

Before the Independent Hearings Panel at Gore District Council

Under Schedule 1 of the Resource Management Act 1991

In the matter of Hearing Submissions and Further submissions on the Proposed
Gore District Plan.

Statement of supplementary planning evidence of Matt Heale on behalf of Gore District Council

Date: 20 February 2025

Introduction:

1. My full name is Matthew Cecil Heale. My Section 42A report sets out my qualifications and experience as an expert in planning.
2. I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's practice Note 2023, as applicable to this independent hearing panel.
3. I have prepared this supplementary statement of evidence to provide a response to expert planning evidence presented in relation to Hearing Stream 10 – Ecosystems and Indigenous Biodiversity (ECO). In preparing my evidence I have reviewed the statements of evidence on behalf of Gore District Council by Natalie Hampson (Economist) and Andrew Wells (Ecologist).

Scope of Supplementary Evidence

4. My supplementary evidence considers the Statements of Evidence received by Council in relation to the ECO chapter and relevant provisions. In addition, the definitions and appendices relating to the management of these and general matters are also addressed. At the time of drafting, the following Statements of Evidence have been received:

Southland Province of Federated Farmers of New Zealand (s126):

- a. Rachel Thomas (Planning)
- b. Bernadette Hunt (Federated Farmers Senior Executive)

Stoney Creek Station (s3 and FS25):

- c. Clare Perkins (Planning)
- d. Glenn Davis (Ecology)

Department of Conservation (s190 and FS31):

- e. Elizabeth Williams (Planning)
- f. Bruce McKinlay (Ecology)
- g. Juzah Zammit-Ross (Ecology)

Transpower (s101 and FS30):

- h. Ainsley McLeod (Planning)

5. The New Zealand Transport Agency (NZTA) provided an email supporting the recommended changes in my S42A report. This support is acknowledged and accepted subject to any changes recommended below.
6. My assessment of evidence will generally follow the following format:

- a. Summary of each Statement of Planning Evidence
 - b. Evaluation of the Evidence organised by PDP provision. Where I quote PDP provisions or another document such as the s42A report or the RMA, these are italicised.
 - c. Recommendations to accept or reject the suggested amendments to provisions.
 - d. Where amendments are recommended a section 32AA assessment is provided at the end of my evidence. Recommendations are made to either retain proposed provisions without amendment, or to delete, add to or amend the provisions. Appendix 1 contains a copy of the ECO chapter along with relevant definitions from the Interpretation chapter and appendices with all recommended amendments shown by way of strikeout and underlining.
7. I have not reviewed evidence provided by McLeod-Wantwood Trust/ Wantwood Station (Wantwood Station - s104) and Royal Forest and Bird Society of NZ (RFBSNZ - s101 and FS9) as this was not provided before the preparation of this statement.
 8. I do note that submissions by these parties are outlined at the following pages of my s42A report:
 - **Wantwood Station**
 - S104.015/S104.016 (page 42) - Vegetation clearance definitions – page 43
 - S104.021 – Increased clearance and land disturbance – page 121
 - S104.017 – Definition of SNA - Page 44
 - S104.020 – ECO-P1 - Page 66
 - S104.021 – ECO-R1 - Page 113
 - **Royal Forest & Bird Society of New Zealand**
 - S110.001 – Ecological District definition – page 35
 - S110.002 – Ecosystems Services definition – page 35
 - S110.070 – HS2 – Other Matters – Page 140
 - S110.049 – HS3 – Other Matters – Page 140
 - S110.065, S110.058 and S110.086 – HS4 – Other Matters - Page 140
 - S110.019 – HS7 – Other Matters - Page 140
 - S110.026 and S110.027 – ECO Overview – page 53
 - S110.028 – New Objectives – page 65

- S110.029 – ECO-P2 – page 70
- S110.030 – ECO-P5 – Page 82
- S110.031 – ECO-P6 – Page 84
- S110.032 – ECO-P10 – Page 99
- S110.033 – ECO-P12 – Page 106
- S110.034 - New Rules – Page 136

Recommendations Overview by Submitter

9. Paragraphs 7 and 10 of my Section 42A report provide an overview of issues raised in submissions and changes recommended relating to Hearing Stream 10. I do not propose to repeat these here but instead focus on changes I am now recommending following receipt of submitters evidence.
10. I acknowledge general support for my S42A report recommendations relating to the removal of ECO-P8, ECO-P9, notified ECO-R2 and ECO-R3, and the definition of vegetation clearance. I also acknowledge support for recommended amendments to ECO-O1, ECO-O2, ECO-P5, ECO-P6, ECO-P12, and the definitions of effects management hierarchy, biological diversity, ecological district, and ecosystem.
11. In response to Southland Province of Federated Farmers of New Zealand (s126) I recommend:
 - a. No changes to ECO-O4;
 - b. Amending ECO-P7 to “enable” mahinga kai rather than “enhance” it;
 - c. New definitions of animal pest, firebreak, vehicle track, dam, and walkway;
 - d. Amendment to ECO-R1 to clarify the width of clearance for fences;
 - e. Reference to farm tracks as well as vehicle tracks in ECO-R1(1)(a)(ii); and
 - f. Addition to ECO-R1(1)(k) to permit works that relate to indigenous vegetation that was deliberately planted around the margins of existing dams.
12. In response to Department of Conservation (s190 and FS31) I recommend:
 - a. The removal of Council Approved Biodiversity Management Plans from ECO-R1(1)(f) and definitions;
 - b. Clarification of ECO-R1(1)(l) relating to commercial forestry;
 - c. Deletion of ECO-R1(1)(n) relating to permitted vegetation clearance for vegetation no older than 15 years;

- d. Amendment to ECO-R1 to avoid vegetation clearance associated with the margins of the Maitava River referenced in the SRPS; and
- e. Amendments to ECO-R2(1) to avoid the loss of threatened or at-risk woody plant species and Hokonui Hills rocky habitat.

13. In response to Transpower (s101 and FS30) I recommend:

- a. Inclusion of “The values of” in ECO-P3;
- b. The inclusion of no “practicable” alternative options in ECO-P2; and
- c. Amendments to reference the National Grid in ECO-P3 (6), ECO-P3(9), ECO-P4, and ECO-P11(6),

Response to Evidence by Provision

14. In this section I focus on those provisions where there remains disagreement about what is proposed in the s42A report. Much of the evidence provided by submitters agrees with my s42A report recommendations, and for the sake of brevity I acknowledge this where appropriate.

Objectives

15. Amendments to objectives proposed in my s42A report have generally been supported with some exceptions. Transpower seek a minor amendment to ECO-O3 while SFF seeks deletion of reference to mahinga kai in ECO-O4.

ECO-O3

16. Transpower’s submission on Objective ECO-O3 is that it is unnecessarily stringent and asserts that their submission was rejected in the s42A report with no reasons given. My report proposed amending the objective in response to another submitter to read as follows:

ECO-O3 ~~Provide for appropriate subdivision, use and development within Significant Natural Areas where the values of the area can be maintained and enhanced. Significant Natural Areas/ Significant Indigenous Vegetation Areas are protected by avoiding or managing adverse effects from new subdivision, use and development.~~

17. Transpower broadly agrees with this amendment but requests that the reference to values be retained, on the basis that there may be small areas within a SNAs or SIVAs that do not have indigenous biodiversity values, and to refer to values in the policy will allow for a more nuanced approach to managing adverse effects. The objective would read:

ECO-O3 The values of Significant Natural Areas/ Significant Indigenous Vegetation Areas are protected by avoiding or managing adverse effects from new subdivision, use and development.

18. I accept this amendment for the reasons stated.

ECO-O4

19. While SFF concerns with ECO-O1, ECO-O2, and ECO-O3 have been satisfied by the amendments recommended in the s42A report, their concern about ECO-O4 still remains. SFF indicate that the wording of clause (2), reproduced below, is too broad and will generate unnecessary anxiety among landowners. They argue that the original wording of *'maintenance, enhancement, and restoration of habitats that support mahinga kai activities and sustain taonga species'* is more appropriate as it refers to habitat rather than mahinga kai which is a cultural value not referenced in the NPS-IB or RMA. I disagree.
20. My report recommended replacing the wording of Objective ECO-O4 in response to a submission by Hokonui Rūnanga as follows:

~~ECO-O4~~

~~The relationship of mana whenua and their customs and traditions with Significant Natural Areas is recognised and provided for including through:~~

- ~~1. Facilitation and support for the exercise of kaitiakitanga in relation to indigenous species and habitats;~~
- ~~2. Maintenance, enhancement, and restoration of habitats that support mahinga kai activities and sustain taonga species; and~~
- ~~3. Enabling customary use.~~

ECO-O4

Indigenous biodiversity is recognised as a taonga to mana whenua and the relationship of mana whenua and their customs and traditions with indigenous vegetation and ecosystems is recognised and provided for including by:

1. Enabling the exercise of kaitiakitanga;
2. Enabling mahinga kai; and
3. Maintaining or where degraded restoring the mauri of indigenous ecosystems.

