FS113*	*Support*	*Allow in full*
DPR-0439	Rayonier	010	Oppose In Part	Amend to refer to Plantation Forestry Activity as defined in the NESPF.
DPR-0439	Rayonier	019	Oppose In Part	Amend to align with the NES-PF to: - Restrict afforestation in a mapped SNA - Allow for clearance /damage to indigenous vegetation of a forest track in a SNA - Allow for incidental damage to indigenous vegetation in a SNA in accordance with the NES-PF Reg 93.
DPR-0407	*Forest & Bird*	*FS165*	*Oppose*	*Reject the submission*

Analysis

16.54 CRC requests that ECO-R4 be applied to all zones where ECO-R1 applies[292], and that the provision be amended to apply to all SNAs, not just those that have been identified in the PDP.[293] Similarly, Forest & Bird[294] support the provision, provided that it also applies to any area that meets the significance criteria in ECO-SCHED1 and not just to those areas listed in ECO-SCHED4. These amendments would be consistent with the NES-PF definition of 'significant natural area', and my recommendations elsewhere in this report and so I recommend that the submission points be accepted.

16.55 Rayonier request that the provision be amended to refer to plantation forestry activity as defined in the NES-PF,[295] and that the provision be amended to better align with the NES-PF.[296] The s32 Report[297] is concerned with the establishment of new forestry in SNAs. Rather than identifying all plantation forestry activities within an SNA as requiring resource consent, therefore, I recommend that new, or the expansion of existing, plantation forestry in SNAs remain a NC activity, and that, should consent be granted for this activity in an SNA, other plantation forestry activities in that area be subject to the NES-PF. This approach is consistent with that recommended in the s42A report for the *Natural Features and Landscapes* chapter. I therefore recommend that the submission point be accepted in part.

Recommendations and amendments

16.56 I recommend, for the reasons given above, that the Hearings Panel:

a) amend ECO-R4 as shown in **Appendix 2** to provide better protection to SNAs;

b) make a consequential amendment to the rule heading, so that the heading links to the definition of 'significant natural area'.

16.57 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

16.58 The s32AA evaluation for activities in SNAs follows at the end of this section of the report.

Section 32AA evaluation – significant natural areas

16.59 The following points evaluate the recommended changes to the provisions to define, identify and manage significant natural areas under Section 32AA of the RMA, particularly the recommended change to using the definition of 'significant natural area' to describe where provisions apply, rather than relying on areas listed in ECO-SCHED4 and shown on the Overlay.

Effectiveness and efficiency

16.60 Including SNAs in SCHED4 or previous equivalents has historically been reliant on landowner agreement, making the protection of SNAs the only topic where landowners can actively choose not to be bound by Plan provisions intended to provide for a matter of national importance. Having

[292] DPR-0260.097 CRC
[293] DPR-0260.193 CRC
[294] DPR-0407.035 Forest & Bird
[295] DPR-0439.010 Rayonier
[296] DPR-0439.019 Rayonier
[297] s32 Report, Ecosystems and Indigenous Biodiversity

provisions apply regardless of landowner agreement would therefore be more effective than them essentially being a voluntary code.

16.61 As notified, the provisions would only give effect to the CRPS if all SNAs across the Selwyn District had been mapped and listed in ECO-SCHED4. Until and unless that happens, the provisions needs to refer to a definition of Significant Natural Areas that does not require listing in the plan. Referring to a definition would provide legal protection to any areas that meet the criteria in EIB-SCHED4 but that have not yet been listed.

16.62 The recommended amendment will be less efficient than reliance on ECO-SCHED4, but that efficiency relies on ECO-SCHED4 being a comprehensive schedule. It is not. As such, I consider that the recommended amendment would be a more effective mechanism to meet Councils s6(c) obligations than the notified provisions.

Costs and benefits

16.63 Having a significant natural area on your land does come with an opportunity cost to landowners, who would now be subject to restrictions regardless of whether their land has been included in ECO-SCHED4, or not. However, I consider that this is outweighed by the community benefit of protecting areas of national importance.

16.64 Where provisions apply regardless of listing, there are opportunities outside the district plan to provide incentives to landowners to recognise and protect these areas, including funding opportunities for maintenance or restoration work.

Risk of acting or not acting

16.65 On a district-wide scale, very little indigenous biodiversity remains, which makes what does remain more important. Not recognizing the importance of these areas risks losing them completely, potentially as a permitted activity.

16.66 The cost would fall on landowners to identify whether an area of indigenous vegetation they wish to clear meets the criteria to be considered 'significant' before undertaking that clearance. Certainty for landowners could be established through assessments undertaken in accordance with ECO-SCHED1 and subsequent listing of qualifying areas in ECO-SCHED4.

Conclusion as to the most appropriate option

16.67 The recommended amendment to the provisions to define, identify, and manage SNAs would be more effective and efficient than the notified provisions and would provide community benefit. Not acting could result in continued loss of areas of national importance. The amendments are therefore considered to be more appropriate in achieving the purpose of the RMA and achieving the objectives of the Ecosystems and biodiversity chapter than the notified version.

17. ECO Mudfish Habitat Overlay

ECO Mudfish Habitat Overlay

Introduction

17.1 This section responds to the submission points relating to the ECO Mudfish Habitat Overlay.

Submissions – ECO Mudfish Habitat Overlay

17.2 Three submission points and five further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0212	ESAI	042	Oppose	Delete the ECO Mudfish Habitat Overlay as notified.
DPR-0407	Forest & Bird	058	Support In Part	Rename Crested Grebe overlay to Indigenous Fauna overlay; and Identify any sites in the Indigenous Fauna overlay in ECO-SCHED4 Significant Natural Areas and on the planning map. Alternatively, update the Crested Grebe and Mudfish overlays as notified, to include all known habitats in the event these overlays are retained.
DPR-0212	*ESAI*	*FS058*	*Oppose*	*Disallow in full*
DPR-0301	*UWRG*	*FS136*	*Support*	*Allow in full*
DPR-0422	FFNC	134	Oppose	Delete ECO-Mudfish Habitat Overlay and make any necessary consequential amendments.
DPR-0212	*ESAI*	*FS059*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS111*	*Oppose*	*Reject the submission*
DPR-0427	*DOC*	*FS025*	*Oppose*	*Decision not specified*

Analysis

17.3 ESAI and FFNC[298] each request that the overlay be deleted as notified. As assessed in the s32 assessment, this would result in Council failing to provide for a matter of national importance, being the protection of areas of significant habitats of indigenous fauna. I therefore recommend that the submission point be rejected.

17.4 Forest & Bird[299] request that the Mudfish Habitat Overlay be combined with the Crested Grebe Overlay to form a single Indigenous Fauna Overlay. The land management techniques needed to protect each species differ, and so combining them into a single overlay would result in provisions that did not achieve the outcomes sought. I therefore recommend that this part of the submission point be rejected.

[298] DPR-0212.042 ESAI, DPR-0422.134 FFNC
[299] DPR-0407.058 Forest & Bird

17.5 Forest & Bird[300] request that sites within the Mudfish Habitat Overlay be included in the Significant Natural Areas Overlay and listed in ECO-SCHED4. This would result in provisions that did not achieve the outcomes sought, as the general provisions for SNAs do not specifically address the needs of this species. I therefore recommend that this part of the submission point be rejected.

ECO-R1.16 – ECO-R1.19 –Vegetation clearance and earthworks in the ECO Mudfish Habitat Overlay

Introduction

17.6 This section responds to the submission points relating to indigenous vegetation clearance and earthworks in the ECO Mudfish Habitat Overlay. ECO-R1.16 and ECO-R1.17 address indigenous vegetation clearance, while ECO-R1.18 and ECO-R1.19 address earthworks.

Submissions

17.7 Fourteen submission points and 10 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0019	S Jarvis	007	Support In Part	Not specified
DPR-0154	E Moorhead	001	Neither Support Nor Oppose	Requests that Council maintain the focus of these networks on drainage and not be diverted into other considerations which then negatively impact drainage.
DPR-0212	ESAI	043	Oppose	Delete provisions within ECO-R1 Earthworks relating to the ECO Mudfish Habitat Overlay.
DPR-0239	B Lowe	001	Oppose	Requests that increased intensive farming and coal mine expansions be stopped.
DPR-0260	CRC	088	Support	Retain ECO-R1.16 as notified.
DPR-0260	CRC	089	Support	Retain ECO-R1.18 as notified.
DPR-0353	HortNZ	133	Oppose	Delete ECO-R1.16 as notified or amend to address the submitter's concerns.
DPR-0407	*Forest & Bird*	*FS483*	*Oppose In Part*	*Reject the submission*
DPR-0353	HortNZ	134	Support	Retain ECO-R1.18 as notified, provisional on the retention of the definition of earthworks which excludes cultivation and land disturbance for fence posts
DPR-0407	*Forest & Bird*	*FS503*	*Oppose*	*Reject the submission*
DPR-0368	Beef + Lamb NZ & Deer NZ	023	Support	Retain ECO-R1.16 as notified
DPR-0407	*Forest & Bird*	*FS446*	*Oppose*	*Reject the submission*

[300] DPR-0407.058 Forest & Bird

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0368	Beef + Lamb NZ & Deer NZ	024	Support	Retain ECO-R1.17 as notified
DPR-0407	*Forest & Bird*	*FS447*	*Oppose*	*Reject the submission*
DPR-0368	Beef + Lamb NZ & Deer NZ	025	Support	Retain ECO-R1.18 as notified
DPR-0407	*Forest & Bird*	*FS448*	*Oppose*	*Reject the submission*
DPR-0368	Beef + Lamb NZ & Deer NZ	026	Support	Retain ECO-R1.19 as notified
DPR-0407	*Forest & Bird*	*FS449*	*Oppose*	*Reject the submission*
DPR-0427	DOC	111	Oppose In Part	Amend ECO-R1.16 as follows: 16. Vegetation clearance ~~except where provided for in ECO-R1.4 or ECO-R1.6~~ Where: The activity involves the clearance of any: a. vegetation (indigenous vegetation or exotic vegetation), other than any vegetation identified in ECO-SCHED3 ~~ECO-Table 1 or ECO-Table 2~~. b. trees or shrubs (indigenous vegetation or exotic vegetation), other than any vegetation identified in ECO-SCHED3 ~~ECO-Table 1 or ECO-Table 2~~, where the tree/shrub is ... AND Insert new rule for non-compliance with the conditions of ECO-R1.16 as a non-complying activity AND Any consequential amendments in relation to the submitter's relief sought on ECO-R1.1, ECO-R.1.4, ECOR.1.6.
DPR-0301	*UWRG*	*FS253*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS276*	*Support*	*Accept the submission*
DPR-0427	DOC	112	Support	Retain ECO-R1.18 as notified, subject to amendments to ECO-MAT2
DPR-0301	*UWRG*	*FS254*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS277*	*Support*	*Accept the submission*

Analysis

17.8 S Jarvis[301] supports the provisions that seek to protect the habitat of mudfish, but considers that there may be other animal or plant species that need protection. No additional provisions have been provided for consideration, so I recommend that the submission point be accepted in part.

17.9 B Lowe[302] considers that Canterbury Mudfish must be protected and that biodiversity loss must be stopped. They request that increased intensive farming and coal mine expansions be stopped. Intensive farming and mining are managed through zone chapters, and so I recommend that the submission point be rejected.

17.10 DOC[303] supports the inclusion of provisions to protect the Canterbury Mudfish (*Neochanna burrowsius*) which has a threat status of nationally critical. Because of wetland drainage, the species' habitat range has been much reduced, and the mudfish now live in scattered fragments of habitats in the Selwyn District. The proposed overlay provides for a level of protection from disturbance of habitat such as weed and sediment removal in drains.

17.11 DOC does not consider maintenance, as currently permitted by the notified provision, to be an appropriate activity to protect mudfish and their habitat. They argue that mudfish can bury themselves in mud and live for a period of time. Any disturbance has potentially significant effects on them, including physical removal. They therefore request that all vegetation clearance in the Mudfish Habitat Overlay be subject to ECO-R1.16, and that non-compliance with the conditions of ECO-R1.16 be a NC activity. They also request that the references to ECO-Table 1 and ECO-Table 2 be replaced with a reference to ECO-SCHED3.

17.12 Given the status of the Canterbury Mudfish, I agree that the activities described in ECO-R1.4 and ECO-R1.6 should be managed in this overlay rather than being permitted. However, I consider that clearance of the species listed in ECO-Table 1 and ECO-Table 2 should continue to be permitted. Clearance of vegetation in accordance with ECO-SCHED3 would continue to be managed through other rules. I therefore recommend that the DOC[304] submission point be accepted in part, with consequential amendments to improve readability and user understanding of Plan requirements.

17.13 Given that ECO-Table 1 and ECO-Table 2 are utilised by multiple rules within the chapter, I recommend a minor structural amendment, such that the tables are contained in a new schedule (ECO-SCHEDI), rather than in ECO-R3.

17.14 CRC[305] requests that ECO-R1.16 be retained as notified. Considering my recommendations above, I recommend that the submission point be accepted in part.

17.15 E Moorhead[306] requests that Council maintain the focus of these networks on drainage and not be diverted into other considerations which then negatively impact drainage. Considering my recommendations above, I recommend that the submission point be rejected.

[301] DPR-0019.007 S Jarvis
[302] DPR-0239.001 B Lowe
[303] DPR-0427.111 DOC
[304] DPR-0427.111 DOC
[305] DPR-0260.088 CRC
[306] DPR-0154.001 E Moorhead

17.16 HortNZ[307] requests that, if ECO-R1.16 is not amended to address their concerns, it be deleted. I consider that crops taller than 1m are unlikely to be positioned within 1.5m of a water race, bank or pond, because of the need to maintain access for machinery. I therefore recommend that the submission point be rejected.

17.17 ESAI[308] requests that the provisions within ECO-R1 relating to the Mudfish Habitat Overlay be deleted as notified. Considering my recommendations above, I recommend that the submission point be rejected.

17.18 HortNZ[309] requests that ECO-R1.18 be retained as notified, provisional on the retention of the proposed definition of earthworks. The definition is a Planning Standards definition, and so is unable to be altered through the PDP submissions process. Considering my recommendations above, I recommend that the submission point be accepted.

17.19 DOC[310] requests that ECO-R1.18 be retained as notified, subject to their submission point regarding ECO-MAT2. Considering my recommendations above and in Section 21 of this report concerning ECO-MAT2, I recommend that the submission point be accepted.

17.20 CRC[311] requests that ECO-R1.18 be retained as notified. Considering my recommendations above, I recommend that the submission point be accepted.

