

BEFORE THE INDEPENDENT HEARING PANEL

IN THE MATTER of the Resource Management Act 1991
AND
IN THE MATTER of the proposed Gore District Plan

Legal Submissions for the Director-General of Conservation *Tumuaki Ahurei*
Hearing Stream 10: Ecosystems and Indigenous Biodiversity Chapter ('ECO')
Submitter No. 190 Further Submitter No. 31
Dated: 17th February 2025

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MAY IT PLEASE THE HEARING PANEL

The following matters are submitted on behalf of the Director-General of Conservation, *Tumuaki Ahurei* ('Director-General'):

Introduction

1. The Director-General is the Head of the Department of Conservation ('Department'/'DOC') and has all the powers necessary and expedient to enable the Department to perform its functions as set out in s 6 of the Conservation Act 1987. Those statutory functions include advocating for the conservation of natural resources.¹
2. The Director-General has a particular interest in ensuring that the proposed Gore District Plan (PDP) promotes sustainable management by **maintaining indigenous biodiversity** in general, and specifically **protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna** in the Gore District.
3. The Director-General thanks the Panel for giving the following DOC expert witnesses the opportunity to present oral evidence:
 - a) Bruce McKinlay – ecology (avifauna)
 - b) Juzah Zammit-Ross – terrestrial ecology
 - c) Liz Williams – planning
4. The DOC expert planning witness, Elizabeth Williams, generally supports the proposed text of the ECO Chapter, as amended in the s 42A Report. However, there are three issues we invite the Panel to consider more closely. These are:
 - a) How best to protect the habitat of endangered avifauna within the ecosystem encompassing the Mataura River;
 - b) The proposed permitted vegetation clearance rules for Hokonui Hills Precinct Area contained in the new ECO-R2; and
 - c) The proposals in the new ECO-R1(1)(m)(n) and for Council Authorised Biodiversity Management Plans (CABMP).

¹ Conservation Act 1987, ss 6 (b), 52, 53.

ISSUE 1 – Protecting the habitat of black-billed gull

5. The DOC proposal is that the Mataura River and its margins should be indicatively mapped in the information layer of the Gore District Plan (DP).
6. Bruce McKinlay's evidence (BM) shows that the Mataura River and its margins *within the boundaries of Gore* are a critical ecosystem and habitat for the endangered black-billed gull (At risk, Declining) (BM [45]-[48]). Gore District contains an important proportion of the national population of black-billed gull (BM [47]).
7. Elizabeth Williams' evidence (EW) proposes that the Mataura River and its margins are indicatively mapped as a SIVA in the information layer of the Plan, using the 20 meter stream setback rules as a guide for the mapping (EW [51]-[52]).
8. There are advantages to this proposal and no legal impediments.
9. In terms of advantages:
 - a) Plans have to be used and understood by public. That aim can be challenging, as Elias CJ often commented, noting the Resource Management Act (RMA) provides a framework for "practical living" that is "meant to engage communities not alienate them".² This visual mapping method is an easy way to facilitate public understanding and provide information about the detailed plan provisions *and* the habitat of an endangered species. It will help promote compliance with the Plan.
 - b) Policy 15 of the National Policy Statement on Indigenous Biodiversity 2023 (as amended in 2024) ('NPSIB') is to improve public awareness of and information about highly mobile fauna and areas that support them, and mapping the Mataura and its margins will help facilitate this policy.³

² Elias, S. 'Righting environmental justice' (2013) (address to the Resource Management Law Association Salmon Lecture, 25 July 2013), (<https://www.courtsofnz.govt.nz/assets/speechpapers/sl3jh.pdf>) p 1-2.

³ See also NPSIB, 3.20.

- c) Mapping may appear to be a duplication (textual plan rules exist to protect the riparian margins). However, the s 42A Report notes –in relation to the mapping of all other SNA/SIVAs – indicative mapping provides plan-users and landowners clarity when implementing the ECO chapter textual provisions. Accordingly, mapping the Mataura and its margins provides a consistent approach in the Plan.

10. In a legal sense, there is no impediment to this mapping:

- a) Gore DP has to **give effect** to the Southland Regional Policy Statement (RPS) (RMA s 75(3)(c)).
- b) The Mataura River and its margins are expressly identified in Appendix 2 of the RPS as a rare ecosystems deserving protection because it provides habitat for “...rare and threatened plants, fish, birds and invertebrates... [including] black-billed gull (*Larus bulleri*).”
- c) Objective BIO-2 and Policy BIO-2 of the RPS are to protect significant indigenous biodiversity and significant habitats of indigenous fauna. Mapping can help **protect** the significant habitat because it facilitates **compliance** with the Plan.
- d) Both regional and territorial authorities have overlapping and complementary duties under the RMA to maintain indigenous biological diversity (ss 30(1)(ga) and 31(1)(b)(iii)). The aim of this mapping would be to maintain indigenous biological diversity (noting that protection is a component of maintenance).
- e) Southland RPS states that: “There are many tools available to local authorities to carry out their functions and it is important that these are investigated and where appropriate, implemented, in order to achieve a region wide approach to the management of indigenous biodiversity across Southland.” Mapping the Mataura River and its margins as a SIVA in the Gore DP is a **valid method** / tool to help achieve **integrated management** of significant biodiversity in Southland.