21. I note that while the RMA does not specifically use the term mahinga kai, section 6 of the RMA states as a matter of national importance that must be recognised and provided for:

S6(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga

22. Hokonui Rūnanga have stated that mahinga kai is an important part of their culture and traditions and have contributed text to the Mana Whenua chapter (section 2.3.3) of the PDP that explains these values as follows:.

23. *Mahinga kai is an all-inclusive term that refers to the ability to access resources for harvesting, the site where gathering of these resources occurs, the act of gathering and using the resource, and the good health of the resource. As a result of this practical focus, mahinga kai is considered by Hokonui Rūnanga to be, in today's language, the principal*

'environmental indicator' in natural systems. If mahinga kai is not present, or is unsafe to harvest, then that natural system is under stress and requires remedial action. Mahinga kai was and is central to the Ngāi Tahu and Hokonui way of life. The collection and processing of mahinga kai is an important social, cultural, environmental, and economic activity contributing to the overall well-being of Ngāi Tahu whānui. Mahinga kai practices rely on thriving and abundant biodiversity, safe and aesthetically pleasing places to practice, and the active transfer of knowledge between people. These attributes are dependent on the sustainable management of many other natural resources in the takiwā, especially waterbodies and the management of stormwater. For Hokonui Rūnanga it is critical that existing public access is maintained in the district wherever possible, increased public access is provided to suitable locations for mahinga kai practices to be undertaken as tīpuna did. ~~expect to be able to practice mahinga kai in the our takiwā at multiple locations that are deliberately selected for the quality of the resource and its ability to sustain itself.~~

24. ECO-O4 is designed to guide ECO-P2 (2), ECO-P7(2), ECO-P10(4) and ECO-R1(c) and ECO-R2(1)(c) which enable clearance associated with mahinga kai activities. This does not anticipate access to private land without landowner approval as to impinge on people's property rights.
25. The amended wording in my s42A report better reflects the intent of the policy. The notified phrasing diluted the intent, which is to provide for the relationship that Māori have with the land and water, whereas the notified phrasing focused first on the habitat, and second on its cultural importance. The amended wording turns this around which in my opinion better gives effect to its intent. In my opinion the effect of the policy is to clarify the values of importance to Hokonui Rūnanga which itself is an important part of recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity. It also gives effect to the NPS-IB (refer the Objective 2.1 (1)(b)(i), and Policies 1, 2, 10, and 13).

Policies

ECO-P1

26. SFF supports ECO-P1 as drafted. The Policy addresses working in partnership with stakeholders, including landowners to identify SNA/SIVA. SFF caution Council however that consultation with landowners is a key priority regardless of whether mapping occurs in a plan-making process or outside of it.
27. I note this point and concur that engagement with landowners is fundamental to the process of mapping SNAs/SIVA and that early consultation with them and other stakeholders is important before maps are included in the PDP. While consultation and feedback on preliminary maps has been undertaken with stakeholders, there has been no specific engagement with landowners on maps (apart from Hokonui Hills). This is why SNA/SIVA and IVA mapping is proposed to sit outside the PDP as a guideline and resource for landowners and other interested parties.

ECO-P2

28. At the SASM hearing (Hearing Stream 9A) Transpower noted that a new line designation for the National Grid is likely for Gore, the importance of objectives and policies when

considering designations, and that they would consider the location of **all** RMAs6 matters (which would include SNAs/SIVAs).

29. Transpower is generally supportive of ECO-P2 and in particular support reference to 'operational need' in clause 3, which Ms McLeod considers is necessary and appropriate to give effect to NPSET Policy 3 and SRPS Policy INF.2(a). However, Ms McLeod recommends a minor amendment to the policy wording to include 'need' after functional on the basis that 'functional need' and 'operational need' are defined separately and expressing the whole phrases will allow for correct correlation to the interpretation chapter.

30. I agree with this recommendation and consider the policy should be amended accordingly.

31. Ms McLeod also considers that the use of 'no alternative locations' is unduly restrictive in relation to the national grid and provides two options for alternative wording:

3 The activity has a functional need or operational need to be located in the area and, except for the National Grid, there are no alternative locations;

OR

3 the activity has a functional need or operational need to be located in the area and:

(a) for infrastructure, reasonably practical alternative designs or locations are taken into account; and

(b) for other activities, there are no alternative locations; or

32. I acknowledge that both clause 3.11(1)(c) of the NPSIB and SRPS Policy INF.2(b) refer to 'practicable' or 'reasonably practical' respectively. Whilst the NPSIB is clear in that its provision does not apply to the national grid as Ms McLeod acknowledges. and I identified in my primary evidence, Council must still give effect to s6(c) and SRPS Policy BIO.2. It is, however, important to find a balance between the SRPS directions in relation to protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna and providing for nationally and regionally significant infrastructure i.e. the national grid. However, I generally consider that providing for practical alternatives may assist with balancing the two rather than the blunter approach proposed through notification which requires that there are 'no' alternative locations.

33. Ms McLeod has confined her evidence to matters relating to infrastructure, however, on the basis that clause 3.11(c) of the NPSIB states ".....(b) there is a functional need or operational need for the new subdivision, use or development to be in that particular location; and (c) there are no practicable alternative locations for the new subdivision, use or development." I consider it would be more appropriate to allow more broadly for new activities to be established where there is a functional need or operational need and there are no practicable alternative locations. The PDP definition of 'functional need' and 'operational need' will naturally assist in constraining the types of activities which would meet this test.

34. Taking account of the above and the rationale provided by Ms McLeod for amending the policy I recommend the following amendment to ECO-P2:

The activity has a functional need or operational need to be located in the area and there are no practicable alternative locations;

35. SFF agrees with the amended policy except for the inclusion of clause 6 which refers to the intensity, scale and character of the activity. They perceive this inclusion as unnecessary as it is already addressed in ECO-P3(9).
36. I do not agree. ECO-P3 (9) relates to avoiding adverse effects on SNAs/SIVAs unless there is a functional or operational need to locate there. ECO-P2 (6) is about enabling activities within SNAs/SIVAs where the activity is no greater in intensity, scale or character and helps to recognise existing use rights in accordance with NPS-IB Policy 7 relating to **new** development, NPS-IB policy 9 related to established activities and more specifically NPS-IB 3.15 (2) that requires councils to include policies for established activities where the effects on an SNA are "no greater in intensity, scale, or character". Furthermore, this approach aligns with SRPS policies BIO.2 and BIO.4 as outlined in paragraph 387 of my S42A report.

ECO-P3

37. SFF accept the recommended changes to the policy.
38. Transpower do not accept the recommendation of the s42A report to reject their requested amendments to the policy, and they reiterate their concerns with the policy, and have offered two alternative wording amendments as follows:

OPTION 1

Any new subdivision, use, or development shall avoid adverse effects on an SNA/SIVA that result in: ...

Unless they relate to:

6. Construction or upgrade of the National Grid or specified infrastructure that provides significant national or regional public benefit; ...

9. There is a functional need or operational need to be in that particular location and, except for the National Grid, there are no practicable alternative locations.

OR OPTION 2

Any new subdivision, use, or development shall avoid adverse effects on an SNA/SIVA that result in:...

Unless they relate to:...

6. Construction or upgrade of specified infrastructure that provides significant national or regional public benefit; ...

9. There is a functional need or operational need to be in that particular location and there are no practicable alternative locations.

x. The construction or upgrade of the National Grid, that shall seek to avoid adverse effects and regard is given to:

(a) the constraints imposed on the ability to avoid adverse effects by the functional needs or operational needs of the National Grid; and

(b) the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.