17.21 Beef + Lamb NZ & Deer NZ[312] requests that the provisions within ECO-R1 relating to the Mudfish Habitat Overlay be retained as notified. Considering my recommendations above, I recommend that the submission point be accepted in part.

Recommendations and amendments – Mudfish Habitat Overlay

17.22 I recommend, for the reasons given above, that the Hearings Panel:

a) Retain the ECO Mudfish Habitat Overlay, ECO-R1.18 and ECO-R1.19 as notified, subject to a restructure of the rules consistent with other parts of ECO-R1 such that the vegetation clearance rules are shown as ECO-RF and earthworks as ECO-REQ1 in **Appendix 2**; and

b) Amend the rules relating to vegetation clearance in the overlay as shown as ECO-RF in **Appendix 2** to provide better protection to the Canterbury Mudfish and to provide clarity for Plan users; and

c) Reposition ECO-Table 1 and ECO-Table 2 within the chapter as a schedule as shown as ECO-SCHEDI, to provide clarity for Plan users.

17.23 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

17.24 The scale of change does not require a s32AA evaluation.

[307] DPR-0353.134 HortNZ
[308] DPR-0212.043 ESAI
[309] DPR-0353.134 HortNZ
[310] DPR-0427.112 DOC
[311] DPR-0260.089 CRC
[312] DPR-0368.023 Beef + Lamb NZ & Deer NZ

18. ECO Crested Grebe Overlay

ECO Crested Grebe Overlay

Introduction

18.1 This section responds to the submission points relating to the extent of, and provisions within, the Crested Grebe Overlay. These provisions work with those of the *Activities on the surface of water* chapter, particularly ASW-R1.3 as notified, to protect the crested grebe.

Submissions – Crested Grebe Overlay

18.2 One submission point and three further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0407	Forest & Bird	032	Support In Part	Rename Crested Grebe overlay to Indigenous Fauna overlay; and Identify any sites in the Indigenous Fauna overlay in ECO-SCHED4 Significant Natural Areas and on the planning map. Alternatively, update the Crested Grebe and Mudfish overlays as notified, to include all known habitats in the event these overlays are retained.
DPR-0212	*ESAI*	*FS057*	*Oppose*	*Disallow in full*
DPR-0301	*UWRG*	*FS110*	*Support*	*Allow in full*
DPR-0422	*FFNC*	*FS074*	*Support In Part*	*Partially allow the submission point.*

Analysis

18.3 Forest & Bird[313] request that the Crested Grebe Overlay be combined with the Mudfish Habitat Overlay to form a single Indigenous Fauna Overlay. The land management techniques needed to protect each species differ, and so combining them into a single overlay would result in provisions that did not achieve the outcomes sought. I therefore recommend that this part of the submission point be rejected.

18.4 Forest & Bird[314] request that sites within the Crested Grebe Overlay be included in the Significant Natural Areas Overlay and listed in ECO-SCHED4. This would result in provisions that did not achieve the outcomes sought. I therefore recommend that this part of the submission point be rejected.

ECO-R1.20 – ECO-R1.21 Clearance of vegetation in the Crested Grebe Overlay

Submissions - Clearance of vegetation in the Crested Grebe Overlay

18.5 Six submission points and four further submission points were received in relation to this subtopic.

[313] DPR-0407.032 Forest & Bird
[314] DPR-0407.032 Forest & Bird

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0019	S Jarvis	007	Support In Part	Not specified
DPR-0212	ESAI	046	Oppose In Part	Amend as follows: 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 and dead or damaged vegetation from 1 March to 31 August (inclusive)
DPR-0260	CRC	090	Support	Retain ECO-R1.20 as notified.
DPR-0368	Beef + Lamb NZ & Deer NZ	027	Support	Retain ECO-R1.20 as notified
DPR-0407	*Forest & Bird*	*FS450*	*Oppose*	*Reject the submission*
DPR-0368	Beef + Lamb NZ & Deer NZ	028	Support	Retain ECO-R1.21 as notified
DPR-0407	*Forest & Bird*	*FS451*	*Oppose*	*Reject the submission*
DPR-0427	DOC	114	Support In Part	Amend ECO-1.20 as follows: 20~~. Except where provided for in ECO-R1.4 or ECOR1.6;~~ clearance of any trees (indigenous vegetation or exotic vegetation) over 5m ...
DPR-0301	*UWRG*	*FS256*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS279*	*Support*	*Accept the submission*

Analysis

18.6 S Jarvis[315] supports the provisions that seek to protect the habitat of crested grebe, but considers that there may be other animal or plant species that need protection. No additional provisions have been provided for consideration, so I recommend that the submission point be accepted in part.

18.7 DOC[316] requests that the vegetation clearance provided for in ECO-R1.4 and ECO-R1.6 not be permitted in the Crested Grebe Overlay. Dr Smith (**Appendix 4**) agrees that the activities permitted in ECO-R1.4 and ECO-R1.6 could have adverse effects by creating disturbance or by removing nesting habitat during the nesting season of 1 March to 31 August. I therefore recommend that the submission point be accepted in part to clarify that the vegetation clearance provided for in ECO-R1.4 and ECO-R1.6 is not permitted to occur during the nesting season.

18.8 ESAI[317] request that ECO-R1.20 be amended to also allow the clearance of dead and damaged vegetation between 1 March and 31 August. Given that this is the nesting season, where crested grebe are most vulnerable to disturbance, I recommend that the submission point be rejected.

[315] DPR-0019.007 S Jarvis
[316] DPR-0427.114 DOC
[317] DPR-0212.046 ESAI

18.9 CRC[318] requests that ECO-R1.20 be retained as notified, while Beef + Lamb NZ & Deer NZ[319] request that both ECO-R1.20 and ECO-R1.21 be retained as notified. Considering my recommendations above, I recommend that these submission points be accepted in part.

Recommendations and amendments – Crested Grebe Overlay

18.10 I recommend, for the reasons given above, that the Hearings Panel:

a) Retain the Crested Grebe Overlay as notified; and

b) Amend the rules relating to vegetation clearance in the overlay as shown as ECO-RE in **Appendix 2** to provide better protection to the crested grebe during the nesting season and to provide clarity for Plan users

18.11 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

18.12 The scale of change does not require a s32AA evaluation.

19. ECO-R3 Potential pest species

Introduction

19.1 This section responds to the submission points relating to ECO-R3, which manages the planting of potential pest plant species. ECO-R3.1 applies across the whole of the GRUZ and in Arthurs Pass and Castle Hill, while ECO-R3.2 applies additional restrictions to: the Hill and High Country Overlay; the ONL Overlay; Arthurs Pass; and Castle Hill.

Submissions

19.2 Six submission points and nine further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0233	CBS	009	New	Support In Part	Make planting pest tree and plant species a prohibited activity.
DPR-0301	*UWRG*	*FS030*	*New*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS360*	*New*	*Support*	*Accept the submission*
DPR-0233	CBS	010	New	Support In Part	Willow species should be included on the pest plant list, especially grey/crack willow.
DPR-0301	*UWRG*	*FS031*	*New*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS361*	*New*	*Support*	*Accept the submission*
DPR-0260	CRC	096	ECO-R3	Support	Retain as notified.
DPR-0407	Forest & Bird	034	ECO-R3	Support In Part	Amend as follows: ECO Management Overlay: Hill and High Country ONL Overlay 2. Planting of any of the species listed in

[318] DPR-0260.090 CRC
[319] DPR-0368.027, DPR-0368.028 Beef + Lamb NZ & Deer NZ

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					ECO - TABLE2 - Plant Species below or any other pest plants identified in CRPMP:
DPR-0301	*UWRG*	*FS112*	*ECO-R3*	*Support*	*Allow in full*
DPR-0427	DOC	117	ECO-R3	Support In Part	Amend ECO-Table1 to include the following species: - Pinus contorta (Lodgepole pine); and - Pseudotsuga menziesii (Douglas fir)
DPR-0301	*UWRG*	*FS259*	*ECO-R3*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS282*	*ECO-R3*	*Support*	*Accept the submission*
DPR-0427	DOC	118	ECO-R3	Oppose In Part	Amend ECO-Table2 to include the following species: - Lupinus polyphyllus (Russell Lupin); - Eschscholzia californica (Californian poppy); - Larix decidua (European Larch); - Sambucus nigra (Elderberry)
DPR-0301	*UWRG*	*FS260*	*ECO-R3*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS283*	*ECO-R3*	*Support*	*Accept the submission*

Analysis

19.3 CBS[320] requests that ECO-R3 be amended to make planting pest tree and plant species a prohibited activity. A prohibited activity status needs to be reserved for the rare occasions where it could never be envisaged that an activity may be appropriate, and, given that none of these species have been declared pests, I do not consider that this activity meets that threshold. I therefore recommend that the submission point be rejected.

19.4 CBS[321] support the inclusion of willow species in Table 1 of ECO-R3, particularly grey willow and crack willow. Given that there is no dispute over the inclusion of these willow species in the list, and that no amendment is requested, I recommend that the submission point be accepted.

19.5 Forest & Bird[322] request that Table 2 be amended to include reference to any other pest plants identified in the CRPMP. I recommend that the submission point be rejected for the following reasons:

19.5.1 The CRPMP is administered by, and subject to changes by, the CRC. Including the current version in the PDP would result in inconsistencies in the event that the CRPMP was updated, which would then require a Schedule 1 process to address.

19.5.2 These other species are managed through the CRPMP, and so inclusion in a district-level plan would result in unnecessary duplication of provisions.

[320] DPR-0233.009 CBS
[321] DPR-0233.010 CBS
[322] DPR-0407.034 Forest & Bird

19.6 DOC request that two additional species be added to Table 1,[323] and four additional species added to Table 2,[324] given their potential for spread.

19.7 Of the species for Table 1, lodgepole pine is a declared pest and Doulas fir is a declared pest unless it is located within a forest plantation, and does not create any greater risk of wilding conifer spread to adjacent or nearby land than the forest plantation that it is a part of. I therefore consider that the management of these two species is already provided for in the CRPMP and inclusion in the PDP is not required. I therefore recommend that this DOC submission point[325] be rejected.

19.8 Of the species for Table 2, larch and wild Russell lupin are declared pests and so inclusion in the PDP is not required. Although not a declared pest, Russell lupins that are not 'wild' are managed through the provisions of the CRPMP as a 'pest agent', and so inclusion in the PDP is not required. California poppy and elderberry are not declared pests, but given their potential for spread, I recommend that they be included in Table 2. I therefore recommend that this DOC submission point[326] be accepted in part.

19.9 CRC[327] requests that ECO-R3 be retained as notified. In light of my recommendations above, I recommend that the submission point be accepted in part.

19.10 ECO-Table1 and ECO-Table2 are used by both ECO-R3 and recommended ECO-RF. For consistency with the drafting protocol, I therefore recommend that they be moved from ECO-R3 to form a new schedule, shown as ECO-SCHEDI in **Appendix 2**.

Recommendations and amendments

19.11 I recommend, for the reasons given above, that the Hearings Panel:

a) amend Table 2 as shown in **Appendix 2** to provide better protection to these sensitive areas from pest plant species

b) Move Table 1 and Table 2 from ECO-R3 to new ECO-SCHEDI, for consistency with the drafting protocol.

19.12 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

19.13 The scale of change does not require a s32AA evaluation.

20. New rule requested – conservation activity

Introduction

20.1 This section responds to the submission points relating to the requested new rule to permit conservation activities.

Submissions

20.2 One submission point and one further submission point were received in relation to this subtopic.

[323] DPR-0427.117 DOC
[324] DPR-0427.118 DOC
[325] DPR-0427.117 DOC
[326] DPR-0427.118 DOC
[327] DPR-0260.096 CRC

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0212	ESAI	048	Support	Insert a new rule to the ECO Chapter to explicitly provide for conservation activities as a permitted activity in the ECO Canterbury Plains Management Overlay.
DPR-0372	*Dairy Holdings*	*FS018*	*Support*	*Accept the submission.*

Analysis

20.3 ESAI[328] request that a new rule be inserted to explicitly provide for conservation activities as a permitted activity within the Canterbury Plains Management Overlay. Conservation activities are already provided for as a permitted activity in the GRUZ (GRUZ-R26), and indigenous vegetation clearance associated with these activities is provided for in ECO-R1.4.h.ii. I therefore recommend that the submission point be rejected.

Recommendation

20.4 I recommend, for the reasons given above, that the Hearings Panel decline to insert the requested rule as the activity is already provided for in the PDP.

20.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

21. Matters for control or discretion

ECO-MAT1 Indigenous vegetation clearance

Introduction

21.1 This section responds to the submission points relating to the matters for discretion for indigenous vegetation clearance.

Submissions

21.2 Ten submission points and nine further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0032	CCC	018	Support	Retain as notified
DPR-0260	CRC	098	Support In Part	Add ECO Management Overlay: Canterbury Plains to ECO-MAT1.
DPR-0353	HortNZ	150	Support	Retain as notified
DPR-0368	Beef + Lamb NZ & Deer NZ	030	Support In Part	Delete ECO-MAT1.1. a. and d.
DPR-0407	*Forest & Bird*	*FS453*	*Oppose*	*Reject the submission*
DPR-0372	Dairy Holdings	060	Support	Retain as notified

[328] DPR-0212.048 ESAI

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0375	WKNZTA	093	Oppose	Amend assessment matter to include and provide infrastructure related works.
DPR-0441	*Manawa*	*FS081*	*Support*	*Accept*
DPR-0390	RIL	047	Support	Retain as notified.
DPR-0427	DOC	119	Oppose	Delete ECO-MAT1 - Indigenous Vegetation Clearance and amend all related rules to discretionary activities. Alternatively, make amendments to the matters of the discretion to ensure the criteria in ECO-SCHED1 is applied and significant natural areas are identified, and adverse effects on indigenous biodiversity are appropriately avoided, remedied or mitigated.
DPR-0301	*UWRG*	*FS261*	*Support*	*Allow in full*
DPR-0372	*Dairy Holdings*	*FS071*	*Oppose*	*Reject the submission.*
DPR-0375	*WKNZTA*	*FS094*	*Oppose*	*Request that the activity statuses are retained as notified.*
DPR-0390	*RIL*	*FS016*	*Oppose*	*Reject the submission.*
DPR-0407	*Forest & Bird*	*FS284*	*Support*	*Accept the submission*
DPR-0441	*Manawa*	*FS082*	*Oppose*	*Reject*
DPR-0441	Manawa	109	Support In Part	Retain as notified provided that the relief sought for ECO-SCHED1 is accepted.
DPR-0407	*Forest & Bird*	*FS064*	*Oppose*	*Reject the submission*
DPR-0446	Transpower	088	Support	Retain as notified

Analysis

21.3 CRC[329] request that ECO Management Overlay: Canterbury Plains be added to Column 1 of ECO-MAT1. I recommend that the submission point be accepted in part for the following reasons:

21.3.1 I have recommended changes to the format of the Ecosystems and Indigenous Biodiversity chapter that mean that the ECO Management Overlay: Canterbury Plains is no longer required; but

21.3.2 I agree that Column 1 of ECO-MAT1 should clearly identify the geographic areas where the provision applies.

21.4 DOC[330] requests that ECO-MAT1 be deleted, with all related rules becoming discretionary activities. In the alternative, they request that the matters of discretion be amended to ensure that the criteria in ECO-SCHED1 is applied, significant natural areas are identified, and adverse effects on indigenous biodiversity are appropriately avoided, remedied or mitigated. I consider that RDIS is an appropriate activity standard in many circumstances as the scope of their potential effects can be easily

[329] DPR-0260.098 CRC
[330] DPR-0427.119 DOC

understood, and that ECO-MAT1 adequately addresses the matters raised in the submission point. I therefore recommend that the submission point be rejected.