- f) While regional councils have the primary statutory responsibility for regulating the use of beds of rivers⁴, and the Southland RPS states that the Regional Council shall be responsible for setting objectives, policies and methods to control the use of land for the maintenance of indigenous biodiversity in rivers and their margins,⁵ this factor does not provide a legal impediment to Gore DP mapping the Mataura and its margins. This is because Gore DP must **not be inconsistent** with any regional plan (RMA s 75(4)(b)). Mapping the Mataura and its margins would not be inconsistent with the Southland Regional Land and Water Plan, and it would give effect to the Southland RPS.
- g) The Court of Appeal has confirmed that: s 31 should not be read in a restrictive way; where there are overlapping statutory functions, the only limit is that the DP not be inconsistent with the regional plan; and if the regional plan did not address the issue the district plan could address the issue fully, without restriction.⁶

ISSUE 2 – Bespoke rules for the Hokonui Hills Precinct in ECO-R2

11. The DOC expert planning witness does not support the bespoke rules for the Hokonui Hills Precinct. In particular, Ms Williams does not support ECO-R2 (1) (a), (i), (j), and (k) which allow for permissive clearance of significant indigenous vegetation and significant habitats of indigenous fauna in general, allow for more permissive clearance compared to other rural areas in Gore, and fail to prevent clearance of Threatened and At-risk plants or fauna habitat (see EW, [40-46]).
12. While much of Gore’s rural environment is heavily modified, the evidence before the Panel is that most remaining areas of significant indigenous biodiversity are to be found

⁴ RMA s 30 and note that ‘beds of rivers’ include the ‘space of land which the waters of the river cover at its fullest flow without overtopping its banks’ (RMA s 2).

⁵ Southland RPS 2017, p 77.

⁶ *Canterbury RC v Banks Peninsula DC* [1995] 3 NZLR 189 (CA).

in the Hokouni Hills, along with the Mataura River and its margins, and wetlands scattered throughout the District.⁷

13. Accordingly, the proposal that vegetation clearance rules in the Hokouni Hills be *more* permissive than the rest of the District is perverse, and does not accord with the provisions of the RMA, NPSIB or Southland RPS.
14. The only justification given for the more permissive rules appears to be that there has been “comprehensive” ecological mapping and assessment of the Hokouni Hills Precinct that has identified SNA/SIVAs in that area.⁸ The s 42A Report writer also states (in favouring ECO-R2 over Council Authorised Biodiversity Management Plans) that ECO-R2 provides transparency and the ability for submitters to input into the rules through the hearing process.⁹
15. First, if that is the case, that *comprehensive* information is not available to the Panel or submitters (nor it appears, to various Council witnesses)¹⁰ and / or inadequate information is available to justify the bespoke rules. In particular, there is no clarity about what Threatened and At-risk plant species are present in the area or where they are to be found, nor where habitats of Threatened and At-risk fauna are located. Nor is there a comprehensive (or any) assessment of significance against the Southland RPS Significance Assessment Criteria (or NPSIB criteria) of the areas identified variously as A, B, C, and D in the Vegetation Mapping Plan,¹¹ and the information available is confusing in this aspect.¹²
16. Second, regardless of the inadequacy of information before the Panel, assessing an area as an SNA/SIVA does not in and of itself justify *greater* clearance of that significant

⁷ Juzah Zammit-Ross, 7th February 2025 [16-17]; Bruce McKinlay, 7th February 2025 (p 2); Glenn Davis, 7th February 2025 [3.5-3.6]; and Natalie Hampson 18th January 2025 [41-49]).

⁸ I have scrutinised all information available to submitters and the only justification given for the more permissive vegetation clearance rules in ECO-R2 appears to be that there has been “comprehensive” ecological mapping of the area (see e.g. s 42A Report [612]).

⁹ S 42A Report [616].

¹⁰ It is unclear if Dr Wells has seen the detailed list of species / mapping carried out by Mr Davis. It is unclear if the s 42A Report writer *has* seen this information. Ms Hampson states that she was not privy to it.