39. Ms McLeod considers that without her recommended amendments the policy would set a more stringent avoid policy for the National Grid than for specified infrastructure, which would not recognise the NPS-IB exclusions for the National Grid and fails to recognise the enabling nature of NPSET objective and policies (Policy 1, 2 and 5). Given the ECO-P3 relates to new activities Ms McLeod considers the NESETA is of limited relevance, although she acknowledges that the policy may be considered when processing a resource consent under the NESETA.
40. Ms McLeod goes on to state that *“the Proposed District Plan must reconcile section 6(c) of the RMA with the relevant provisions in the NPSET and also give effect to SRPS Policy INF.2”*. Whilst I agree with this statement Ms McLeod has not taken account of the need to also balance provisions with SRPS BIO.2 which, as noted elsewhere has a ‘protect and where appropriate enhance’ direction for SNA/SIVA.
41. I acknowledge that the PDP utilises the NPSIB definition of specified infrastructure and that the NPSIB directs that its provisions do not apply to the National Grid, however, in the context of the PDP the definition of specified infrastructure could apply to the National Grid. However, I appreciate there may be some confusion in this regard given the direction in the NPSIB and the fact that the PDP definition is the same as the NPSIB. As such I agree that making the policy clearer in relation to the National Grid would assist with Plan useability ensuring a more efficient and effective policy.
42. I therefore agree with Ms McLeod’s suggested amendment to ECO-P3(6). However, I consider that exempting the National Grid from clause 9 would be too enabling and contrary to the direction in BIO.2 and s6(c). Ms McLeod considers that her recommended amendment to ECO-P3(9) more closely aligns with the ‘seek to avoid’ direction in NPSET policy 8 which is considered alongside the effects considerations of NPSET policies 3 and 4.
43. In my opinion the combination of ECO-P3(6) (subject to my recommended amendment as noted above) and ECO-P3(9) provide generally sufficient direction to be consistent with Policy 8 of the NESPT and the requirements of s6(c) whilst also balancing SRPS direction because of the ‘avoid....unless’ direction which I consider generally consistent with the ‘seek to avoid’ direction in Policy 8. However, I acknowledge the option 2 approach presented by Ms McLeod in relation to a pathway for considering the alternative route, site and method selection for alternative locations.
44. In terms of the option 2 approach suggested by Ms McLeod I consider that the additional clause is rather verbose and provides some duplication with the existing policy wording. Instead I recommend a hybrid approach which maintains the ‘avoid....unless

direction' but directs decision makers to consider not only whether there are no practical alternative sites but the efforts which have been made to mitigate adverse effects through specific design of route, site and method selection.

45. For these reasons I recommend the following amendment to ECO-P3(6) and ECO-P3(9):

Unless they relate to:...

6. Construction or upgrade of specified infrastructure or the National Grid that provides significant national or regional public benefit; ...

9. ~~There is~~ A functional need or operational need to be in that particular location and there are no practicable alternative locations or in relation to the National Grid any adverse effects have been avoided, remedied or mitigated

ECO-P4

46. In her evidence Ms McLeod considers that ECO-P4 should not apply to the National Grid because the NPSIB does not apply to the National Grid and the inclusion of a requirement to apply an effects management hierarchy is to give effect to the NPS-IB.

47. The PDP definition of 'effects management hierarchy' is taken directly from the NPS-IB and I acknowledge the provisions is designed to give effect to the NPS-IB and in particular clauses 3.10 and 3.16. The definition is as follows:

Has the same meaning as the NPS-IB –

means an approach to managing the adverse effects of an activity on indigenous biodiversity that requires that:

- a) adverse effects are avoided where practicable; then*
- b) where adverse effects cannot be avoided, they are minimised where practicable; then*
- c) where adverse effects cannot be minimised, they are remedied where practicable; then*
- d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where possible; then*
- e) where biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided; then*
- f) if biodiversity compensation is not appropriate, the activity itself is avoided.*

48. The application of an effects management hierarchy and opportunities for biodiversity offsetting and compensation are intended to allow for situations where avoidance of adverse effects may not be possible, yet an overall net loss be avoided through provision of outcomes that have an overall result of net gain. Appendix 3 of the NPS-IB provides the principles of biodiversity offsetting.

49. In essence the effects management hierarchy provides direction for the steps to be considered in relation to mitigating adverse effects or providing offsetting or compensation. ECO-P4 contains a relatively confined list of matters to which the effects management hierarchy applies
50. I agree that as the NPS-IB does not apply to the development of the National Grid there is no higher order direction to consider an effects management hierarchy. Drawing on s6(c) and SRPS Policy BIO.2 the direction is simply to protect. As discussed elsewhere in this report, these provisions must be balanced against national policy direction for the National Grid and the SRPS direction for managing infrastructure.
51. In considering the adverse effects of development of the National Grid the effects management hierarchy may naturally be applied through the assessment process. However, application of policy ECO-P4 to the National Grid may indicate a requirement to apply the effects management hierarchy. Instead, it may be preferable to allow consideration under other policies (ECO-P2, ECO-P3, ECO-P7, ECO-P10 and ECO-P11) to determine appropriate methods of mitigation for any adverse effects rather than specifying a requirement to consider the effects management hierarchy.
52. While I agree in principle with Ms McLeod's evidence in relation to ECO-P4 I have suggested some further refinements to her amendments and recommend the following:

ECO-P4

Manage any adverse effects on SNA/SIVA from a new subdivision, use or development (excluding development of the National Grid) relating to the following matters in accordance with the effects management hierarchy.

ECO-P6

53. SFF supports my proposed rewording of the policy.

ECO-P7

54. SFF does not agree with reference to mahinga kai in clause (2) of my proposed rewording of the policy. The amended policy reads:

ECO-P7 Protect, enhance and restore Significant Natural Areas by:

1. Minimising the loss, fragmentation and reduction of:

(a) Significant Natural Areas

(b) connections between Significant Natural Areas, and

(c) threatened or at risk and indigenous species populations; and

(d) the mauri of indigenous ecosystems;

2. Enhancing mahinga Kai;

3. Promoting the creation of connections and ecological corridors between Significant Natural Areas;

4. Promoting the use of eco-sourced species from the relevant ecological district;

5. Enabling opportunities for mana whenua to exercise their customary rights and responsibilities and mana whenua responsibilities as kaitiaki in restoring, protecting and enhancing areas of significant indigenous biodiversity including identified taonga...

55. SFF argue that it is unclear why ECO-O4 specifies enabling and ECO-P7 refers to enhancing, as the latter goes further. SFF does not consider either is warranted and seek exclusion of clause (2).

56. As outlined in discussion under ECO-O4 above, vegetation clearance for mahinga kai is “enabled” to ensure that council meet RMA (s6(e))¹ and SRPS² requirements to mana whenua. This does not impinge on private property rights. However, “enable” is considered more appropriate than “enhance” for Policy ECO-P7 to align with this national and regional direction and appropriately guide ECO-R1(1) (c) and ECO-R2(1)(c) which permits vegetation clearance associated with mahinga kai. Consequently, ECO-P7 (2) should be amended as follows:

2. ~~Enhancing~~ Enabling mahinga Kai;

ECO-P8

57. SFF support the removal of the policy as it removes duplication.

ECO-P9

58. SFF support the removal of the policy as it removes duplication.

ECO-P10

59. SFF sought changes to clauses (5) and (8) of the policy. The former was accepted but the latter amendment was not. The policy seeks to maintain indigenous biodiversity across the district by, among other matters, clause (8) which states:

Recognising the benefits of farm management practices and active management of indigenous biodiversity, including voluntary animal and plant pest and stock control and/or formal legal protection.

60. SFF sought changes as follows:

¹ It is a matter of national importance to recognise and provide for “(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga”

² SRPS Policy BIO.8 also provides for customary use of indigenous biodiversity according to tikanga.

Recognising the benefits of farm management practices and active management of indigenous biodiversity, including but not limited to voluntary animal and plant pest and stock control, farm fencing and/or formal legal protection.

61. SFF do not agree with my view that the word 'including' is sufficient to imply that the following list is not exhaustive. In other words, that there may be other beneficial farm management practices that are not listed. They assert that the provision would be simpler to read and clearer with the addition of the phrase *but not limited to*. I maintain my view that it is not necessary but equally it does not hurt the provision to include it.
62. My view was that farm fencing is addressed in the phrase stock control but SFF argue that fencing may be used for other reasons such as pest control, and that 'fencing' (originally they sought farm fencing) should be listed. I disagree. Fencing for pest control is already covered in ECO-P10(8) via reference to the "control of invasive plant and animal species". Therefore, there is no need to specifically include reference to fencing.

ECO-P11

63. SFF opposes reference to mahinga kai in the revised policy. The policy provides for indigenous biodiversity offsets and compensation subject to, among other matters as follows:

64. Provide for indigenous biodiversity offsets and compensation ~~to manage residual adverse effects of an activity~~ where:

5. Any off-setting and compensation packages are ~~consistent with Ngāi Tahu cultural purposes~~ appropriate considering the whakapapa, mauri and any mahinga kai values of both sites and areas.