21.5 Beef + Lamb NZ & Deer NZ[331] request that matters ECO-MAT1.1.a (whether the vegetation to be cleared meets the criteria in ECO-SCHED1) and ECO-MAT1.1.d (effects of the clearance on species diversity, ecosystem integrity and functioning) be deleted. I consider that these are integral to the assessment of effects and recommend that the submission point be rejected.

21.6 WKNZTA[332] request that the provision be amended to include and provide for infrastructure related works. Considering my recommendations elsewhere in this report regarding recommended new ECO-PB as shown at **Appendix 2**, I recommend that this submission point be rejected as a different policy framework would apply to such applications.

21.7 CCC, HortNZ, Dairy Holdings, RIL and Transpower[333] each request that the provision be retained as notified. In light of my recommendations above, I recommend that these submission points be accepted in part.

21.8 Manawa[334] request that the provision be retained as notified, provided that their relief sought for ECO-SCHED1 is accepted. On the basis of my recommendation in Section 23 of this report relating to ECO-SCHED1 and my recommendations above, I recommend that this submission point be accepted in part.

Recommendations and amendments

21.9 I recommend, for the reasons given above, that the Hearings Panel amend ECO-MAT1 as shown in **Appendix 2** to provide better clarity for plan users.

21.10 The amendments recommended to ECO-MAT2 are set out in a consolidated manner in **Appendix 2**.

21.11 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

21.12 The scale of change does not require a s32AA evaluation.

ECO-MAT2 Criteria that limit indigenous vegetation clearance

Introduction

21.13 This section responds to the submission points relating to ECO-MAT2, which sets out matters to be considered when disturbance to mudfish crested grebe habitats are proposed.

Submissions

21.14 Six submission points and four further submission points were received in relation to this subtopic.

[331] DPR-0398.030 Beef + Lamb NZ & Deer NZ
[332] DPR-0375.093 WKNZTA
[333] DPR-0032.018 CCC, DPR-353.150 HortNZ, DPR-0372.060 Dairy Holdings, DPR-0390.047 RIL, DPR-0446.088 Transpower
[334] DPR-0441.109 Manawa

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0154	E Moorhead	002	Neither Support Nor Oppose	Requests that Council maintain the focus of these networks on drainage and not be diverted into other considerations which then negatively impact drainage.
DPR-0260	CRC	099	Support	Retain as notified.
DPR-0353	HortNZ	151	Oppose	Delete as notified
DPR-0407	*Forest & Bird*	*FS507*	*Oppose*	*Reject the submission*
DPR-0368	Beef + Lamb NZ & Deer NZ	031	Support In Part	Amend ECO-MAT2 as follows: ~~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);~~ ...
DPR-0407	*Forest & Bird*	*FS454*	*Oppose*	*Reject the submission*
DPR-0422	FFNC	153	Oppose	Delete as notified.
DPR-0427	DOC	120	Oppose	Amend ECO-MAT2 as follows: ECO-MAT2 ~~Criteria that Limit~~ Indigenous Vegetation Clearance ... 5. The potential ..... 6. Adverse effects on indigenous biodiversity
DPR-0301	*UWRG*	*FS262*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS285*	*Support*	*Accept the submission*

Analysis

21.15 E Moorehead[335] requests that Council maintain the focus of these networks on drainage and not be diverted into other considerations which then negatively impact drainage. This would result in Council failing to meet its s6(c) RMA obligations, and so I recommend that the submission point be rejected.

21.16 Beef + Lamb NZ & Deer NZ[336] request that ECO-MAT2.1, which requires an assessment of whether the area to be disturbed meets the criteria to be considered an SNA, be deleted. I consider that ECO-MAT2.1 is a useful assessment tool when proposing to disturb the habitat of mudfish or crested grebe and so recommend that the submission point be rejected.

21.17 HortNZ and FFNC[337] each request that the provision be deleted as notified. Considering my recommendations in Sections 17 and 18 of this report, I recommend that the submission points each be rejected.

21.18 DOC[338] request that the title of ECO-MAT2 be amended to read 'Indigenous Vegetation Clearance', and that an additional matter of discretion be added to consider adverse effects on indigenous biodiversity. I agree that the additional matter of discretion may be helpful, but consider that the

[335] DPR-0154.002 E Moorehead
[336] DPR-0368.031 Beef + Lamb NZ & Deer NZ
[337] DPR-0353.151 HortNZ, DPR-0422.153 FFNC
[338] DPR-0427.120 DOC

requested MAT title is not any more descriptive than the notified version. I therefore recommend that the submission point be accepted in part, with the MAT title being changed to better reflect the matters for discretion and their intended outcome.

21.19 CRC[339] requests that the provision be retained as notified. Considering my recommendations above, I recommend that the submission point be accepted in part.

Recommendations and amendments

21.20 I recommend, for the reasons given above, that the Hearings Panel amend ECO-MAT2 as shown in **Appendix 2** to provide for better assessments to be undertaken when habitat disturbance is proposed.

21.21 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

21.22 The scale of change does not require a s32AA evaluation.

22. New Overlays requested

Introduction

22.1 This section responds to the submission points relating to requested new overlays.

Submissions

22.2 Two submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0168	P Godfrey	019	Neither Support Nor Oppose	Requests that a vegetation types layer be included.
DPR-0168	P Godfrey	020	Neither Support Nor Oppose	Requests that a habitat and soil types layer be included.

Analysis

22.3 P Godfrey requests that additional overlays be added to the planning maps, showing vegetation types[340] and habitats and soil types[341]. The role of the planning maps is to spatially identify where plan provisions apply. As such, it is inappropriate to use the PDP to show vegetation types, habitats and soil types where there are no associated provisions. I therefore recommend that the submission points be rejected.

Recommendation

22.4 I recommend, for the reasons given above, that the Hearings Panel decline to insert the overlays requested.

[339] DPR-0260.099 CRC
[340] DPR-0168.019 P Godfrey
[341] DPR-0168.020 P Godfrey

23. Schedules

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

Introduction

23.1 This section responds to the submission points relating to ECO-SCHED1, which sets out the criteria for determining whether a location meets the criteria for being a SNA.

Submissions

23.2 Eight submission points and seven further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0032	CCC	019	Support	Retain as notified
DPR-0260	CRC	101	Support	Retain as notified.
DPR-0368	Beef + Lamb NZ & Deer NZ	032	Oppose	Amend the criteria in ECO-SCHED1 so that only habitats which are 'threatened', 'at risk', or 'rare' are identified and to include numerical thresholds.
DPR-0407	*Forest & Bird*	*FS455*	*Oppose*	*Reject the submission*
DPR-0422	*FFNC*	*FS025*	*Support*	*Allow the submission point.*
DPR-0421	R & A Hill	005	Oppose	Amend as follows: Representativeness .... X. Scope of representativeness to prioritise the original vegetation type that is expected to be there Rarity and Distinctiveness .... X. Species that are more common in ecological district than assumed are given less priority
DPR-0301	*UWRG*	*FS072*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS422*	*Oppose*	*Reject the submission*
DPR-0427	DOC	122	Support	Retain as notified.
DPR-0301	*UWRG*	*FS264*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS287*	*Support*	*Accept the submission*
DPR-0441	Manawa	110	Oppose	Amend ECO-SCHED1 to include the criteria developed for the Biodiversity Collaborative Group.
DPR-0407	*Forest & Bird*	*FS065*	*Support*	*Accept*
DPR-0471	D & K Calder, R Jamison & R Reed	003	Oppose	Amend as follows: Representativeness 1. .... 3. Under rarity species that are more common in ecological district than assumed are given less priority.
DPR-0471	D & K Calder, R	004	Oppose	Amend as follows: Rarity and Distinctiveness

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
	Jamison & R Reed			4 ~~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. 5 ~~4~~. 'Indigenous vegetation' or habitat of indigenous fauna that supports an indigenous species that is threatened, at risk, or uncommon, nationally or within the relevant ecological district. 6 ~~5~~. The site contains 'indigenous vegetation' or an indigenous species at its distribution limit within Canterbury Region or nationally. 7 ~~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. 8. Scope of representativeness to prioritise the original vegetation type that is expected to be there.

Analysis

23.3 Beef + Lamb NZ & Deer NZ[342] request that the criteria in ECO-SCHED1 be amended so that only habitats which are 'threatened', 'at risk', or 'rare' are identified and to include numerical thresholds. R & A Hill and D & K Calder, R Jamison & R Reed[343] request amendments to the representativeness and rarity and distinctiveness sections of ECO-SCHED1. ECO-SCHED1 is based on the direction in the CRPS and the requirement for the PDP to give effect to it I therefore consider that these sections of ECO-SCHED1 contain appropriate criteria and so recommend that the submission points be rejected.

23.4 Manawa[344] requests that ECO-SCHED1 be amended to include the criteria developed for the Biodiversity Collaborative Group. This report formed the basis of the draft NPS-IB, which has been further developed into the exposure draft of the NPS-IB. ECO-SCHED1 is broadly consistent with Appendix 1 of the exposure draft. Should the NPS-IB have commenced before the Hearings Panel make their recommendations on this chapter, I would recommend that the submission point be accepted. If that is not the case, I would recommend that the submission point be rejected, recognizing that a plan change to implement the NPS-IB would follow.

23.5 CCC, CRC and DOC[345] each request that ECO-SCHED1 be retained as notified. Considering my recommendations above, I recommend that these submission points be accepted.

[342] DPR-0368.032 Beef + Lamb NZ & Deer NZ
[343] DPR-0421.005 R & A Hill, DPR-0471.003, DPR-0471.004 D & K Calder, R Jamison & R Reed
[344] DPR-0441.110 Manawa
[345] DPR-0032.019 CCC, DPR-0260.101 CRC, DPR-0427.122 DOC

Recommendation

23.6 I recommend, for the reasons given above, that the Hearings Panel retain ECO-SCHED1 as notified. Should the NPS-IB have commenced before the Hearings Panel make their recommendations on this chapter, then my recommendation is that ECO-SCHED1 be amended to be consistent with Appendix 1 of the NPS-IB.

23.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

ECO-SCHED2 - Biodiversity Management Plan Requirements

Introduction

23.8 This section responds to the submission points relating to ECO-SCHED2, which sets out the requirements for biodiversity management plans.

Submissions

23.9 Fifteen submission points and 19 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0168	P Godfrey	015	Oppose	Amend to ensure Biodiversity Management Plans are required, but not to include the aiding, support and removal of existing indigenous vegetation.
DPR-0353	HortNZ	152	Oppose	Delete as notified
DPR-0407	*Forest & Bird*	*FS784*	*Oppose*	*Reject the submission*
DPR-0368	Beef + Lamb NZ & Deer NZ	033	Oppose	Delete ECO-SCHED2 and request that SDC consult with primary industry stakeholders to develop a useable and accessible Plan.
DPR-0407	*Forest & Bird*	*FS456*	*Oppose*	*Reject the submission*
DPR-0375	WKNZTA	094	Support In Part	Amend to include provision for infrastructural requirements to be recognised as part of any Biodiversity Management Plan.
DPR-0407	Forest & Bird	025	Support In Part	Amend ECO-SCHED2 Biodiversity Management Plan Requirements, Plan Area Description, to identify, including through mapping, areas of improved pasture that has not been subject to cultivation but has been part of a regular cycle of maintaining improved pasture.
DPR-0301	*UWRG*	*FS103*	*Support*	*Allow in full*
DPR-0407	Forest & Bird	036	Support In Part	That a Selwyn District Council Biodiversity Management Plan be integrated with an Environment Canterbury Farm Environment Plan.
DPR-0301	*UWRG*	*FS114*	*Support*	*Allow in full*
DPR-0422	*FFNC*	*FS075*	*Support*	*Allow the submission point.*
DPR-0407	Forest & Bird	037	Support In Part	Environment Canterbury and SDC monitoring requirements could be co-ordinated and combined.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0301	*UWRG*	*FS115*	*Support*	*Allow in full*
DPR-0422	*FFNC*	*FS076*	*Support*	*Allow the submission point.*
DPR-0407	Forest & Bird	038	Support In Part	Amend ECO-SCHED2, Purpose of a Biodiversity Management Plan as follows: .... d. In summary, Biodiversity Management Plans submitted as part of resource consent applications shall: iii. adopt methods, including farming methods to avoid ~~minimise~~ the clearance of previously uncleared areas and SNAs, including areas that would be identified as significant according to the criteria in APP-1. ....
DPR-0301	*UWRG*	*FS116*	*Support*	*Allow in full*
DPR-0422	*FFNC*	*FS077*	*Oppose*	*Disallow the submission point.*
DPR-0441	*Manawa*	*FS083*	*Oppose*	*Reject*
DPR-0407	Forest & Bird	060	Support In Part	Amend ECO-SCHED2, Contents of a Biodiversity Management Plan, Biodiversity Values, to include a clause that recognises the role of indigenous biodiversity and natural ecosystems in climate change adaptation and emissions reductions.
DPR-0301	*UWRG*	*FS138*	*Support*	*Allow in full*
DPR-0407	Forest & Bird	061	Support In Part	Amend ECO-SCHED2, Contents of a Biodiversity Management Plan, Existing Threats to Biodiversity Values, to include a clause that identifies threats to biodiversity values known by other organisations.
DPR-0301	*UWRG*	*FS139*	*Support*	*Allow in full*
DPR-0441	*Manawa*	*FS084*	*Oppose*	*Reject*
DPR-0407	Forest & Bird	063	Support In Part	Amend ECO-SCHED2, Contents of a Biodiversity Management Plan, Description of Development Activities, Management Vision and Objectives as follows: .....and it must list management objectives ~~to balance the operational use of the site with~~ that enable continued use of the site where indigenous biodiversity values are maintained, protected and restored ~~maintenance, protection and restoration/reconstruction of indigenous biodiversity values~~
DPR-0301	*UWRG*	*FS141*	*Support*	*Allow in full*
DPR-0441	*Manawa*	*FS085*	*Oppose*	*Reject*
DPR-0407	Forest & Bird	064	Support In Part	Amend ECO-SCHED2, Contents of a Biodiversity Management Plan to require the inclusion of a map of improved pasture consistent with the definition provided in other parts of this submission.
DPR-0301	*UWRG*	*FS142*	*Support*	*Allow in full*

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0422	FFNC	154	Oppose In Part	Request Council amend in conjunction with landowners.
DPR-0407	*Forest & Bird*	*FS126*	*Oppose*	*Reject the submission*
DPR-0427	DOC	123	Support	Retain as notified.
DPR-0301	*UWRG*	*FS265*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS288*	*Support*	*Accept the submission*
DPR-0441	Manawa	111	Support In Part	Retain as notified provided that the relief sought in relation to ECO-SCHED1 is adopted.