65. SFF states that the plan does not provide any clarity on mahinga kai values, and seeks an amendment to the policy to list the values 'as per the Mana Whenua chapter.' They do not provide any suggested wording.
66. I am unable to comment on their request without knowing what they propose, and they may wish to present desired wording at the Hearing. However, as noted earlier, mahinga kai values are outlined in MW 2.3.3 and necessary to give effect to the RMA, NPS-IB and SRPS requirements relating to Māori traditions. It is also noted that Appendix 3 and 4 of the NPS-IB recognise the need for mataranga Māori and participation of tangata whenua when planning offsets and compensation.
67. Transpower states that offsetting must be offered by an applicant or requiring authority and the policy should be amended to recognise this. They provide two scenarios in which offsetting is not an appropriate mechanism (refer paragraph 54 of Ms McLeod's evidence) and request the following amendment:

ECO-P11 Provide for biodiversity offsets and compensation to manage residual adverse effects of an activity where:

X. for the National Grid, the offsetting measures are proposed or agreed to by Transpower New Zealand Limited

68. Transpower seeks that offsetting needs to be agreed in relation to the National Grid while the RMA already provides for this in s104(1)(b) for applicants and requiring authorities generally.

69. Section 104 refers:

(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 and section 77M, have regard to—

.....

(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity;

70. The RMA also takes a similar approach to Notices of Requirement whereby compensation/offsets also need to be agreed to by the requiring authority (RMAs171(1B). It is also noted that RMA s104 (1)(b) and s171(1) (a) already requires that the provisions of national environmental standards, national policy statements and regulations need to be considered in resource consents and requirements.

71. The effect of declining to make the amendments sought by Transpower will not change the way the law is applied. However, if the application of an effects management hierarchy is not proposed as outlined earlier then I consider it would be appropriate to have opportunities to consider biodiversity offsetting as a means of achieving the purpose of the Act (s6(c)) and giving effect to the SRPS.

72. I also acknowledge that the National Grid in terms of its function, scale of landholdings and ongoing requirements differs from other areas in the fact that it may not always be practical or appropriate to provide biodiversity offsetting due to the need to ensure the safe and efficient operation of the National Grid and as a result of limitations in land area.

73. I acknowledge Ms McLeod has proposed an amendment to ECO-P11 to allow for some consideration of biodiversity offsetting in relation to the National Grid and consider this complements other policy direction and provides for opportunities for offsetting to be assessed noting that I have recommended the National Grid be excluded from ECO-P4.

74. I agree in principle with Ms McLeod's evidence in relation to ECO-P11, however, I have suggested some further refinements and recommend the following:

ECO-P11

Provide for indigenous biodiversity offsetting and biodiversity compensation to manage residential adverse effects of an activity where:

6. In relation to the development of the National Grid biodiversity offsetting is deemed appropriate and practical by Transpower New Zealand Limited.

ECO-P12

75. SFF supports deleting this policy as recommended in the s42A report. I agree that no changes are needed.

ECO-P13

76. SFF support the new policy ECO-P13 for the Hokonui Hills Area and seek to extend it across the whole District. The policy would then read:

ECO-P13 Enable a range of activities and associated indigenous vegetation clearance that recognises the scale of farming operations, the different levels of significance of indigenous vegetation, and landowner conservation practises in the Gore District Hokonui Hills Area.

77. My view is that this is not appropriate as ECO-P13 was specifically designed to focus on the Hokonui Hills given the significant amount of analysis/understanding of the values (landscape and biodiversity), landowner aspirations and conservation in this area compared to other areas. Other policies refer to the wider district and acknowledge farming operations, the significance of indigenous vegetation, and landowner conservation as follows:

- ECO-P2 enables activities within or affecting SNAs/SIVAs that are lawfully established such as farming or are provided for in a CABMP;
- ECO-P6 promotes restoration of indigenous biodiversity by prioritising initiatives by landowners and managers to protect, restore and maintain areas of significant indigenous biodiversity;
- ECO-P10 seeks to maintain indigenous biodiversity across the district by, amongst other things, recognising the benefits of farm management practices and active management of indigenous biodiversity; and
- ECO-P3 and ECO-P7 focuses on protection of SNAs/SIVA while other policies such as ECO-P10 focus on the maintenance of indigenous biodiversity in accordance with RMA requirements.

78. DoC opposes the introduction of additional provisions for the Hokonui Hills area including ECO-P13 as well as ECO-R2 and Appendix 7 on the basis of:

- Previous DoC studies in the area,
- The need for a clearer assessment methodology, and
- The need for ground truthing to define all aspects of mapping including SIVA, IVA, improved pasture areas and impacts on threatened or At risk (declining) species

79. I note that Mr Davis covers an assessment of these matters in his February 2025 Statement of Evidence. Mr Wells provides additional evidence of these matters in his supplementary evidence.

80. Given the additional ecological assessment, I am satisfied that the mapping, policy and rules as recommended to be amended meet the requirements of higher order direction in the NPS-IB and SRPS outlined in my S42A report³.

Rules

ECO-R1

81. Three submitters have presented evidence on this rule: Transpower, Federated Farmers and DOC.
82. Transpower's submission does not support Rule ECO-R1 to the extent that the Rule applies a non-complying activity status to indigenous vegetation clearance and land disturbance for new or upgraded National Grid assets in a SNA. Transpower seeks that Rule ECO-R1 is amended to provide for indigenous vegetation clearance for the National Grid (development) as a discretionary activity.
83. SFF opposes the rule for its overly restrictive nature that would not allow reasonable farming activity to continue and seeks no threshold for the measures covered in ECO-R1(1)(a).
84. DOC are concerned about permitted clearance of vegetation to implement a CABMP (ECO-R1(1)(f)), seeks clarification wording relating to commercial forestry (ECO-R1(1)(f)), and the general clearance for other activities less than 50m² (ECO-R1(1)(m)) and vegetation less than 15 years old (ECO-R1(1)(f)).
85. I address these in turn below.

National Grid

86. In relation to ECO-R1 Ms McLeod identifies that the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA) provides the regulatory framework for the operation, maintenance and upgrading of existing National Grid Transmission lines. As such the PDP rules do not apply to existing transmission lines in the Gore District and where work on the lines is proposed compliance with the NESETA is required with consent being lodged to Council under the NESETA for any non-compliance.
87. Ms McLeod also recommends that any development of the National Grid has a Discretionary pathway. I agree that this would align with the policy framework (as amended through this evidence) which provides an enable, avoid....unless and manage direction. The Discretionary pathway would also align with INFR-P6 and INFR-R9. For this reason I recommend the following amendment to ECO-R1 (3):

Activity status where compliance is not achieved with:

³ Refer Para 582-588

ECO-R1(1) and ECO-R1(2): Discretionary

Where:

1. The indigenous vegetation clearance and land disturbance takes place outside a Significant Natural Area or SIVA, *and*
2. The vegetation clearance or land disturbance does not affect a Threatened or at risk (declining) species as confirmed by a Council endorsed ecologist, *or*
3. The indigenous vegetation clearance and land disturbance is for the development of the National Grid.

Permitted Clearance Limits

Existing Activities – ECO-R1(1)(a)

88. SFF has raised concerns about the difference between the Hokonui Hills provision in new ECO-R2 (1)(i) that has no limit for the maintenance of existing fences and tracks and ECO-R1(1)(1)(a)(i) and (ii) that includes a clearance limit for existing fences of no greater than existing width and vehicle tracks which allows no greater than 1.0m either side of that track. This distinction is because the Hokonui Hills has had a detailed ecological assessment that considered the location of existing fences and tracks which concluded no limit was appropriate. Other areas across the district have not had that level of analysis at this stage but may qualify for a permitted pathway as part of a CABMP should the panel accept this approach.
89. SFF are also concerned about the 1-1.5m width restrictions as this is impractical and means many vehicles cannot be used for specified activities unless consent is obtained. The clearance width restrictions apply either side of the specified activities where those activities have some width. For example, clearance for a vehicle track includes the existing track as well as 1.0m either side. So, if the track is 2.0m wide then the total clearance area is 4.0m given the 1.0m allowance on either side of the track. Similarly, a 1.5m limit has been set for firebreaks based on the acceptance of this submission point by FENZ given the rule also factors in the width of the existing firebreak. So, if the existing firebreak is 5.0m wide then the total width of clearance could be 8.0m. These limits have been confirmed as meeting the outcomes anticipated in the NPS-IB and SRPS by Mr Wells ecological assessment and Ms Hampson's economic analysis.
90. SFF have provided a table⁴ recommending no clearance threshold for fences, vehicle tracks, walkways, firebreaks, waterway crossings, and dams but have provided no ecological of

⁴ Table 1, Page 25/26 of statement of evidence dated 7 February 2025

economic analysis to support this evidence. Further detail is provided on fences, vehicle tracks firebreaks, waterway crossings, and dams⁵

91. SFF also seek that a number of definitions are added to the PDP to guide interpretation of the plan. These are:
 - a. Firebreak – has the same meaning as the Fire and Emergency Services Act 2017 and means a natural or an artificial physical barrier against the spread of fire from or into any area of continuous flammable material.
 - b. Vehicle track – A defined and maintained track or route for the passage of vehicles, including off-road access ways, not forming part of the public road network.
 - c. Dams – The impounding of all or part of the natural flow of any water that may involve an associated temporary or permanent structure.
 - d. Walkways – A pathway or track primarily used for pedestrian access.
92. I agree that the additional definitions would be useful should there be scope.
93. In relation to firebreaks, waterway crossings and vehicle tracks it is unclear whether SFF have interpreted these rules correctly to provide for clearance in addition to the existing works as explained above.
94. While Section 62(1) FENZ Act allows FENZ to serve a notice to make and clear any firebreak and remove any vegetation from a firebreak with a one-month compliance period, these provisions do not over-ride the requirements of the RMA, just like any other legislation. Furthermore, s63 of the FENZ Act also allows the landowner to appeal against a notice, should this be necessary. Regardless, I note that a resource consent should be able to be processed within this timeframe given alignment with relevant matters of discretion which also emphasise the potential danger to human life and the functional and operational constraints of the route. I also note that ECO-R1(1)(b) permits vegetation clearance where vegetation is causing an imminent danger to human life, structures and infrastructure or the works are required to address high risk to public health and safety. In my view a notice issued by FENZ would also fall within the realm of ECO-R1(1)(b). I do note that there is an error in ECO-R1(1)(a) in that reference to (vi) is made twice creating confusion as to whether the clearance limit around firebreaks is 1.0m or 1.5m. Accordingly, the rule should be amended as follows:
95. The clearance or land disturbance is no more than 1.0m in width either side of from those works in (ii), (iii), (iv), (v), ~~(vi)~~, ~~(vii)~~, (vii) and (ix), and 1.5m for (vi), and no greater than existing width for (i), critical infrastructure other than roads, (vii), (ix) and...
96. I agree that *farm tracks* could be added to ECO-R1(1)(a)(ii) to clarify that these are addressed in the rule and would be permitted within clearance limits as follows:

⁵ Pages 26-29 of statement of evidence dated 7 February 2025

97. ECO-R1(1) (a) (ii) vehicle tracks and farm tracks
98. However, I do not agree that clearance limits for vehicle tracks, farm tracks, firebreaks, or waterway crossings should have no threshold particularly given the need to align with national and regional direction to protect SNA/SIVA and maintain IVA which is supported by the economic evidence of Ms Hampson and ecological evidence of Mr Wells.
99. With regards to Dams I understand the ecological benefits of riparian planting as well as the health and safety risk associated with working around potentially large tracts of water but note that if dams are serviced by existing vehicle tracks, roads, walkways, or waterway crossings these areas can be cleared. Furthermore, if the lack of maintenance may cause a high risk to public health and safety clearance is also permitted via ECO-R(1)(b) and clearance of 50m² is also permitted (ECO-R(1)(m)). If the panel pursues the permitted pathway for CABMP's then this provides another avenue for clearance associated with dams. Having said this, if vegetation was deliberately planted to around the margins of existing dams then Mr Wells view is that the removal of this indigenous vegetation would lead to no overall net loss similar to domestic gardening or shelter belts. Accordingly I recommend amending ECO-R1(1)(k) as follows:

(k)The works relate to indigenous vegetation that was deliberately planted:

(i) Within a domestic garden; or

(ii) For the use of screening/shelter belt purposes (such as farm hedgerows); or

(iii) Around the margins of an existing dam.

100. In terms of fencing, the wording of ECO-R(1)(1) states that indigenous vegetation clearance and land disturbance is permitted if it is necessary for the maintenance, repair, replacement or upgrade of existing lawfully established fences where this is no greater than the existing width. The existing width qualifier does not relate to the fence but to the width of existing clearance. Clarity around this could be improved by amending the text as follows:

ECO-R1(1).....

the clearance or land disturbance is no more than 1.0m in width either side of ~~from~~ those works in (ii), (iii), (iv), (v), ~~(vi), (vii), (viii)~~ and (ix), and 1.5m for (vi), and where necessary is no greater than existing in width than originally cleared for (i), critical infrastructure other than roads, (vii), (ix), and .

101. While this wording will be difficult to implement it appears to be the best available option to acknowledge that relatively new vegetation clearance is less likely to impact on overall biodiversity loss and low likelihood of clearance given Mr Wells advice that most fencing outside of the Hokonui Hills can be maintained from one side without the need for clearance. An alternative would be to establish a clearance margin, which I am open to subject to further evidence being provided about the fencing characteristics of the wider district.

CABMP

102. DoC raises concerns about the permitted pathway for CABMPs due to:

- A perceived lack of approval process in the absence of a consent pathway;
- The definition should not set clearance limits but avoid, remedy, or mitigate adverse effects;
- There is a lack of assessment matters
- ECO-R1 already sets appropriate clearance limits
- There is no mechanism to ensure that the CABMP is adhered to
- Permitted activity status would be too uncertain and would not meet Councils obligations to protect SNAs/SIVAs and maintain indigenous biodiversity under the RMA, NPS-IB and SRPS.

103. Instead, DoC prefer the Selwyn District Plan approach where CABMPs are triggered by a restricted discretionary activity resource consent for areas outside SNA/SIVA with additional guidelines dictating the content of a CBMP (refer Appendix 2 of Ms Williams Evidence in Chief).

104. Such an approach would offer a slightly easier consent pathway than my S42A recommended approach for areas outside SNA/SIVA (restricted discretionary instead of discretionary activity). This easier consent path may incentivise landowners to undertake an ecological assessment for their land although avoiding consent altogether would provide a bigger incentive. Furthermore, I do not necessarily agree that the issues raised by DoC cannot be overcome using a permitted activity as has been the case with Hokonui Hills.

105. The perceived lack of approval process is partially addressed in the definition of CABMP that requires the Council to approve the plan following an ecological assessment to protect identified biodiversity values. The definition could be amended to require alignment with ECO objectives and policies to address a lack of assessment matters and refer to a schedule like the Selwyn District Plan ECO-SHED2 (refer Appendix 2 of Ms Williams Evidence in Chief).

106. The mechanism to ensure the CABMP is adhered to is the PDP as the permitted rule ECO-R1(f) allows indigenous vegetation clearance and land disturbance necessary to “implement...a Council Authorised Biodiversity Management Plan”. If this is not adhered to consent would be required as a discretionary activity outside a SNA/SIVA or as a non-complying activity within a SNA/SIVA. If the rest of the district was treated like the Hokonui Hills then works outside a SNA/SIVA that go beyond the CABMP would be a restricted discretionary activity rather than full discretionary.

107. DoC’s earlier concerns about threatened species such as lizards could be addressed by including their protection in the definition.

108. To address the above matters raised by DoC the definition of CABMP could be amended as follows:

“Council Authorised Biodiversity Management Plan” is defined as “a management plan developed in accordance with Appendix 8 that is approved by the Council and mana whenua

as part of an assessment of the biodiversity values undertaken or reviewed by a suitably qualified and experienced Council endorsed ecologist. This plan will ensure that SIVA and IVA and Threatened or At-risk (declining) species are identified ~~Significant Natural Area and taonga species~~ and biodiversity values are protected in a way that achieves the objectives and policies of the ECO Chapter ~~by setting appropriate vegetation clearance and land disturbance limits.~~

109. As noted in my S42A report, if the panel is minded to take this novel approach and pursue a permitted pathway for CABMP's, then an implementation plan would need to be put in place to support this including appropriate process steps, resourcing and delegations. If funding is not available to address the public good provided by protecting SNA/SIVA and maintaining IVA, then a permitted pathway is not recommended. Given that the position of Council to date has been to not fund biodiversity maintenance initiatives (refer Council Agenda attached at Appendix I to my S42A report). I recommend that a permitted pathway for CABMPs is not pursued. Furthermore, SFF and SCSL have also not expressed support for the CABMP approach either. I would also not recommend that the Selwyn District Plan approach is pursued either as making clearance associated with a CABMP outside SIVAs as a restricted discretionary activity offers little incentive over the discretionary consent pathway already provided for in the plan. I am, however, interested in considering alternative views on this matter.