Analysis

23.10 P Godfrey[346] requests that the schedule be amended to ensure that Biodiversity Management Plans are required, but that they do not include the aiding, support and removal of existing indigenous vegetation. The purpose of a Biodiversity Management Plan is to protect SNAs where identified and more widely achieve maintenance and over time, enhancement, of indigenous biodiversity on the property alongside the ability to continue to use and develop rural land,[347] which can include the clearance of indigenous vegetation in some circumstances. I therefore recommend that the submission point be rejected.

23.11 Forest & Bird[348] request that the schedule be amended to require the identification, including through mapping, of areas of improved pasture that has not been subject to cultivation but has been part of a regular cycle of maintaining improved pasture.[349] They also request that a Selwyn District Council Biodiversity Management Plan be integrated with an Environment Canterbury Farm Environment Plan[350] and that Environment Canterbury and SDC monitoring requirements be coordinated and combined.[351] At a more detailed level, Forest & Bird[352] request that ECO-SCHED2 be amended to recognize that farming methods can be a way of managing biodiversity, but that the clearance of previously uncleared areas and SNAs should be avoided, rather than minimized. Forest & Bird also request that clauses be inserted into ECO-SCHED2 to recognise the role of indigenous biodiversity and natural ecosystems in climate change adaptation and emissions reductions[353], and that identifies threats to biodiversity values known by other organisations.[354] With the exception of minimizing SNA disturbance rather than avoiding it, I consider that ECO-SCHED2 already provides for the points raised in the submission. Limited amounts of vegetation clearance are permitted in SNAs via ECO-R1.6, and so I consider that it would be unreasonable to require a Biodiversity Management Plan to completely avoid considering such clearance where necessary and appropriate. I therefore recommend that the submission point be rejected.

[346] DPR-0168.015 P Godfrey
[347] ECO-SCHED2 Purpose of a Biosecurity Management Plan
[348] DPR-0407.025 Forest & Bird
[349] DPR-0407.025, DPR-0407.064 Forest & Bird
[350] DPR-0407.036 Forest & Bird
[351] DPR-0407.037 Forest & Bird
[352] DPR-0407.038 Forest & Bird
[353] DPR-0407.060 Forest & Bird
[354] DPR-0407.061 Forest & Bird

23.12 Forest & Bird[355] request that ECO-SCHED2 be amended so that the management objectives enable continued use of the site where indigenous biodiversity values are maintained, protected and restored. I do not consider that any amendment to ECO-SCHED2 is required to achieve this outcome, because plans submitted with a resource consent application are already required to identify the measures that will be used to maintain, protect, and, where appropriate, enhance indigenous biodiversity. I therefore recommend that the submission point be rejected.

23.13 FFNC[356] request that ECO-SCHED2 be amended in conjunction with landowners, so that it more appropriately balances farmer's need to operate a farm business sustainably and to effectively manage indigenous biodiversity on their property. Landowners have had the opportunity to be involved in the development of ECO-SCHED2, both through representation on the Biodiversity Working Group that developed the notified provisions, and through submissions. I consider that further delays at this stage of the plan development process would more likely result in the use of delaying tactics by those who oppose the use of Biodiversity Management Plans and so I recommend that the submission point be rejected.

23.14 WKNZTA[357] requests that the schedule be amended to include provision for infrastructural requirements to be recognised as part of any Biodiversity Management Plan. I do not consider that any amendment to ECO-SCHED2 is required to achieve this outcome, as such activities would already be covered as either an existing part of the site, or as part of the proposed development of the site. I therefore recommend that the submission point be rejected.

23.15 HortNZ and Beef + Lamb NZ & Deer NZ [358] each request that ECO-SCHED2 be deleted as notified. Considering my recommendations above, I recommend that the submission point be rejected.

23.16 DOC[359] requests that ECO-SCHED2 be retained as notified. Considering my recommendations above, I recommend that the submission point be accepted.

23.17 Manawa[360] requests that ECO-SCHED2 be retained as notified, provided that their relief sought in relation to ECO-SCHED1 is accepted. Considering my recommendations above, I recommend that the submission point be accepted in part.

Recommendation

23.18 I recommend, for the reasons given above, that the Hearings Panel retain ECO-SCHED2 as notified.

23.19 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

[355] DPR-0407.063 Forest & Bird
[356] DPR-0422.154 FFNC
[357] DPR-0375.094 WKNZTA
[358] DPR-0353.152 HortNZ, DPR-0368.033 Beef + Lamb NZ & Deer NZ
[359] DPR-0427.123 DOC
[360] DPR-0441.111 Manawa

ECO-SCHED3 - Indigenous Species and Area Lists

Introduction

23.20 This section responds to the submission points relating to ECO-SCHED3, which sets out clearance limits for the clearance of indigenous vegetation in the Port Hills Area (List A) and in the Hills and High Country and River Areas (List B).

Submissions

23.21 Six submission points and 12 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0032	CCC	020	Support	Retain as notified
DPR-0368	Beef + Lamb NZ & Deer NZ	034	Oppose	Delete ECO-SCHED3 in its entirety.
DPR-0407	*Forest & Bird*	*FS457*	*Oppose*	*Reject the submission*
DPR-0422	*FFNC*	*FS026*	*Support*	*Allow the submission point.*
DPR-0375	WKNZTA	095	Support In Part	Review schedule to determine if all areas and types listed are appropriate to be included as part of the schedule.
DPR-0441	*Manawa*	*FS086*	*Support*	*Accept*
DPR-0427	DOC	113	Support In Part	Amend ECO-SCHED3 to include Braided Rivers into the lists.
DPR-0301	*UWRG*	*FS255*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS278*	*Support*	*Accept the submission*
DPR-0422	*FFNC*	*FS018*	*Oppose*	*Disallow the submission point.*
DPR-0441	*Manawa*	*FS087*	*Oppose*	*Reject*
DPR-0468	*Fish & Game*	*FS032*	*Support*	*Supports proposed amendment*
DPR-0427	DOC	124	Oppose	Amend ECO-SCHED3 to include other naturally rare and threatened ecosystems including: - Canterbury Plains; and - Braided Rivers; and - Te Waihora. AND Amend List A and List B as follows: LIST A: Port Hills Area - Any old-growth podocarp/hardwood forest..... , rimu (Dacrydium cupressinum), miro (Prumnopitys ferruginea), conifer (Libocedrus bidwillii) matai (Prumnopitys taxifolia); or any mature individual trees of these species. - ... - A contiguous area of 0.1ha or more of low altitude small-leaved shrubland or scrub .... matagouri (Discaria toumatou) or native ... LIST B: Hills and High Country Area and River Areas ...

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				- A contiguous area of 0.1ha or more of .....;kahikātoa/mānuka (Leptospermum scoparium), kānuka (Kunzea robusta and Kunzea serotina),Coprosma spp…, matagouri (Discaria toumatou) or tauhinu (Ozothamnus leptophyllus), where ... - A contiguous area of 0.1ha or more of subalpine mixed scrub containing the following species; Dracophyllum, Matagouri, Olearia, or Hebe spp. - Matagouri (Discaria toumatou) ..... outwash gravels, moraine surfaces and inland sand dunes). - 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~~
DPR-0212	*ESAI*	*FS069*	*Oppose*	*Disallow in full*
DPR-0301	*UWRG*	*FS266*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS289*	*Support*	*Accept the submission*
DPR-0441	*Manawa*	*FS088*	*Oppose*	*Reject*
DPR-0441	Manawa	112	Support	Retain as notified

Analysis

23.22 Resulting from my recommendations in Section 11 of this report, the recommended rules no longer make reference to ECO-SCHED3. However, I consider that it has value as a guide to what is likely to meet the definition of a significant natural area, and as such recommend that it be retained.

23.23 WKNZTA[361] request that the schedule be reviewed to determine if all areas and types listed are appropriate to be included. This review has been undertaken through the plan review process and so I recommend that the submission point be accepted.

23.24 DOC[362] request that braided rivers, the Canterbury Plains and Te Waihora be included in ECO-SCHED3, and that additional species be added to each of List A and List B. This submission point has been reviewed by Dr Lloyd (**Appendix 3**), and I recommend changes to ECO-SCHED3 based on my acceptance of his advice. I therefore recommend that the submission point be accepted in part.

23.25 Beef + Lamb NZ & Deer NZ[363] requests that ECO-SCHED3 be deleted as notified. Considering my recommendations above, I recommend that these submission points be rejected.

[361] DPR-0375.095 WKNZTA
[362] DPR-0427.124 DOC
[363] DPR-0368.034 Beef + Lamb NZ & Deer NZ

23.26 CCC and Manawa[364] each request that ECO-SCHED3 be retained as notified. Considering my recommendations above, I recommend that these submission points be accepted in part.

Recommendations and amendments

23.27 I recommend, for the reasons given above, that the Hearings Panel amend ECO-SCHED3 as shown in **Appendix 2** to increase ease of use for Plan users in identifying areas that need protecting.

23.28 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

23.29 The scale of change does not require a s32AA evaluation.

ECO-SCHED5 - Framework for Biodiversity Offsetting

Introduction

23.30 This section responds to the submission points relating to ECO-SCHED5, which sets out the frameworks for biodiversity offsetting.

Submissions

23.31 Three submission points and five further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0368	Beef + Lamb NZ & Deer NZ	036	Support	Retain as notified.
DPR-0407	*Forest & Bird*	*FS459*	*Oppose*	*Reject the submission*
DPR-0427	DOC	126	Support In Part	Amend as follows: 1. Restoration, enhancement, and ..... to offset the anticipated ~~reasonably~~ measurable residual effects of activities after appropriate avoidance, remediation, and mitigation actions, <u>in that order</u>, have ..... 2. A proposed biodiversity offset will contain an explicit loss and gain calculation ~~commensurate to the scale of effects the activity~~, <u>incorporating biodiversity type, amount and condition</u> and ~~should~~ <u>will</u> demonstrate the manner in which no net loss <u>and preferably a net gain</u> ~~can~~ <u>will</u> be achieved. 3. A biodiversity..... Statement 2010 <u>and other relevant National Policy Statements and National Environmental Standards</u>),and its design ..... 8. The offset will ..... <u>including over time and spatial contexts,</u> ~~unless an alternative ecosystem or habitat will provide a net gain for indigenous biodiversity~~, and the values lost are not irreplaceable or highly vulnerable.

[364] DPR-0032.020 CCC, DPR-0441.112 Manawa

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				9. There is a strong likelihood .... responses, ~~should~~ including monitoring and evaluation, will be incorporated into the design of the biodiversity offset, ~~as required~~ to ensure ..... 10. The biodiversity offset will be ~~designed and~~ implemented as close as possible to the to the location of development or impact where it will achieve the best ecological outcomes, preferably within the same ecological district. 11. The biodiversity offset will be designed in a landscape context – .... 12.The delay between the loss of biodiversity through development and the gain or maturation of ecological outcomes is minimized. ~~11~~ 13. Any application ..... that: a. Sets out quantitative (where possible) baseline.....
DPR-0301	*UWRG*	*FS268*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS291*	*Support*	*Accept the submission*
DPR-0441	*Manawa*	*FS089*	*Oppose*	*Reject*
DPR-0441	Manawa	113	Oppose	Delete ECO-SCHED5 entirely.
DPR-0407	*Forest & Bird*	*FS066*	*Oppose*	*Reject the submission*

Analysis

23.32 DOC[365] request a number of changes, with the intent of providing certainty and achieving best practice. I consider that the requested amendments would retain the intent of the schedule as notified but be more specific, measurable, attainable, relevant, and time-bound and so recommend that the submission point be accepted in part. Consistent with my recommendation in relation to ECO-P8 regarding referring to a preference to a net gain in relation to biodiversity offsetting, I do not recommend that specific amendment.

23.33 Manawa[366] request that the provision be deleted as notified. They argue that the New Zealand Government Guidance on Good Practice Biodiversity Offsetting in New Zealand August 2014 was prepared without consultation with stakeholders. Instead, they argue that each project needs to be assessed on a case-by-case basis relying on the expert advice available at that time. I agree that project needs to be assessed on a case-by-case basis relying on the expert advice available at that time, but consider that ECO-SCHED5 provides a framework for that assessment. I therefore recommend that this submission point be rejected.

[365] DPR-0427.126 DOC
[366] DPR-0441.113 Manawa

23.34 Beef + Lamb NZ & Deer NZ[367] request that the provision be retained as notified. Considering my recommendations above, I recommend that the submission point be accepted in part.

Recommendations and amendments

23.35 I recommend, for the reasons given above, that the Hearings Panel amend ECO-SCHED5 as shown in **Appendix 2** to provide certainty and achieve best practice

23.36 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

23.37 The scale of change does not require a s32AA evaluation.

New Schedules requested

Introduction

23.38 This section responds to the submission points relating to new schedules that have been requested for insertion into the PDP.

Submissions

23.39 Four submission points and 12 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0407	Forest & Bird	018	New	Support In Part	Insert a new schedule of 'specified indigenous species' that have been identified as being of ecological significance.
DPR-0301	*UWRG*	*FS096*	*New*	*Support*	*Allow in full*
DPR-0422	*FFNC*	*FS071*	*New*	*Oppose*	*Disallow the submission point.*
DPR-0439	*Rayonier*	*FS004*	*New*	*Oppose*	*Decline*
DPR-0407	Forest & Bird	020	New	Support In Part	Insert a new schedule of 'specified indigenous fauna' that have been identified as being of ecological significance. Alternatively, add a new overlay of 'special indigenous fauna' that have been identified as being of ecological significance.
DPR-0301	*UWRG*	*FS098*	*New*	*Support*	*Allow in full*
DPR-0439	*Rayonier*	*FS006*	*New*	*Oppose*	*Decline*
DPR-0427	DOC	127	New	Neither Support Nor Oppose	Insert a threatened species list, based on the list provided by the submitter as a starting point. Refer to original submission for full decision, including Appendix 1.
DPR-0212	*ESAI*	*FS071*	*New*	*Oppose*	*Disallow in full*
DPR-0301	*UWRG*	*FS269*	*New*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS292*	*New*	*Support*	*Accept the submission*

[367] DPR-0368.036 Beef + Lamb NZ & Deer NZ

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0440	EDSI	012	ECO-P5	Support In Part	Amend to include a schedule of the "specified indigenous species" referred to in ECO-P5.
DPR-0301	*UWRG*	*FS298*	*ECO-P5*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS012*	*ECO-P5*	*Support*	*Accept the submission*
DPR-0427	*DOC*	*FS016*	*ECO-P5*	*Support*	*Decision not specified*
DPR-0468	*Fish & Game*	*FS017*	*ECO-P5*	*Support*	*Supports submission*

Analysis

23.40 Forest & Bird and EDSI[368] each request the insertion of a new schedule of specified indigenous species referred to ECO-P5. Considering my recommended amendments to ECO-P5 and ECO-P6 discussed in Section 10 and shown at **Appendix 2**, I do not consider that an additional schedule is required and so recommend that the submission points be rejected.

23.41 DOC[369] request the insertion of one new schedule, containing a threatened species list based on the list provided by the submitter as a starting point. Dr Lloyd (**Appendix 3**) is of the opinion that, subject to the recommended amendments, ECO-SCHED3 will provide more value than a species list, as the descriptions in ECO-SCHED3 will be more easily interpreted than a plant species list. However, he considers that a list can still have some utility, as it may incentivize an ecological assessment being commissioned prior to any clearance, and facilitate assessment of compliance. I therefore recommend that the submission point be accepted, with new ECO-SCHEDH working with ECO-SCHED3 to assist Plan users to understand the practical implications of the recommended provisions.

Recommendations and amendments

23.42 I recommend, for the reasons given above, that the Hearings Panel add a new schedule of threatened species as shown as ECO-SCHEDH in **Appendix 2** to provide better protection for these species

23.43 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

Section 32AA evaluation

23.44 The following points evaluate the recommended changes under Section 32AA of the RMA.

Effectiveness and efficiency

23.45 The inclusion of a threatened species list and associated rules may incentivise an ecological assessment being commissioned prior to any clearance, and facilitate an assessment of compliance,

[368] DPR-0407.018 Forest & Bird, EDSI-0440.12 EDSI
[369] DPR-0427.127 DOC

which would result in more effective rule compliance. This would result in a more effective achievement of ECO-O1.

Costs and benefits

23.46 The recommended provisions may place an additional cost on landowners to ensure compliance, but this would be outweighed by the environmental and community benefits of identifying and protecting these species.

Risk of acting or not acting

23.47 Not including provisions to explicitly protect threatened species could result in the continued loss or extinction of these species.

Conclusion as to the most appropriate option

23.48 Given the threatened nature of these species, the recommended amendments are considered to be more appropriate in achieving the purpose of the RMA and the most appropriate way to achieve the relevant Plan objectives than the notified version.

24. Definitions

Biodiversity management plan

Introduction

24.1 This section responds to the submission points relating to the definition of 'biodiversity management plan'.

Submissions

24.2 Two submission points and three further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0422	FFNC	030	Oppose In Part	Amend as follows: A document prepared to direct development within one or more properties for the purpose of the maintenance and protection of indigenous biodiversity and includes: - An approved reserve management plan, national park management plan, conservation management strategy or plan or any management plan prepared under the Conservation Act 1987; - The Te Waihora Joint Management Plan Mahere Tukutahi o Te Waihora; and - Any management plan approved by the covenanter for the management of a site protected by covenant for its biodiversity values; - Any farm management plan approved by the Canterbury Regional Council which includes components for the protection of indigenous

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				biodiversity; and - Any farm accredited management programme which has been approved by the Chief Executive of the Selwyn District Council as meeting the requirements of ECO-SCHED2.
DPR-0407	*Forest & Bird*	*FS076*	*Oppose*	*Reject the submission*
DPR-0427	DOC	003	Oppose	Amend as follows: A document prepared in accordance with ECO-SCHED2 – Biodiversity Management Plan Requirements to direct development within one or more properties for the purpose of maintenance, enhancement and protection of indigenous biodiversity.
DPR-0301	*UWRG*	*FS145*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS170*	*Support*	*Accept the submission*

Analysis

24.3 FFNC[370] request that the definition be extended to recognise a number of plans prepared under other legislative requirements as biodiversity management plans for the purposes of the PDP, while DOC[371] request that the definition be amended to cross-reference to ECO-SCHED2 Biodiversity Management Plan Requirements. While the first four plans referenced by FFNC may well meet the criteria of a biodiversity management plan, Council has no control over their underlying documents which may change over the life of the PDP such that the usefulness of such cross-referencing would be removed. I consider however that referencing ECO-SCHED 2 would assist Plan useability and therefore recommend that the FFNC[372] submission point be accepted in part and that the DOC[373] submission point be accepted.

Recommendations and amendments

24.4 I recommend, for the reasons given above, that the Hearings Panel amend the definition of 'biodiversity management plan' as shown in **Appendix 2** to provide better clarity for Plan users.

24.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

24.6 The scale of change does not require a s32AA evaluation.

[370] DPR-0422.033 FFNC
[371] DPR-0427.003 DOC
[372] DPR-0422.033 FFNC
[373] DPR-0427.003 DOC

Biodiversity offset

Introduction

24.7 This section responds to the submission points relating to the definition of 'biodiversity offset'.

Submissions

24.8 Two submission points and four further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0427	DOC	004	Oppose	Amend as follows: means a measurable conservation outcome resulting from actions designed to compensate for significant residual adverse biodiversity effects arising from activities after avoidance, remediation, and mitigation measures have been ~~taken~~ sequentially applied. The goal of biodiversity offsets is to achieve no net loss of, indigenous biodiversity values.
DPR-0301	*UWRG*	*FS146*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS171*	*Support*	*Accept the submission*
DPR-0422	*FFNC*	*FS011*	*Oppose In Part*	*Partially allow the submission point.*
DPR-0441	Manawa	015	Support In Part	Amend as follows: A measurable conservation outcome resulting from actions designed to compensate for significant residual adverse biodiversity effects arising from development ~~after all appropriate avoidance, remediation and mitigation measure have been taken~~. The goal of a biodiversity offset is to achieve no net loss of indigenous biodiversity.
DPR-0407	*Forest & Bird*	*FS045*	*Oppose In Part*	*Accept the submission in part*

Analysis

24.9 DOC[374] request that the definition be amended to require avoidance, remediation and mitigation to have been applied sequentially, before an offset can be considered. Manawa[375] request that biodiversity offsets be applied only to compensate for significant residual biodiversity offsets, and that avoidance, remediation and mitigation measures need not have been applied first. I consider that the DOC submission point provides better clarity about the place of offsetting in the management of effects (i.e. to compensate for residual effects after avoidance, remediation, and mitigation measures have all been applied) , and so recommend that the DOC[376] submission point be accepted and the Manawa submission point be rejected.[377]

[374] DPR-0427.004 DOC
[375] DPR-0441.015 Manawa
[376] DPR-0427.004 DOC
[377] DPR-0441.015 Manawa

Recommendations and amendments

24.10 I recommend, for the reasons given above, that the Hearings Panel:

a) Amend the definition of 'biodiversity offset as shown in **Appendix 2** to provide better clarity for Plan users;

b) Make a consequential amendment to ECO-MAT1.1.f as shown in **Appendix 2** to hyperlink the definition.

24.11 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

24.12 The scale of change does not require a s32AA evaluation.

Exotic pasture species

Introduction

24.13 This section responds to the submission points relating to the definition of 'exotic pasture species'.

Submissions

24.14 Three submission points and three further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0379	J Thomson	024	Support In Part	Amend 'Exotic Pasture Species' as follows: Pasture grasses that are not indigenous and may include the following species: ... f. Plantain
DPR-0422	FFNC	040	Oppose In Part	Delete as notified.
DPR-0407	*Forest & Bird*	*FS080*	*Support*	*Accept the definition*
DPR-0427	DOC	009	Oppose	Delete as notified.
DPR-0301	*UWRG*	*FS151*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS176*	*Support*	*Accept the submission*

Analysis

24.15 J Thomson[378] requests that plantain be added to the species list in the definition, while FFNC[379] and DOC[380] both request that the definition be deleted.

24.16 Exotic pasture species are defined because of the reference to them in the improved pasture definition. 'Exotic pasture species' are not referred to anywhere else in the plan. FFNC considers the definition unnecessary, while DOC notes that the NPS-IB includes exotic pastures species in the definition on 'improved pasture' but does not define it. They are concerned that the definition will have implications for the application of improved pasture provisions. There is potential for areas

[378] DPR-0379.024 J Thomson
[379] DPR-0422.040 FFNC
[380] DPR-0427.009 DOC

with significant ecological values to be deemed to be improved pasture based on containing the species listed. For example, areas in Selwyn District that contain these species through weed invasion processes rather than direct maintenance of the pasture by a landowner would potentially meet the definition of improved pasture. I concede the points of both DOC and FFNC and recommend that their submission points be accepted. As a consequence, I recommend that the J Thompson point requesting an amendment to the definition be rejected.

Recommendation

24.17 I recommend, for the reasons given above, that the Hearings Panel delete the definition of 'exotic pasture species' as shown at **Appendix 2** and rely instead on the ordinary meaning of the term. This will avoid the unintended consequences of weed invasion processes.

24.18 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

Improved pasture

Introduction

24.19 This section responds to the submission points relating to the definition of 'improved pasture'.

Submissions

24.20 Thirteen submission points and 35 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0301	UWRG	003	Improved Pasture	Oppose In Part	Amend to ensure a clearer and simpler definition, including having a date from when improved pasture provisions have effect.
DPR-0381	*Coleridge Downs*	*FS091*	*Improved Pasture*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS311*	*Improved Pasture*	*Support*	*Accept the submission*
DPR-0486	*Coleridge Downs*	*FS091*	*Improved Pasture*	*Oppose*	*Disallow*
DPR-0301	UWRG	004	ECO Management Overlay	Oppose In Part	All areas of improved pasture be mapped.
DPR-0381	*Coleridge Downs*	*FS092*	*ECO Management Overlay*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS312*	*ECO Management Overlay*	*Support*	*Accept the submission*
DPR-0486	*Coleridge Downs*	*FS092*	*ECO Management Overlay*	*Oppose*	*Disallow*

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0301	UWRG	005	ECO Management Overlay	Oppose In Part	That all areas of improved pasture in the Major Rivers Areas be mapped.
DPR-0407	*Forest & Bird*	*FS313*	*ECO Management Overlay*	*Support*	*Accept the submission*
DPR-0301	UWRG	006	ECO Management Overlay	Oppose In Part	That all areas of improved pasture in the Hills and High Country Areas be mapped.
DPR-0381	*Coleridge Downs*	*FS093*	*ECO Management Overlay*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS314*	*ECO Management Overlay*	*Support*	*Accept the submission*
DPR-0486	*Coleridge Downs*	*FS093*	*ECO Management Overlay*	*Oppose*	*Disallow*
DPR-0301	UWRG	007	ECO Management Overlay	Oppose In Part	All areas of improved pasture in the Port Hills Area be mapped.
DPR-0407	*Forest & Bird*	*FS315*	*ECO Management Overlay*	*Support*	*Accept the submission*
DPR-0372	Dairy Holdings	006	Improved Pasture	Support	Retain as notified
DPR-0381	Coleridge Downs	001	Improved Pasture	Oppose In Part	Amend the definition of improved pasture to provide more certainty for long standing but lightly grazed areas of the GRUZ and high country areas. For example (or similar): means an area of pasture: 1. where exotic pasture species have been deliberately introduced; and 2. that: i. is used for livestock grazing and has been routinely or rotationally so used since 1 June 1996; or ii. at any time on or after 1 June 1996 was modified or enhanced for the purpose of livestock grazing by cultivation, irrigation, oversowing, top-dressing and/or direct drilling.
DPR-0301	*UWRG*	*FS058*	*Improved Pasture*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS508*	*Improved Pasture*	*Oppose*	*Reject the submission*

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0390	RIL	004	Improved Pasture	Support	Retain as notified.
DPR-0407	Forest & Bird	002	Improved Pasture	Oppose	Delete as notified and replace with: An area of pasture where indigenous vegetation has been fully removed and where the vegetation has been converted to exotic pasture or crops, at the time this plan was written, and that has been mapped.
DPR-0212	*ESAI*	*FS015*	*Improved Pasture*	*Oppose*	*Disallow in full*
DPR-0301	*UWRG*	*FS080*	*Improved Pasture*	*Support*	*Allow in full*
DPR-0381	*Coleridge Downs*	*FS080*	*Improved Pasture*	*Oppose*	*Disallow*
DPR-0422	*FFNC*	*FS066*	*Improved Pasture*	*Oppose*	*Disallow the submission point*
DPR-0427	*DOC*	*FS007*	*Improved Pasture*	*Support In Part*	*Decision not specified*
DPR-0468	*Fish & Game*	*FS022*	*Improved Pasture*	*Support*	*Support Forest & Bird's suggestion of a different approach wherein all converted pasture is mapped and only land within these areas can have vegetation clearance occur without a discretionary consent.*
DPR-0486	*Coleridge Downs*	*FS080*	*Improved Pasture*	*Oppose*	*Disallow*
DPR-0422	FFNC	052	Improved Pasture	Oppose In Part	Delete as notified and replace with: 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.
DPR-0407	*Forest & Bird*	*FS085*	*Improved Pasture*	*Oppose*	*Reject the submission*
DPR-0468	*Fish & Game*	*FS046*	*Improved Pasture*	*Support*	*Fish & Game support a different approach wherein all converted pasture is mapped and only land within these areas can have vegetation clearance occur without a discretionary consent. This would also make things much clearer for landowners, lessees and farm managers.*
DPR-0427	DOC	013	Improved Pasture	Oppose	Amend as follows: An area of ~~pasture~~ land where exotic pasture species have been deliberately sown and maintained for the purpose of pasture production and species ~~introduced, where those exotic pasture species dominate in~~

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					~~cover and~~ composition and growth has been modified and ~~is being actively managed for livestock grazing and where the naturally occurring indigenous species are largely absent from that area.~~
DPR-0301	*UWRG*	*FS155*	*Improved Pasture*	*Support*	*Allow in full*
DPR-0381	*Coleridge Downs*	*FS048*	*Improved Pasture*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS019*	*Improved Pasture*	*Oppose*	*Reject the submission*
DPR-0486	*Coleridge Downs*	*FS048*	*Improved Pasture*	*Oppose*	*Disallow*
DPR-0440	EDSI	001	Improved Pasture	Oppose	Delete as notified.
DPR-0301	*UWRG*	*FS287*	*Improved Pasture*	*Support*	*Allow in full*
DPR-0381	*Coleridge Downs*	*FS053*	*Improved Pasture*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS001*	*Improved Pasture*	*Support*	*Accept the submission*
DPR-0468	*Fish & Game*	*FS004*	*Improved Pasture*	*Support*	*Delete improved pasture definition as notified*
DPR-0486	*Coleridge Downs*	*FS053*	*Improved Pasture*	*Oppose*	*Disallow*
DPR-0468	Fish & Game	001	Improved Pasture	Oppose	Delete definition of improved pasture as notified and replace with a definition for converted pasture: <u>Converted pasture: Grassland that has been converted to intensive pasture by cultivation and/or irrigation.</u>
DPR-0301	*UWRG*	*FS305*	*Improved Pasture*	*Support*	*Allow in full*
DPR-0381	*Coleridge Downs*	*FS074*	*Improved Pasture*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS364*	*Improved Pasture*	*Support*	*Accept the submission*
DPR-0486	*Coleridge Downs*	*FS074*	*Improved Pasture*	*Oppose*	*Disallow*

Analysis

24.21 UWRG[381] request that the definition be amended for clarity and simplicity, including having a date from when improved pasture provisions have effect.