Plantation Forestry – ECO-R1(1)(l)

110. DoC recommends altering ECO-R1(1)(l) to provide greater clarity as follows:

(l) the removal of indigenous vegetation that is located outside SNAs/SIVAs that has grown within an area of plantation forestry.

111. I do not believe that this change is necessary although the provision should refer to commercial forestry as the definition of plantation forestry was changed top commercial forestry to align with the NES-CF as part of the Rural hearing stream.

112. The chapeau to ECO-R1 is:

Indigenous vegetation clearance and land disturbance is a permitted activity where it is necessary for any of the following purposes:...

113. Adding the removal of “the removal of indigenous vegetation that is” to ECO-R1(1)(l) would effectively repeat indigenous vegetation clearance. Consequently, ECO-R1 (1)(l) should be amended as follows:

(l) the indigenous vegetation located outside SNAs/SIVAs that has grown within an area of plantation commercial forestry. ~~That and is located outside SNAs/SIVAs~~

Other Activities (50m²) – ECO-R1(1)(m)

114. SFF are concerned that ECO-R1(1)(m) is too difficult to implement and monitor and seek that it is amended as follows:

115. (m) For any other activity essential for existing farming operations ~~covering an area of less than 50m² per 5 year period involving non-forest vegetation.~~
116. At the same time DoC are concerned that a small clearance limit would lead to adverse cumulative effects across the district over time, it is unclear what other farming activities might be, that small younger vegetation may contain endangered species habitat and are successional vegetation, and the monitoring of these rules will be difficult.
117. I do not support the SFF position to have no clearance limit as we would run the risk that anything could become an activity essential for farming and SNA/SIVA and IVA would be eroded over time. I believe qualifying this with a small limit focussed on non-forest vegetation that is measured over 5 years will limit the risk of cumulative loss as per the advice of Mr Wells. I also note that any impacts can be monitored over the life of the PDP. If the panel is concerned about the loss of Threatened or at Risk(declining) species this could also be provided as a qualifier, however this would likely require an assessment by an ecologist similar to the maintenance of improved pasture in ECO-R1(1)(e).
118. I acknowledge that minor clearance over a 5-year period would be difficult to monitor however we now have indicative maps and the potential option of CABMPs which would be a tool to record and monitor clearance. Efficiency and Effectiveness monitoring is also required every 5 years⁶ and the District Plan must be reviewed every 10⁷ years both of which will provide opportunities to measure indigenous vegetation loss. I believe this is easier to measure an area of clearance than an unlimited amount of clearance “essential for existing farming operations” alone.
119. I believe an unlimited clearance limit is also not appropriate or necessary as ECO-R1 already provides for clearance associated the maintenance, replacement, or upgrade of a range of existing farming activities and infrastructure as well as where clearance is associated with public health and safety, mahinga kai, the national grid, maintenance of improved pasture, fire risk, removal of exotic species, forestry, and deliberately planted vegetation. It is considered that this will address any concerns about one-off clearance of a singular plant. Also, if ECO-R1 (f) is amended by the Panel to provide for clearance associated with a CABMP, this would require an ecological assessment. Overall, and given the historic loss of indigenous vegetation in Gore, unlimited clearance as proposed by SFF is not considered appropriate.

Vegetation less than 15 years old – ECO-R1 (1)(n)

120. DoC identifies concerns with having a general provision that allows clearance of indigenous vegetation less than 15 years old for similar reasons to a small clearance limit as outlined above. Mr Wells has addressed this in his supplementary evidence and notes that the ECO-R1(1)(m) approach is preferred to manage one-off clearance.
121. Consequently, it is recommended to delete ECO-R1(1)(n).

⁶ RMA s35(2A)

⁷ RMA s79

Deleting Rule ECO-R2 relating to planting of exotic weed species

122. SFF agrees with the proposal to remove ECO-R2 in favour of the RPMP framework. I continue to support the removal of notified ECO-R2 for the reasons outlined in my s42A report principally as this duplicates the Regional Pest Management Plan requirements.

ECO-R2 - Hokonui Hills Area

123. As outlined in the discussion above relating to ECO-P13, DoC are concerned that the new ECO-R2 relating to the Hokonui Hills is too enabling given the need for further ecological assessment. I disagree and note that the further information provided by Mr Davis in his February 2025 evidence and Mr Wells supplementary evidence principally address DoC's concerns. However, Mr Wells recommends general amendments to ECO-R2 (Hokonui Hills) to address DoC's ongoing concerns about the loss of at-risk species. I have therefore recommended that ECO-R2 is amended as follows:

Activity status: Permitted

1. Where it **avoids the loss of threatened or at-risk woody plant species and Hokonui Hills rocky habitat (refer Appendix XX)**, and is necessary for the following purposes:...

124. In the s42A report I recommended a new wording for ECO-R2 and as an alternative, deleting ECO-R2 in favour of reference to CABMP in ECO-R1. I was interested to know the views of submitters on this alternative. Stoney Creek Station Ltd and DOC have both commented. In my report I stated in paragraph 616:

An alternative to including a new ECO-R2 may be to rely instead on the Council Authorised Biodiversity Management Plan (CABMP) standard ECO-R1(1)(f) as the plan (refer PDP Appendix 7) and ECO-R2 is effectively a CABMP. I am open to this approach and interested in hearing the view of submitters as part of the evidence exchange process. There may however be some merit in requiring a consent pathway for CABMPs generally. This would be similar to the approach taken in the Selwyn District Plan ECO-RC which provides for biodiversity management plans outside SNAs as a restricted discretionary activity. This would also distinguish between the detailed work that has gone into developing the Hokonui Hills approach especially given the opportunity for other submitters to input into this through this hearing process which a permitted standard for CABMPs would not allow for other sites. At the same time submitters also have an ability to influence the makeup and definition of CABMPs as part of this hearing process.

125. Stoney Creek Station Ltd comment on this suggestion in section 8 of Ms Perkins evidence. She is opposed to the approach and her key points are:
- a. The rule ECO-R2 was developed by a working group through a robust process that involved the landowner
 - b. The rule ECO-R2 is a more appropriate way to manage the land than a CABMP which is unclear in its execution

- c. Provisions that are developed in consultation with stakeholders are preferable to those that are not
 - d. Ecological advice from Mr Davis states that the Hokonui Hills Area has a different suite of characteristics to most of the Gore District and therefore warrants specific provisions.
 - e. The cost and timeframe of a CABMP process is uncertain and is opaque to other landowners when compared to plan provisions that are available to be scrutinised.
126. Ms Perkins strongly opposed the use of CABMP approach for Hokonui Hills and considers it would be less effective and efficient and appropriate than a rule that has been subjected to a robust process.
127. DOC address this in paragraph 46 of Ms Williams evidence, where she supports the approach, subject to concerns she raises about the CABMP process detailed in paragraphs 26 to 32 of her evidence. I have addressed the general CABMP approach above under ECO-R1 and believe a permitted pathway for CABMPs is possible should Council agree to apply additional resources to support this approach. However, based on previous advice from council (see Council agenda in Appendix I of my S42A report) this is unlikely to be successfully implemented.
128. My comments in relation to removing ECO-R2 (Hokonui Hills) and relying on the general CABMP clause in ECO-R1 were on the basis that this was retained as a permitted activity. This being the case then ECO-R2 (Hokonui Hills) would effectively become a CABMP and could sit outside the plan. If the panel is minded to not accept CABMPs as a permitted activity but rather require consent as per the Selwyn District approach outlined above or remove CABMP provisions altogether, then ECO-R2 should be retained given the extensive analysis that supports this approach. Given Ms Perkins concerns about the removal of ECO-R2 (Hokonui Hills) I am minded to retain this rule as proposed in my S42A Report Appendix A. This will provide certainty to all parties that the controls relating to Hokonui Hills are fixed and will not change via a CABMP approach in the future.

ECO-R3

129. SFF agrees with the proposal to remove ECO-R3 in favour of the RPMP framework. They suggest an amendment to the rule if the Panel rejects the s42A recommendation. They suggest that the rule should reference 'the' Southland regional pest management plan, not 'a' plan. I stated in my s42A report that there can be more than one regional pest management plan concurrently hence drafting the provision with 'a' rather than 'the'. I also recommended deleting the rule and remain of that view.

Definitions

130. Transpower had made a further submission in support of Mercury Energy, who sought a change to the term *effects management hierarchy* to read biodiversity effects management hierarchy. I rejected this on the grounds that it was unnecessary as the term only occurs in this chapter, and the definition itself is restricted to biodiversity. Transpower agrees that the amendment is unnecessary.

131. SFF requested an amendment to the definition of *biological diversity* but they accept that it has no impact on plan provisions and they accept my rejection of the request.
132. SFF have also requested new definitions of firebreak, vehicle track, dam and walkway which I have accepted as discussed earlier under Permitted clearance limits – Existing activities.
133. SFF further requested a definition of *exotic weed species* but now accept this is unnecessary as the s42A report proposes deletion of policies ECO-P9 and ECO-P12, and rule notified ECO-R2.
134. SFF opposed a submission by Royal Forest & Bird to introduce a definition for *Ecological District*. SFF accept my s42A recommendation to include a definition that is worded to align with the NPS-IB, which was their concern.
135. SFF opposed the introduction of a definition for *ecosystem services* but accept my recommendation that one be included that aligns with the NPS-IB. they accept my proposed definition in the s42A report.
136. SFF sought amendments to the definitions of *vegetation clearance* and *indigenous vegetation clearance*. I have recommended deleting the definition of vegetation clearance as it is not generally used in the PDP and instead rely on the definition of indigenous vegetation clearance. SFF accept this general approach but seek amendments to avoid resource consents for a number of day-to-day farming activities. I have recommended the following definition of Indigenous vegetation clearance:

Means any activity that destroys, damages or removes ~~the clearing or removal~~ of indigenous vegetation by any means, including cutting, crushing, cultivation, irrigation, chemical application, drainage, stopbanking, overplanting, burning or any other mechanical means ~~as well as mob stocking~~.
137. SFF agrees with the removal of mob stocking but is concerned that deleting “the clearing or removal of indigenous vegetation” and including “any activity that destroys, damages or removes” is overly constraining on farming activities particularly minor clearance associated with fencing, firebreaks, and farm tracks which are captured in ECO-R1. However, ECO-R1 provides for these activities and more now, such as clearance provided for in a CABMP, vegetation less than 15 years old and general clearance less than 50m². The limits in ECO-R1 are also supported by ecological and economic evidence. Furthermore, the change to the definition is not significant in that the notified definition and proposed definition also includes “by any means” which is all encompassing regardless of if the focus is on clearance or destruction, damage or removal.
138. SFF also sought an amendment to the definition of *Significant Natural Area* to ensure that areas that had not yet been mapped were not captured. This is of concern to Stoney Creek as well (refer paragraphs 6.12 to 6.14 of Ms Perkins Evidence). SFF also opposed the identification of SNAs through consent applications or Farm Environment Plans (FEPs).
139. DOC supports the recommended definition for SNAs/SIVAs to include sites that are:

- a. mapped SNAs included on the planning maps;

- b. areas that are notified or included in a district plan following an assessment of the significance criteria in accordance with Appendix 4 or Appendix 3 of the SRPS;
- c. and any areas that meet the significance criteria outlined in Appendix 4 or Appendix 3 of the SRPS.

140. My s42A report recommended changes to the definition of SNA are outlined below:

SNA/SIVA

Has the same meaning as ~~per SNA in~~ the National Policy Statement for Indigenous Biodiversity and also means: (a) Areas identified as SNA/SIVA-1 (~~Waterfall Range Dolamore Park and Croydon Bush~~) and SNA/SIVA-2 (Pukerau Red Tussock Reserve) on the planning maps ~~until a suitably qualified ecologist engaged by Gore District Council determines that it is not an SNA~~; or (b) any area that is notified or included in a district plan as an SNA/SIVA following an assessment of the area in accordance with Appendix 4 or Appendix 3 of the SRPS. SNA/SIVA also includes areas meeting the criteria outlined in Appendix 4 or Appendix 3 of the SRPS including those identified at resource consent stage, ~~or~~ as part of a Farm Environment Plan Council Approved Biodiversity Management Plan or as part of a Biodiversity Covenant. For Indicative mapping of SIVA please refer to Councils website.

- 141. I also noted that SNA will need to be updated throughout the PDP to be SNA/SIVA.
- 142. I have attached a table at Appendix 2 for the Panel's reference to show where SNA is referenced across the PDP outside the ECO chapter.
- 143. The changes to the definition reflect the need to protect SIVA in accordance with the SRPS generally and identify SIVA using criteria in Appendix 3 of the SRPS, the provision of CABMPs, and the availability of indicative SIVA mapping.
- 144. I accepted in the s42A Report that it is inappropriate to identify SNAs through the FEP development process and this point is no longer in contention.
- 145. I disagree about the need to only include reference to mapped SNAs in the definition. The notified definition was clear that SNAs did not have to be mapped but only needed to meet the criteria in the PDP Appendix 4 to be covered by ECO-R1(3) as a non-complying activity. This is because SNAs are a subset of indigenous vegetation, which is covered by ECO-R1 generally, and there is a need to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna in RMA s6(c), which the NPS-IB codifies as an SNA and the SRPS codifies as a SIVA. Indicative mapping had been undertaken in 2011 which was available on Councils website as a guide since then and at notification but not included in the PDP because of accuracy issues. The only mapped SNAs included in the PDP were those on public land from the ODP, which have now been assessed as meeting the criteria in the NPS-IB. Since then, further district wide mapping has been undertaken to identify SIVA utilising the SRPS criteria given the ongoing need to protect these areas regardless of mapping deferral of SNAs included in the NPS-IB via the RM (Freshwater and other Matters) Amendment Act 2024. As these maps are indicative and require further consultation and

ground truthing there is still a need to refer to the criteria in both the NPS-IB and SRPS. Some surveys of these areas have been undertaken by Environment Southland to refine SIVAs and this work is still ongoing. In addition, the inclusion of CABMPs allows landowners to undertake ecological assessments to further refine mapping over time.

146. SFF sought a definition for animal pests which I rejected as pests change over time. SFF have offered a definition that refers to the Southland Land and Water Plan for pest species, but restricts it to animal pests only. I accept the proposal for a definition but am of the view that it should address all pests, in any regional pest management plan, noting there may be more than one. I also note that for the sake of clarity, it should be restricted to pest management plans in Southland. The definition then would read:

Pests: has the same meaning as in a Southland regional pest management plan

Mapping

147. Transpower and DOC comment on mapping issues. Ms McLeod is of the view that mapping should be located in a District Plan as it provides for proper scrutiny through the plan-making process. She acknowledges however that the process is ongoing and that mapping available to the public does provide a level of clarity and certainty for plan users.
148. Ms Williams for DOC agrees that the use of indicative mapping will provide user and landowner clarity. I agree that indicative mapping is appropriate for the reasons outlined above in discussing the SNA definition.
149. Ms Williams expresses concerns about the mapping undertaken in support of the Appendix 7 map and references Ms Zammit-Ross' view that an ecological assessment is needed to ground truth the mapping (refer parag 44). Ecological assessments have been undertaken to ground truth this mapping as outlined in the evidence of Mr Davis and the supplementary evidence of Mr Wells.
150. DOC also recommends that Mātara River should be mapped as a SIVA. Ms Williams acknowledges the setbacks that will provide some protection but wants this reinforced through the use of mapping. I disagree with this approach.
151. Indicative mapping has been undertaken using SRPS criteria. Portions of the Mātara river have been identified where relevant. ECO-R1 addresses indigenous vegetation clearance generally so any remaining areas that have not been identified have general protection. As noted in my s42A report stream setback rules also provide reference to indigenous biodiversity values and stream and river margins are mapped in PDP Appendix 3. Furthermore, controls relating to in stream ecological values are a regional rather than district council function.
152. Mr Wells provides further assessment of this matter in his evidence noting that it is inappropriate to include the river margins as SIVA/IVA mapping as this relates to indigenous vegetation only, and that if Mātara River habitat was to be included in the PDP it should be mapped separately as an indicative important fauna habitat once this assessment is completed. I also note that DoC have not provided any specific mapping with their evidence.