[381] DPR-0301.003 UWRG

24.22 Coleridge Downs[382] request that the definition be amended to provide more certainty for long standing but lightly grazed areas of the GRUZ.

24.23 FFNC[383] request that the definition be amended to only capture the deliberate sowing or maintenance of exotic pasture species for the purpose of pasture production. DOC[384] make a similar request, while Fish & Game[385] request that the definition of improved pasture be deleted and replaced with a definition of converted pasture.

24.24 Forest and Bird[386] seek an alternative approach to the PDP provisions, where all improved pasture is mapped and only land within these areas can have vegetation clearance occur without a land use consent. As part of this package, they request an amended definition, and that all areas of improved pasture be mapped. UWRG[387] request that all areas of improved pasture be mapped.

24.25 EDSI[388] request that the definition as notified be deleted.

24.26 The proposed definition has been reviewed by Dr Lloyd in light of these submission points, and I agree with his opinion that, in the absence of mapped improved pasture, the proposed definition is the most practical. I therefore recommend that the UWRG, Coleridge Downs, FFNC, DOC, Fish & Game, Forest and Bird and EDSI[389] submission points be rejected.

24.27 Dairy Holdings and RIL[390] request that the definition be retained as notified. Considering my recommendations above, I recommend that these submission points be accepted.

Recommendation

24.28 I recommend, for the reasons given above, that the Hearings Panel retain the definition as notified.

24.29 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

Indigenous biodiversity

Introduction

24.30 This section responds to the submission points relating to the definition of 'indigenous biodiversity'.

Submissions

24.31 Eight submission points and nine further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0301	UWRG	001	Support	Retain as notified.

[382] DPR-0381.001 Coleridge Downs
[383] DPR-0422.052 FFNC
[384] DPR4027.013 DOC
[385] DPR-0468.001 Fish & Game
[386] DPR-0407.002 Forest & Bird
[387] DPR-0301.004, DPR-0301.005, DPR-0301.006, DPR-0301.007 UWRG
[388] DPR-0440.001 EDSI
[389] DPR-0301.003 UWRG, DPR-0381.001 Coleridge Downs, DPR-0422.052 FFNC, DPR4027.013 DOC, DPR-0468.001 Fish & Game, DPR-0407.002 Forest & Bird DPR-0440.001 EDSI
[390] DPR-0372.006 Dairy Holdings, DPR-0390.004 RIL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0407	*Forest & Bird*	*FS309*	*Support*	*Accept the submission*
DPR-0372	Dairy Holdings	007	Support	Retain as notified
DPR-0390	RIL	003	Support	Retain as notified
DPR-0407	Forest & Bird	003	Support	Retain as notified.
DPR-0301	*UWRG*	*FS081*	*Support*	*Allow in full*
DPR-0422	FFNC	053	Oppose In Part	Requests Council consider making consistent with the NPS Indigenous Biodiversity definition.
DPR-0407	*Forest & Bird*	*FS086*	*Oppose*	*Reject the submission*
DPR-0427	DOC	014	Oppose In Part	Amend as follows: Includes all plants and animals that occur naturally in New Zealand and have evolved or arrived without any assistance from humans. It includes all New Zealand's ecosystems, and the habitats of indigenous vegetation and fauna. Indigenous species includes migratory species visiting New Zealand on a regular or irregular basis.
DPR-0301	*UWRG*	*FS156*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS180*	*Support*	*Accept the submission*
DPR-0440	EDSI	006	Oppose	Amend the definition for indigenous biodiversity as notified and replace with the definition for indigenous biodiversity contained in the Proposed National Policy Statement for Indigenous Biodiversity, as set out below: Indigenous vegetation means vascular and non-vascular plants that, in relation to a particular area, are native to the ecological district in which that area is located.
DPR-0301	*UWRG*	*FS292*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS006*	*Support*	*Accept the submission*
DPR-0468	*Fish & Game*	*FS013*	*Support*	*Supports submission*
DPR-0441	Manawa	017	Oppose	Replace as follows: Is biodiversity that is naturally occurring anywhere in New Zealand. It includes all New Zealand's ecosystems, indigenous vegetation, indigenous fauna and the habitats of indigenous vegetation and fauna.
DPR-0407	*Forest & Bird*	*FS047*	*Support*	*Accept*

Analysis

24.32 FFNC and EDSI[391] each request that Council amend the definition to be consistent with the definition for indigenous biodiversity contained in the NPS-IB. DOC[392] request that the definition be amended to include reference to all New Zealand's ecosystems and the habitats of indigenous vegetation and fauna, while Manawa[393] requests that the definition be simplified. The definition and submission points have been reviewed by Dr Lloyd, and I accept his recommendation to amend the definition in line with the Manawa submission point. I therefore recommend that the Manawa[394] submission point be accepted and that the submission points of FFNC, EDSI and DOC[395] be rejected.

24.33 UWRG, Dairy Holdings, RIL, and Forest & Bird[396] each request that the definition be retained as notified. Considering my recommendations above, I recommend that these submission points be rejected.

Recommendation and amendments

24.34 I recommend, for the reasons given above, that the Hearings Panel amend the definition of 'indigenous biodiversity' as shown in **Appendix 2** to provide greater clarity for plan users.

24.35 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

24.36 The scale of the change is such that a s32AA evaluation is not required.

Indigenous fauna

Introduction

24.37 This section responds to the submission points relating to the definition of 'indigenous fauna'.

Submissions

24.38 Two submission points and one further submission point were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0422	FFNC	054	Oppose In Part	Delete as notified and replace with the draft NPS-IB definition for Indigenous Biodiversity.
DPR-0407	*Forest & Bird*	*FS087*	*Support In Part*	*Accept only if the plan provisions do not use the term.*
DPR-0441	Manawa	008	Support	Retain as notified

[391] DPR-0422.053 FFNC, DPR-0440.006 EDSI
[392] DPR-0427.014 DOC
[393] DPR-0441.017 Manawa
[394] DPR-0441.017 Manawa
[395] DPR-0422.053 FFNC, DPR-0440.006 EDSI, DPR-0427.014 DOC
[396] DPR-0301.001 UWRG, DPR-0372.007 Dairy Holdings, DPR-0390.003 RIL, DPR-0407.003 Forest & Bird

Analysis

24.39 FFNC[397] request that the definition be deleted, with the PDP instead relying on the draft NPS-IB definition for indigenous biodiversity. Manawa[398] requests that the definition be retained as notified. The definition has been considered by Dr Lloyd (**Appendix 3**) and I accept his recommendation that it be retained as notified. I therefore recommend that the FFNC[399] submission point be rejected and the Manawa[400] submission point be accepted.

Recommendation

24.40 I recommend, for the reasons given above, that the Hearings Panel retain the definition as notified.

24.41 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

Indigenous vegetation

Introduction

24.42 This section responds to the submission points relating to 'indigenous vegetation'.

Submissions

24.43 Eight submission points and eight further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	063	Support In Part	Amend as follows: ~~Naturally occurring flora containing plant species that are native to the area~~ <u>means vascular and non-vascular plants that, in relation to a particular area, are native to the ecological district in which that area is located.</u>
DPR-0301	*UWRG*	*FS037*	*Support*	*Allow*
DPR-0301	UWRG	002	Oppose In Part	Delete as notified and replace with: ~~Indigenous Vegetation: Naturally occurring flora containing plant species that are native to the area~~ <u>Indigenous vegetation means vascular and non-vascular plants native to the ecological district in which the vegetation naturally occurs.</u>
DPR-0407	*Forest & Bird*	*FS310*	*Support*	*Accept the submission*
DPR-0372	Dairy Holdings	008	Support	Retain as notified
DPR-0390	RIL	105	Support	Retain as notified.
DPR-0407	Forest & Bird	004	Support In Part	Delete as notified and replace with: <u>Naturally occurring plant species native to the area</u>

[397] DPR-0422.054 FFNC
[398] DPR-0441.008 Manawa
[399] DPR-0422.054 FFNC
[400] DPR-0441.008 Manawa

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0301	*UWRG*	*FS082*	*Support*	*Allow in full*
DPR-0422	FFNC	055	Oppose In Part	Delete as notified and replace with the draft NPS-Indigenous Biodiversity definition for Indigenous Biodiversity.
DPR-0372	*Dairy Holdings*	*FS054*	*Support*	*Accept the submission.*
DPR-0390	*RIL*	*FS010*	*Support*	*Accept the submission.*
DPR-0407	*Forest & Bird*	*FS088*	*Oppose*	*Reject the submission*
DPR-0427	DOC	015	Oppose	Amend as follows: indigenous vegetation means vascular and nonvascular plants that, in relation to a particular area, are native to the ecological district in which that area is located ~~Naturally occurring flora containing plant species that are native to the area~~
DPR-0301	*UWRG*	*FS157*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS181*	*Support*	*Accept the submission*
DPR-0441	Manawa	018	Oppose	Replace as follows: Means a predominant community of vascular and nonvascular plants that, in relation to a particular area, are native to the ecological district in which that area is located

Analysis

24.44 CRC, UWRG, FFNC, DOC[401] request that the definition be replaced with that used in the NPS-IB, while Manawa[402] request that the definition be replaced with one similar to that used in the NPS-IB. Forest & Bird[403] request that the definition be replaced with a simpler definition. The submission points have been considered by Dr Lloyd, and I agree with his recommended amendments to the definition. I therefore recommend that the submission points each be accepted in part.

24.45 Dairy Holdings and RIL[404] request that the definition be retained as notified. Considering my recommendation above, I recommend that these submission points be accepted in part.

Recommendations and amendments

24.46 I recommend, for the reasons given above, that the Hearings Panel amend the definition as shown in **Appendix 2** to provide greater clarity to Plan users.

24.47 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

[401] DPR-0260.063 CRC, DPR-0301.002 UWRG, DPR-0422.055 FFNC, DPR-0427.015 DOC
[402] DPR-0441.018 Manawa
[403] DPR-0407.004 Forest & Bird
[404] DPR-0372.008 Dairy Holdings, DPR-0390.105 RIL

24.48 The scale of change does not require a s32AA evaluation.

Indigenous vegetation clearance

Introduction

24.49 This section responds to the submission points relating to the definition of 'indigenous vegetation clearance'.

Submissions

24.50 Fifteen submission points and 18 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0019	S Jarvis	006	Support	Retain as notified
DPR-0260	CRC	062	Support In Part	Amend definition to explicitly include earthworks.
DPR-0212	*ESAI*	*FS007*	*Oppose In Part*	*Disallow in part provided definition includes reference to 'naturally occurring at the site'.*
DPR-0301	*UWRG*	*FS036*	*Support*	*Allow*
DPR-0414	*Kāinga Ora*	*FS014*	*Support In Part*	*Not specified*
DPR-0301	UWRG	008	Support In Part	Amend to include 'edge effects`.
DPR-0407	*Forest & Bird*	*FS316*	*Support*	*Accept the submission*
DPR-0353	HortNZ	048	Oppose	Delete as notified and replace with: The modification, burning, cutting, crushing, spraying and removal by physical, mechanical, chemical or other means of indigenous vegetation. Refer to original submission for full decision requested.
DPR-0422	*FFNC*	*FS036*	*Support*	*Allow the submission point*
DPR-0353	HortNZ	049	Oppose In Part	Amend as follows: … excluding: a. indigenous vegetation clearance associated with routine maintenance of shelter belts; b. indigenous vegetation clearance of scattered trees, shrubs or regenerating bush amongst pasture or horticultural crops; or c. vegetation that is infected by an unwanted organism as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.
DPR-0407	*Forest & Bird*	*FS477*	*Oppose In Part*	*Reject the submission*
DPR-0422	*FFNC*	*FS037*	*Support*	*Allow the submission point*
DPR-0368	Beef + Lamb NZ & Deer NZ	001	Oppose	Amend to clarify that the clearance or removal of vegetation refers to the clearance or removal of all or a vast majority of the indigenous plants present.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0407	*Forest & Bird*	*FS424*	*Oppose*	*Reject the submission*
DPR-0372	Dairy Holdings	009	Oppose In Part	Amend as follows: The clearing or removal of indigenous vegetation by any means, including over-grazing, cutting, crushing, cultivation, spraying, irrigation, chemical application, artificial drainage, stop banking, overplanting, over sowing, or burning.
DPR-0388	Craigmore	003	Oppose In Part	Amend as follows: The clearing or removal of indigenous vegetation by any means, including over-grazing, cutting, crushing, cultivation, spraying, irrigation, chemical application, artificial drainage, stop banking, overplanting, over sowing, or burning.
DPR-0390	RIL	005	Oppose In Part	Amend as follows: The clearing or removal of indigenous vegetation by any means, including over-grazing, cutting, crushing, cultivation, spraying, irrigation, chemical application, artificial drainage, stop banking, overplanting, over sowing, or burning. Further consideration should be given to whether all aspects of the rule are enforceable (e.g. what is meant by “over grazing" and whether that is best dealt with in the Regional Council context through Farm Environment Plan requirements).
DPR-0407	Forest & Bird	005	Support In Part	Amend as follows: The clearing or removal of indigenous vegetation by any means, including over-grazing, cutting, crushing, cultivation, spraying, irrigation, chemical application, drainage, stop banking, overplanting, over sowing, or burning, shading or invasion.
DPR-0212	*ESAI*	*FS016*	*Oppose*	*Disallow in full*
DPR-0301	*UWRG*	*FS083*	*Support*	*Allow in full*
DPR-0422	*FFNC*	*FS064*	*Oppose*	*Disallow the submission point*
DPR-0439	*Rayonier*	*FS001*	*Oppose*	*Decline*
DPR-0421	R & A Hill	006	Oppose	Amend as follows: The clearing or removal of indigenous vegetation by any means, including over-grazing to the extent that tussock grass land is depleted, cutting, crushing, cultivation, spraying, irrigation, chemical application, drainage, stop banking, ~~overplanting~~, over sowing on land that cannot be proven to have been over sown in the past as part of an ongoing farming cycle, or burning
DPR-0301	*UWRG*	*FS073*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS423*	*Oppose*	*Reject the submission*
DPR-0422	FFNC	056	Oppose	Delete as notified and replace with: Indigenous vegetation clearance means the removal of indigenous vegetation by cutting, crushing, application