153. If mapping is provided to the satisfaction of the Panel, then ECO-R1 could be amended as follows to provide for this:

Activity status: Permitted

Where:

It avoids the margins of the Mataura River outlined in the SRPS (Refer Appendix XX) and is necessary for any of the following purposes:

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154. The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. Changes to and new definitions will help with plan interpretation and administration. Changes to rules also seek to improve interpretation and alignment with national and regional direction and clarify the extent of clearance limits. Changes to objectives and policies help with rule guidance and alignment with national and regional direction, particularly the interplay between the NPS-IB and NPS-ET.
155. The benefits of the amendments are that it is clear what is required in terms of PDP administration and that the PDP can be interpreted in a consistent manner. There are no significant costs with the amendment although the removal of a CABMP permitted pathway may mean additional resource consent costs when compared to the s42A report recommendations. There are however easier consent pathways and permitted thresholds for clearance associated with the national grid and deliberately planted vegetation around existing dam margins.
156. There is the potential for confusion with the interpretation of the PDP if the proposed amendments are not made.
157. The proposed amendments are considered to be a more appropriate way to achieve the objectives of the PDP.

Appendix 1 – Circulated Separately

Appendix 2 - Reference to SNA or Significant Natural Area throughout the Gore PDP (excluding ECO Chapter)

Chapter	Provision	Page	Sentence
Introduction	Part 4- Appendices and Maps	4	Appendix 4 – ECO-APP - Significant Natural Area Criteria
How the Plan Works	Overlays	16	Significant Natural Areas: Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna.
Interpretation		12	Council Authorised Biodiversity Management Plan: means a management plan that is approved by the Council and mana whenua as part of an assessment of the biodiversity values undertaken or reviewed by a Council endorsed ecologist. This plan will ensure that Significant Natural Area and taonga species values are protected.
		39	sensitive environments: Means land identified with: Outstanding Natural Features and Landscapes or Significant Natural Area or Areas of Indigenous Biodiversity
		41	Significant natural area (SNA): Has the same meaning as per the National Policy Statement for Indigenous Biodiversity and means: a. Areas identified as SNA-1 (Waterfall Range) and SNA-2 (Pukerau Red Tussock Reserve) on the planning maps until a suitably qualified ecologist engaged by Gore District Council determines that it is not an SNA b. any area that is notified or included in a district plan as an SNA following an assessment of the area in accordance with Appendix 4

			SNA also includes areas meeting the criteria outlined in Appendix 4 including those identified at resource consent stage or as part of a Farm Environment Plan assessment or as part of a Biodiversity Covenant.
	Abbrevs	53	SNA Significant Natural Area or Areas
Subdivision	SUB-P3	3	1. Ensure <i>subdivisions</i> are designed to avoid, <u>remedy or mitigate and manage</u> [HS6] <i>effects</i> from <i>site</i> constraints, including but not limited to topography, the <i>national grid</i> , and <i>significant natural areas</i> .
	SUB-P18	4	2. Protect and enhance ~~landscapes, vegetation and indigenous biodiversity that are of a sufficient value that they should be retained~~ <u>outstanding natural landscapes, outstanding natural features, and <i>significant natural areas</i></u> by ensuring appropriate subdivision design. [HS6]
	SUB-R1	6	6. The site does not contain a Significant Natural Area or Outstanding Natural Landscape or Feature;
	SUB-R4	9	6. The site does not contain a Significant Natural Area or Outstanding Natural Landscape or Feature;
	SUB-R5	11	5. The site does not contain a Significant Natural Area or Outstanding Natural Landscape or Feature;

	SUB-R6	12	measures to avoid, remedy or mitigate adverse effects: of any natural hazards or other risks; any <i>historic heritage</i> or <i>notable tree</i> ; a Significant Natural Area or Outstanding Natural Landscape or Feature; waterbodies, ecosystems; existing infrastructure; and on existing or permitted adjoining or adjacent land uses. [HS6]
	SUB-R14	20/21	 <i>Subdivision</i> including any area of an Outstanding Natural Landscape, Outstanding Natural Feature or Significant Natural Area SUB-R11 legal effect only applies to Significant Natural Area Outstanding Natural Landscape, Outstanding Natural Feature or Significant Natural Area
Earthworks *This is from the notified PDP version. No changes have been made from hearings yet	Overview	1	This chapter excludes <i>earthworks</i> provisions relating to <i>Historic Heritage sites</i> , Significant Natural Areas , Outstanding Natural Landscapes or Features and Amenity Landscapes. For <i>earthworks</i> rules relating to these topics, refer to those chapters.
	EW-R1	5	All Zones Excluding <i>Historic Heritage sites</i> , Significant Natural Areas , Outstanding Natural Landscapes or Features
	EW- R9	7	General Rural Zone Excluding <i>Historic Heritage sites</i> , Significant Natural Areas , Outstanding Natural Landscapes or Features
	EW-R11	8	All Zones Excluding <i>Historic Heritage sites</i> , Significant Natural Areas , Outstanding Natural Landscapes or Features
	EW-R12	9	All Zones Excluding <i>Historic Heritage sites</i> , Significant Natural Areas , Outstanding Natural Landscapes or Features

	EW-R14	11/12	Commercial and (...) Excluding <i>Historic Heritage sites</i> , <i>Significant Natural Areas</i> , Outstanding Natural Landscapes or Features General Rural Zone (...) Excluding <i>Historic Heritage sites</i> , <i>Significant Natural Areas</i> , Outstanding Natural Landscapes or Features
Energy	ENRG – P7	3	Avoid the location of (...) 2. <i>significant natural areas</i>
	ENRG-P11	4	Require <u>Large scale renewable electricity generation activities (...)</u> 7. <u>effects on adequate separation distances from sensitive activities and Outstanding Natural Features and Landscapes to ensure conflict and reverse sensitivity effects are minimised; and significant environmental values, such as Outstanding Natural Features and Landscapes and Significant Natural Areas.</u> <u>[HS7]</u>
Infrastructure	INFR-R9	9	Where (...) b. A <i>Significant Natural Area</i>
Transport	TRANS- R1	6	Where (...) 3.(d) <i>Significant Natural Area</i>
General Rural Zone	Overview	1	The General Rural Zone includes outstanding natural landscapes, <i>significant natural areas</i> , and the general environment...
	GRUZ-P13	5/6	3. Recognise <u>critical infrastructure</u> that ~~Regionally Significant Infrastructure~~ might be best located in the General Rural Zone, except where there is an Outstanding Natural Landscape, Outstanding Natural Feature,

	*located in deleted and new text		~~Significant Natural Area, Natural Hazard risk or Site of Significance to Māori.~~ that has a functional and operational need to locate in the General Rural Zone, by enabling the operation, maintenance and upgrading of critical infrastructure and providing for new critical infrastructure except where: i. <u>The activity would be inappropriate in an area of Outstanding Natural Landscape, Outstanding Natural Feature or Significant Natural Area;</u> ii. <u>There is an unacceptable natural hazard risk; or</u> iii. <u>The activity has significant environmental or cultural effects that cannot be avoided or mitigated to an appropriate level; or</u> iv. <u>The site is wāhi tapu or the activity has a significant effect on cultural values that cannot be avoided or mitigated to an appropriate level</u> [HS3]
	Note 2	6	... more restrictive rules on Forestry on Outstanding Natural Landscapes, Outstanding Natural Features or Significant Natural Areas .
	GRUZ-R2	8	All areas excluding Historic Heritage sites, Significant Natural Areas (...)
	GRUZ-R3	10	All areas excluding Historic Heritage sites, Significant Natural Areas (...)
	GRUZ-R1	8	b. This rule does not apply to <u>Commercial</u> [HS3] Forestry in an ONL, ONF or SNA, which is subject to District Plan rules NFL-R8 and ECO-R1.

Rural Lifestyle Zone	Note 2	4	... more restrictive rules on Forestry on Outstanding Natural Landscapes, Outstanding Natural Features or <i>Significant Natural Areas</i> . In those circumstances resource consent will be required from the Gore District Council.
Settlement Zone	Note 2	4	... more restrictive rules on Forestry on Outstanding Natural Landscapes or <i>Significant Natural Areas</i> . In those circumstances resource consent will be required from the Gore District Council.
Appendix 4	Title	1	Appendix 4 - Criteria for identifying areas that qualify as <i>Significant Natural Areas</i> - ECO-APP
	Diversity and pattern criterion	3	(5) An area that qualifies as a <i>significant natural area</i> under this criterion has at least one of the following attributes:
	Attributes of ecological context	5	(c) provides an important full or partial buffer to, or link between, one or more important habitats of indigenous fauna or <i>significant natural areas</i> :