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				of chemicals, drainage, burning, cultivation, over-planting, application of seed of exotic pasture species, mobstocking and/or changes to soils, hydrology or landforms. It does not include grazing, trimming or damage to indigenous vegetation where the vegetation is able to regenerate.
DPR-0372	*Dairy Holdings*	*FS055*	*Support*	*Accept the submission or amend to be consistent with the NPSIB if this is finalised before decisions are made on the Proposed Plan.*
DPR-0390	*RIL*	*FS011*	*Support*	*Accept the submission or amend to be consistent with the NPSIB if this is finalised before decisions are made on the Proposed Plan.*
DPR-0407	*Forest & Bird*	*FS089*	*Oppose*	*Reject the submission*
DPR-0427	DOC	016	Support	Amend as follows: The clearing or removal of indigenous vegetation by any means, including, over-grazing, cutting, crushing, trampling, cultivation, spraying, irrigation, chemical application, drainage, stop banking, overplanting, over sowing, or burning
DPR-0301	*UWRG*	*FS158*	*Support*	*Allow in full*
DPR-0381	*Coleridge Downs*	*FS049*	*Oppose*	*Disallow*
DPR-0407	*Forest & Bird*	*FS182*	*Support*	*Accept the submission*
DPR-0422	*FFNC*	*FS010*	*Oppose*	*Disallow the submission point*
DPR-0486	*Coleridge Downs*	*FS049*	*Oppose*	*Disallow*
DPR-0441	Manawa	009	Support	Retain as notified
DPR-0471	D & K Calder, R Jamison & R Reed	002	Oppose	Amend the definition for indigenous vegetations clearance to quantify various indigenous vegetations clearance activities, in collaboration with all stakeholders. An alternative definition of indigenous vegetation clearance is required as follows: The clearing or removal of indigenous vegetation by any means, including over-grazing to the extent that tussock grass land is depleted, cutting, crushing, cultivation, spraying, irrigation, chemical application, drainage, stop banking, ~~overplanting~~, over sowing on land that cannot be proven to have been over-sown in the past as part of an ongoing farming cycle, or burning.

Analysis

24.51 CRC[405] requests that the definition be amended to explicitly include earthworks. Given the proposed amendments discussed below, I do not consider that this is necessary, and so recommend that the submission point be rejected.

24.52 UWRG[406] requests that the definition be amended to include 'edge effects'. I consider that this would widen the scope of the term beyond what is intended, and so recommend that the submission point be rejected.

24.53 Dairy Holdings and Craigmore[407] request that the definition be amended to clarify that the clearance or removal of vegetation by drainage is limited to artificial drainage. I agree that this is a reasonable clarification and recommend that the submission points be accepted.

24.54 RIL[408] make the same request, and also request that further consideration be given to whether all aspects of the rule are enforceable (e.g. what is meant by "over grazing" and whether that is best dealt with in the Regional Council context through Farm Environment Plan requirements). The management of over grazing is not at issue in this context, rather the effect of it on indigenous vegetation is. I therefore recommend that the submission point be accepted in part.

24.55 Forest & Bird[409] request that the definition be amended to include the clearance or removal of vegetation by shading or invasion. I consider that this is a useful example to add, and so recommend that the submission point be accepted.

24.56 DOC[410] request that the definition be amended to include the clearance or removal of vegetation by trampling. I consider that this is a useful example to add, and so recommend that the submission point be accepted.

24.57 Beef + Lamb NZ & Deer NZ[411] request that the definition be amended to clarify that the clearance or removal of vegetation refers to the clearance or removal of all or a vast majority of the indigenous plants present. Permitting (or not permitting) an activity is not the place of a definition – that is the purpose of rules and rule requirements. I therefore recommend that the submission point be rejected.

24.58 R & A Hill and D & K Calder, R Jamison & R Reed[412] request that the definition be amended to allow an extent of tussock grass land clearance and oversowing. As with the previous paragraph, the appropriate place within the PDP to permit certain types of indigenous vegetation clearance is within the rules and rule requirements. I therefore recommend that the submission point be rejected.

24.59 HortNZ[413] request either an alternative definition, or an exemption within the definition to provide for shelter belts, scattered trees, shrubs and regenerating material within pasture or crops, and for

[405] DPR-0260.062 CRC
[406] DPR-0301.008 UWRG
[407] DPR-0372.009 Dairy Holdings, DPR-0388.003 Craigmore
[408] DPR-0390.005 RIL
[409] DPR-0407.005 Forest & Bird
[410] DPR-0427.016 DOC
[411] DPR-0368.001 Beef + Lamb NZ & Deer NZ
[412] DPR-0421.006 R & A Hill, DPR-0474.002 D & K Calder, R Jamison & R Reed
[413] DPR-0353.048, DPR-0353.049 HortNZ

unwanted organisms. As with the previous paragraph, the appropriate place within the PDP to permit certain types of indigenous vegetation clearance is within the rules and rule requirements. I therefore recommend that the submission point be rejected.

24.60 FFNC[414] request that the definition be replaced with their proposed wording. I consider that the final sentence of the proposed wording is problematic, as a value judgement would be required to determine the extent to which the vegetation was able to regenerate. I therefore recommend that the submission point be rejected.

24.61 Dr Lloyd (**Appendix 3**) has considered the definition in light of the submission points, and I agree with his recommendation to amend the definition to include 'modification'.

24.62 S Jarvis, FFNC and Manawa[415] each request that the definition be retained as notified. Considering my recommendation above, I recommend that these submission points each be accepted in part.

Wetland

Introduction

24.63 This section responds to the submission points relating to the definition of 'wetland'.

Submissions

24.64 One submission point and one further submission point were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0301	UWRG	009	Support	Retain as notified.
DPR-0407	*Forest & Bird*	*FS317*	*Support*	*Accept the submission*

Analysis

24.65 UWRG[416] requests that the definition of 'wetland' be retained as notified. On the basis that no changes are requested, I recommend that the submission point be accepted.

Recommendation

24.66 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

24.67 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

New definition requested – oversowing or topdressing of native grasslands

Introduction

24.68 This section responds to the submission points relating to the requested new definition of 'oversowing or topdressing of native grasslands', which relates to the definition of 'indigenous vegetation clearance'

[414] DPR-0422.056 FFNC
[415] DPR-0019.006 S Jarvis, DPR-0422.085 FFNC, DPR-0441.009 Manawa
[416] DPR-0301.009 UWRG

Submissions

24.69 One submission point and one further submission point were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0422	FFNC	295	New	Neither Support Nor Oppose	Insert a new definition as follows: Oversowing or topdressing of native grasslands - Means the application of fertiliser or grass seed by manual or mechanical means to 'native grasslands' in circumstances where the indigenous vegetation cover is not removed or is allowed to regenerate.
DPR-0427	*DOC*	*FS004*	*New*	*Oppose*	*Decision not specified*

Analysis

24.70 FFNC[417] request that a new definition of 'oversowing or topdressing of native grasslands' be included in the PDP. This term does not form part of the recommended provisions, and so I recommend that the submission point be rejected.

Recommendation

24.71 I recommend, for the reasons given above, that the Hearings Panel decline to insert a definition of 'oversowing or topdressing of native grasslands'.

24.72 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

New definition requested – ancillary rural earthworks

Introduction

24.73 This section responds to the submission points relating to the requested new definition of 'ancillary rural earthworks'.

Submissions

24.74 One submissions point and four further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0422	FFNC	023	New	Neither Support Nor Oppose	Insert as follows: Ancillary rural earthworks: means any earthworks associated with the maintenance and construction of facilities typically associated with farming activities, including, but not limited to, farm tracks/roads (up to 6m wide), landings, stock races, silage pits, farm drains, farm

[417] DPR-0422.295 FFNC

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					effluent ponds, feeding pads, fencing and erosion and sediment control measures, and burying of material infected by unwanted organisms (as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993).
DPR-0142	*NZ Pork*	*FS014*	*New*	*Support*	*Allow in full*
DPR-0212	*ESAI*	*FS018*	*New*	*Support In Part*	*Allow in part with 'irrigation infrastructure works' added.*
DPR-0407	*Forest & Bird*	*FS072*	*New*	*Oppose In Part*	*Reject the submission unless amendments can be made to address Forest & Bird's concerns.*
DPR-0427	*DOC*	*FS003*	*New*	*Oppose*	*Decision not specified*

Analysis

24.75 FFNC[418] request the insertion of a new definition of 'ancillary rural earthworks'. I have not recommended that this term be used in the PDP, and so a definition is not required. I therefore recommend that the submission point be rejected.

Recommendation

24.76 I recommend, for the reasons given above, that the Hearings Panel decline to insert the definition as requested.

24.77 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

New definition requested – biodiversity compensation

Introduction

24.78 This section responds to the submission points relating to the requested new definition of 'biodiversity compensation'.

Submissions

24.79 One submission point and five further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0427	DOC	020	New	Neither Support Nor Oppose	Insert a new definition for "biodiversity compensation" as follows (or words to similar effect): Means any positive actions (excluding biodiversity offsets) to compensate for

[418] DPR-0422.023 FFNC

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					residual adverse biodiversity effects arising from activities after all appropriate avoidance, remediation, mitigation and biodiversity offset measures have been sequentially applied.
DPR-0301	*UWRG*	*FS162*	*New*	*Support*	*Allow in full*
DPR-0375	*WKNZTA*	*FS017*	*New*	*Oppose In Part*	*Waka Kotahi would want to ensure that if a new definition is introduced then the State Highway infrastructure is still recognised, and the opportunity is made for all parties to consider an alternative agreeable term.*
DPR-0390	*RIL*	*FS014*	*New*	*Oppose*	*Reject the submission.*
DPR-0407	*Forest & Bird*	*FS186*	*New*	*Support*	*Accept the submission*
DPR-0422	*FFNC*	*FS013*	*New*	*Oppose In Part*	*Allow the submission point in part.*

Analysis

24.80 DOC[419] request the insertion of a new definition for 'biodiversity compensation'. The concept of biodiversity compensation is included in ECO-MAT1, and I consider that the requested definition would assist user understanding of the concept.

Recommendations and amendments

24.81 I recommend, for the reasons given above, that the Hearings Panel add a definition of 'biodiversity compensation' as shown in **Appendix 2** to provide better clarity for Plan users;

24.82 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

24.83 The scale of change does not require a s32AA evaluation.

New definition requested – no net loss

Introduction

24.84 This section responds to the submission points relating to the requested new definition of 'no net loss'.

Submissions

24.85 One submission point and three further submission points were received in relation to this subtopic.

[419] DPR-0427.020 DOC

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0441	Manawa	026	New	Neither Support Nor Oppose	Add a new definition as follows: NO NET LOSS No overall reduction in: a. the diversity of (or within) species b. species' population sizes (taking into account natural fluctuation), and long-term viability c. area occupied and natural range inhabited by species d. range and ecological health and functioning of assemblages of species, community types and ecosystems.
DPR-0375	*WKNZTA*	*FS018*	*New*	*Support In Part*	*Include the definition and amend plan provisions where appropriate.*
DPR-0407	*Forest & Bird*	*FS051*	*New*	*Support In Part*	*Accept with amendment to make the definition only applicable to biodiversity offsetting and compensation.*
DPR-0427	*DOC*	*FS006*	*New*	*Support In Part*	*Decision not specified*

Analysis

24.86 Manawa[420] request that a new definition of 'no net loss' be included in the PDP. I consider that the requested amendment would assist in user understanding of the plan provisions, and therefore recommend that the submission point be accepted in part, subject to the amendment requested by Forest & Bird.[421]

Recommendations and amendments

24.87 I recommend, for the reasons given above, that the Hearings Panel add a definition of 'no net loss' as shown in **Appendix 2** to provide better clarity for Plan users;

24.88 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

24.89 The scale of change does not require a s32AA evaluation.

New definition requested – conservation values

Introduction

24.90 This section responds to the submission points relating to the requested new definition of 'conservation values'.

Submissions

24.91 One submission point and two further submission points were received in relation to this subtopic.

[420] DPR-0441.026 Manawa
[421] DPR-0407.FS051 Forest & Bird

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0427	DOC	059	New	Oppose In Part	Amend any reference to conservation values where noted in the proposed District Plan to reflect the values requiring management. Alternatively, add a new definition for conservation values.
DPR-0301	*UWRG*	*FS200*	*New*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS225*	*New*	*Support*	*Accept the submission*

Analysis

24.92 DOC[422] requests that either every reference in the PDP to conservation values be amended to identify the values requiring management, or that a new definition of conservation values be inserted. The term is only used in recommended provisions in the Overview, to describe areas subject to protection. I therefore do not consider that a specific definition is required and recommend that the submission point be rejected.

Recommendation

24.93 I recommend, for the reasons given above, that the Hearings Panel decline to insert the definition as requested.

24.94 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

New definition requested – edge effects

Introduction

24.95 This section responds to the submission points relating to the requested new definition of 'edge effects'.

Submissions

24.96 One submission point and four further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0407	Forest & Bird	001	New	Neither Support Nor Oppose	Insert a definition as follows: Edge Effects: are effects on native ecosystems that are caused by adjacent or surrounding land uses
DPR-0212	*ESAI*	*FS014*	*New*	*Oppose*	*Disallow in full*
DPR-0301	*UWRG*	*FS079*	*New*	*Support*	*Allow in full*
DPR-0422	*FFNC*	*FS065*	*New*	*Oppose*	*Disallow the submission point*
DPR-0427	*DOC*	*FS001*	*New*	*Support*	*Decision not specified*

[422] DPR-0427.059 DOC

Analysis

24.97 Forest & Bird[423] request that a new definition of 'edge effects' be included in the PDP. This submission point has been reviewed by Dr Lloyd (**Appendix 3**), and I agree with his reasoning and conclusion that edge effects are included in the recommended amendment to 'indigenous vegetation clearance'. I agree that this solution is preferable as 'indigenous vegetation clearance' is already referred to in the relevant provisions. I therefore recommend that the submission point be rejected.

Recommendation

24.98 I recommend, for the reasons given above, that the Hearings Panel decline to insert the requested new definition.

24.99 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

New definition requested – native grasslands

Introduction

24.100 This section responds to the submission points relating to the requested new definition of 'native grasslands'.

Submissions

24.101 One submission point and two further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0422	FFNC	064	New	Neither Support Nor Oppose	Insert as follows: Native grasslands - Means land used for dryland, pastoral grazing which may have had exotic species deliberately or accidentally introduced, but where indigenous species are still visually apparent in and are regenerating or are able to regenerate. It includes tussock grasslands and woody scrubland which is oversown or top-dressed.
DPR-0407	*Forest & Bird*	*FS093*	*New*	*Oppose*	*Reject the submission*
DPR-0427	*DOC*	*FS002*	*New*	*Oppose*	*Decision not specified*

Analysis

24.102 FFNC[424] request that a new definition of 'native grasslands' be included in the PDP. The term does not appear in the recommended provisions, and so I recommend that the submission point be rejected.

[423] DPR-0407.001 Forest & Bird
[424] DPR-0422.064 FFNC

Recommendations

24.103 I recommend, for the reasons given above, that the Hearings Panel decline to insert a definition of 'native grasslands'.

24.104 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

New definition requested – regular cycle

Introduction

24.105 This section responds to the submission points relating to the requested new definition of 'regular cycle'.

Submissions

24.106 One submission point and four further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0407	Forest & Bird	026	New	Neither Support Nor Oppose	Add a new definition for regular cycle, as set out below: Regular cycle means the periodic clearance of regenerating indigenous vegetation that is demonstrated to be part of a consistent management regime in place for the purpose of maintaining improved pasture.
DPR-0212	*ESAI*	*FS017*	*New*	*Oppose*	*Disallow in full*
DPR-0301	*UWRG*	*FS104*	*New*	*Support*	*Allow in full*
DPR-0372	*Dairy Holdings*	*FS050*	*New*	*Oppose*	*Reject the submission.*
DPR-0422	*FFNC*	*FS067*	*New*	*Neither Support Nor Oppose*	*FFNZ wish to remain involved as this submission point is developed*

Analysis

24.107 Forest & Bird[425] request that a new definition of 'regular cycle' be included in the PDP. The term is not used in the recommended PDP provisions, and so I recommend that the submission point be rejected.

Recommendations

24.108 I recommend, for the reasons given above, that the Hearings Panel decline to insert a definition of 'regular cycle'.

24.109 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

[425] DPR-0407.026 Forest & Bird

25. SUB-R21 Subdivision and Ecosystems and Indigenous Biodiversity and ECO-MAT3 Subdivision and Ecosystems and Indigenous Biodiversity

Introduction

25.1 This section responds to the submission points relating to subdivision in areas where ecosystems and indigenous biodiversity need to be given consideration, and the matters for discretion when this is the case.

Submissions – SUB-R21 Subdivision and Ecosystems and Indigenous Biodiversity

25.2 Eight submission points and 33 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0212	ESAI	077	SUB-R21	Oppose	Amend Activity Status in SUB-R21.1 and 21.3 to Controlled.
DPR-0260	CRC	129	SUB-R21	Support In Part	Amend SUB-R21.1 as follows: Subdivision of a site containing any Significant Natural Area ~~listed in ECO-SCHED4 – Significant Natural Areas~~. This rule does not apply to any subdivision under SUB-R15.
DPR-0157	*K & B Williams*	*FS924*	*SUB-R21*	*Oppose In Part*	*Reject in part the amendments sought.*
DPR-0209	*M Singh*	*FS521*	*SUB-R21*	*Oppose*	*Reject the submission in part.*
DPR-0298	*Trices Road*	*FS034*	*SUB-R21*	*Oppose In Part*	*Reject submission*
DPR-0381	*Coleridge Downs*	*FS016*	*SUB-R21*	*Oppose*	*Disallow*
DPR-0461	*Dunweavin*	*FS525*	*SUB-R21*	*Oppose*	*Reject submission*
DPR-0486	*Coleridge Downs*	*FS016*	*SUB-R21*	*Oppose*	*Disallow*
DPR-0492	*Kevler*	*FS783*	*SUB-R21*	*Oppose*	*Reject Submission*
DPR-0493	*Gallina & Heinz-Wattie*	*FS050*	*SUB-R21*	*Oppose*	*Reject submission in part being the amendments sought and the notified provisions sought to be retained*
DPR-0358	RWRL	223	SUB-R21	Support In Part	Amend to insert a non-notification clause.
DPR-0157	*K & B Williams*	*FS425*	*SUB-R21*	*Support In Part*	*Accept the submission in part*
DPR-0209	*M Singh*	*FS152*	*SUB-R21*	*Support In Part*	*Accept the submission in part*
DPR-0298	*Trices Road*	*FS469*	*SUB-R21*	*Support In Part*	*Accept submission in part*
DPR-0461	*Dunweavin*	*FS516*	*SUB-R21*	*Support In Part*	*Accept submission in part*
DPR-0492	*Kevler*	*FS827*	*SUB-R21*	*Support*	*Accept submission in part*

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0493	*Gallina & Heinz-Wattie*	*FS492*	*SUB-R21*	*Support In Part*	*Accept the submission in part.*
DPR-0363	IRHL	212	SUB-R21	Support In Part	Amend the provision to insert a non-notification clause.
DPR-0157	*K & B Williams*	*FS757*	*SUB-R21*	*Support In Part*	*Accept the submission in part*
DPR-0209	*M Singh*	*FS683*	*SUB-R21*	*Support In Part*	*Accept the submission in part*
DPR-0298	*Trices Road*	*FS636*	*SUB-R21*	*Support In Part*	*Accept submission in part*
DPR-0461	*Dunweavin*	*FS676*	*SUB-R21*	*Support In Part*	*Accept the submission in part. Reject the submission seeking removal of the UGO*
DPR-0492	*Kevler*	*FS291*	*SUB-R21*	*Support In Part*	*Accept the submission in part. Reject the submission seeking removal of the UGO.*
DPR-0374	RIHL	218	SUB-R21	Support In Part	Amend the provision to insert a non-notification clause.
DPR-0157	*K & B Williams*	*FS572*	*SUB-R21*	*Support In Part*	*Accept the submission in part*
DPR-0209	*M Singh*	*FS939*	*SUB-R21*	*Support In Part*	*Accept the submission in part*
DPR-0298	*Trices Road*	*FS787*	*SUB-R21*	*Support In Part*	*Accept submission in part*
DPR-0461	*Dunweavin*	*FS819*	*SUB-R21*	*Support In Part*	*Accept the submission in part. Reject the submission seeking removal of the UGO.*
DPR-0492	*Kevler*	*FS135*	*SUB-R21*	*Support In Part*	*Accept the submission in part. Reject the submission seeking removal of the UGO.*
DPR-0493	*Gallina & Heinz-Wattie*	*FS696*	*SUB-R21*	*Support In Part*	*Accept the submission in part.*
DPR-0384	RIDL	230	SUB-R21	Support In Part	Amend the provision to insert a non-notification clause.
DPR-0414	Kāinga Ora	115	SUB-R21	Support	Retain as notified
DPR-0157	*K & B Williams*	*FS181*	*SUB-R21*	*Oppose In Part*	*Reject the submission in part*
DPR-0209	*M Singh*	*FS371*	*SUB-R21*	*Oppose In Part*	*Reject the submission in part*
DPR-0298	*Trices Road*	*FS141*	*SUB-R21*	*Oppose In Part*	*Reject submission*
DPR-0461	*Dunweavin*	*FS168*	*SUB-R21*	*Oppose In Part*	*Reject submission*
DPR-0492	*Kevler*	*FS537*	*SUB-R21*	*Oppose In Part*	*Reject submission points in part*

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0493	*Gallina & Heinz-Wattie*	*FS161*	*SUB-R21*	*Oppose In Part*	*Reject the submission points in part.*
DPR-0565	*Shelley Street*	*FS052*	*SUB-R21*	*Support In Part*	*Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.*
DPR-0422	FFNC	210	SUB-R21	Support In Part	Amend as follows: 1. Subdivision within a ~~of a site containing any~~ Significant Natural Area listed in ECO-SCHED4 – Significant Natural Areas. This rule does not apply to any subdivision under SUB-R12 or SUB-R15.
DPR-0407	*Forest & Bird*	*FS134*	*SUB-R21*	*Oppose In Part*	*Reject the submission*

Submissions – ECO-MAT3 Subdivision and ecosystems and indigenous biodiversity

25.3 Five submission points and two further submission points were received in relation to ECO-MAT3.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0212	ESAI	078	ECO-MAT3	Oppose	Remove ECO-MAT3 from the Ecosystems and Indigenous Biodiversity Chapter and insert it in the Subdivision Chapter.
DPR-0260	CRC	100	ECO-MAT3	Support	Retain as notified.
DPR-0372	Dairy Holdings	061	ECO-MAT3	Support	Retain as notified
DPR-0390	RIL	048	ECO-MAT3	Support	Retain as notified.
DPR-0427	DOC	121	ECO-MAT3	Support In Part	Amend as follows: .... 5. Whether indigenous vegetation meets the criteria in ECO-SCHED-1
DPR-0301	*UWRG*	*FS263*	*ECO-MAT3*	*Support*	*Allow in full*
DPR-0407	*Forest & Bird*	*FS286*	*ECO-MAT3*	*Support*	*Accept the submission*

Analysis

25.4 ESAI[426] request that the activity status in SUB-R21.1 and SUB-R21.3 be amended from RDIS to CON, on the basis that a site that is only partly within an overlay would be unreasonably subject to the rule. I recommend that the submission point be rejected for the following reasons:

25.4.1 Non-compliance with SUB-R21.1 or SUB-R21.3 both direct Council to restrict their discretion in relation to ecosystems and indigenous biodiversity to the matters set out in ECO-MAT3. ESAI appear to accept these matters, as their only submission point in relation to ECO-MAT3[427] is in relation to its location within the SDP, not its content.

25.4.2 The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is a matter of national importance, and so Council needs to be able to decline consent applications where this would not be achieved. A CON activity status would not allow for this situation.

25.5 CRC[428] request that SUB-R21 be amended such that it applies to any SNA as defined, rather than only to those that have been listed in ECO-SCHED4 – Significant Natural Areas. I consider that this would better protect these areas and agree that the amendment would be consistent with those recommended elsewhere in this report. I therefore recommend that the submission point be accepted.

25.6 FFNC[429] request that SUB-R21.1 be amended to focus the rule trigger to the part of the property which contains the SNA, and that the rule not apply to subdivisions under SUB-R12 (boundary adjustments in all zones) in the same way that they do not apply to subdivisions under SUB-R15 (subdivision to update cross leases, company leases, and unit titles in all zones). I recommend that the submission point be rejected for the following reasons:

25.6.1 The additional matters of discretion that apply where subdivision of an SNA is proposed are already focused on the potential for effects on that SNA, and so no further amendment is required.

25.6.2 Boundary adjustments have the same potential to adversely affect the maintenance and protection of an ecosystem or indigenous biodiversity values as fee simple subdivisions. It is therefore appropriate to require the effects on these values to be considered at the time a boundary adjustment is considered. The updating of cross leases, company leases, and unit titles has a much smaller likelihood of impacting on these values.

25.7 RWRL, IRHL, RIHL and RIDL[430] all request that SUB-R21 be amended to insert a non-notification clause, with the result that no application would be limited or publicly notified. As outlined in Section 11 of this report in relation to the ECO chapter, I recommend that the submissions be rejected because the RMA notification tests allow for non-notification where it is appropriate, or a level of notification appropriate to the application, which is a matter of fact and degree. The

[426] DPR-0212.077 ESAI
[427] DPR-0212.078 ESAI
[428] DPR-0260.129 CRC
[429] DPR-0422.210 FFNC
[430] DPR-0358.223 RWRL, DPR-0363.212 IRHL, DPR-0374.218 RIHL, DPR-0384.230 RIDL

management of ecosystems and indigenous biodiversity can have effects that are wider than a single property, and so it would be inappropriate to prevent those who may be adversely affected by a particular proposal from having the opportunity to participate in the process.

25.8 Kāinga Ora[431] request that SUB-R21 be retained as notified. In light of my recommendations above to amend SUB-R21, I recommend that the submission point be accepted in part.

25.9 ESAI[432] request that ECO-MAT3 be moved from the *Ecosystems and Indigenous Biodiversity* chapter to the *Subdivision* chapter. I recommend that the submission point be rejected because the provision responds to the objectives and policies of the *Ecosystems and Indigenous Biodiversity* chapter. As such it is appropriate for it to be located in this chapter and referenced from the *Subdivision* chapter.

25.10 DOC[433] request that ECO-MAT3 be amended to include an additional matter of discretion to consider whether indigenous vegetation meets the criteria in ECO-SCHED1 Criteria for Determining Significant Indigenous Vegetation and Significant Habitat of Indigenous Fauna. However, SUB-R21 applies only where the application site contains an SNA, or is located within the Mudfish Protection Overlay or the Crested Grebe Protection Overlay. As such, I consider that the requested matter of discretion is not required as the requested assessment has already been made, and therefore recommend that the submission point be rejected.

25.11 CRC, Dairy Holdings and RIL[434] request that ECO-MAT3 be retained as notified. In light of my recommendations above, I recommend that the submission points be accepted.

Recommendations and amendments

25.12 I recommend, for the reasons given above, that the Hearings Panel amend SUB-R21.1 as shown in **Appendix 2** to provide better protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

25.13 I recommend, for the reasons given above, that the Hearings Panel retain ECO-MAT3 as notified.

25.14 The amendments recommended to SUB-R21 are set out in a consolidated manner in **Appendix 2**.

25.15 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

25.16 The scale of change does not require a s32AA evaluation.

26. Conclusion

26.1 For the reasons set out in the Section 32AA evaluations and included throughout this report, I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents.

[431] DPR-0414.115 Kāinga Ora
[432] DPR-0212.078 ESAI
[433] DPR-0427.121 DOC
[434] DPR-0260.100 CRC, DPR-0372.061 Dairy Holdings, DPR-0390.048 RIL