¹¹ Glenn Davis, 7th February 2025, Attachment 1.

¹² See paragraph 33 below.

indigenous biodiversity. That would be contrary to the RMA (s 6 (c)), NPSIB, and Southland RPS, and there are no other *legal* justifications for the Hokouni Hills Precinct to be subject to more permissive rules than other rural and farming operations in Gore.

17. Third, there is no *economic* justification for the more permissive rules and the Council's own cost-benefit analysis does not support the bespoke rules in ECO-R2.¹³

18. ECO-R1 (with some amendments – see below) would provide appropriate regulation for SNA/SIVAs in the Hokouni Hills Precinct (EW, [46]).

19. I provide more detailed legal analysis of these submissions below.

Permissive nature of the ECO-R2 rules

20. ECO-R2(1) (i) permits vegetation clearance necessary to maintain existing tracks and fences, and in comparison to ECO-R1, *does not set any quantitative limits* on that clearance. The rule would permit clearance in IVAs and SNA/SIVAs.

21. In addition, ECO-R2(1) (j) permits continuing clearance of a set level, in areas 'A' and 'B' on the Vegetation Mapping Plan, for *new* fences, tracks and "*any other activity essential for existing farming operations*".¹⁴ That later phrase is not defined and could be interpreted expansively. There is no significance assessment (made in accordance with Southland RPS Significance Assessment Criteria or NPSIB) of areas A and B before the Panel (albeit Mr Davis confirmed they would constitute SNA/SIVAs in an e-mail to DOC – see para 33 below). Without a significance assessment it is not possible to justify the different approaches taken to areas A and B compared to areas C and D. There is no mapping of the location of any Threatened and At-risk species in these areas.

¹³ See Economic Evidence of Natalie Hampson, 18th January 2025, paras [73-75], [94.3], [120-125]. Note, there appears to be no explanation in the s 42A Report as to why this analysis has been rejected.

¹⁴ Further, both Dr Wells and Mr Davis refer to planned fencing / farm management planning in the Hokouni Hills in their statement / Memo (seemingly to link the adequacy of the proposed rules to this planned expansion) but there is no information about any planned expansion before the Panel / submitters.

22. ECO-R2(1) (k) permits a lower level of continuing clearance, in areas C and D for *new* fences. Again, there is no significance assessment (made in accordance with Southland RPS Significance Assessment Criteria or NPSIB) of areas C and D before the Panel, but it is accepted that these areas constitute SNA/SIVAs. There is no mapping of the location of any Threatened and At-risk species in these areas.
23. ECO-R2(1)(a) permits unlimited vegetation clearance where it is necessary for the maintenance of the improved pasture mapped in Appendix 7 to the amended ECO Chapter. There is no mapping of the location of any Threatened or At-risk species in these areas of improved pasture.
24. In sum, the permissive vegetation rules allow for continued clearance in IVAs and SNA/SIVAs, and clearance of Threatened and At-risk plant species / habitat of Threatened and At-risk fauna.

Inadequacy of ecological information before the Panel and submitters to justify more permissive clearance rule

25. The only **ground-truthed** ecological assessment, in respect of any part of the Hokonui Hills Precinct, currently before the Panel and submitters is contained in Glenn Davis' statement of evidence.¹⁵
26. Mr Davis' assessment appears to be in relation to Stoney Creek Station only, not Wantwood.¹⁶ As I understand it, there is no ground-truthed ecological assessment of Wantwood Station before the Panel. The Vegetation Map in Appendix 7 of the amended ECO Chapter text appears to be an amalgamation of Glenn Davis' "Vegetation Plan" for Stoney Creek and the Council's desk-top identification of IVAs, SNA/SIVAs on Wantwood.

¹⁵ Glenn Davis, 7th February 2025. NB: The only other ecological information before the Panel and submitters is a Memorandum from Andrew Wells, the Council-contracted ecologist. However, there is no *substantive* ecological information / assessment contained in that memorandum (see p 2 Overview explaining this fact). As I understand it, Dr Wells has not conducted an on ground assessment in the Hokonui Hills. Previous desk-top SNA mapping exercises by Wildlands in 2011, 2019 (and 2024 (?)) were also not ground-truthed. Dr Wells recognises the importance of ground-truthing in his Memorandum (page 2) as does the s 42A Report writer [613 (a)].

¹⁶ See Attachment 1 Vegetation Plan in evidence of Glenn Davis 7th February 2025 that omits Wantwood.

27. Mr Davis’ statement contains a one-page colour-coded diagram titled “Vegetation Plan”, which has an attached legend connoting five different types of vegetation communities. Each community is described in high-level terms in paragraphs 5.3 to 5.8 of Mr Davis’ statement.
28. There is no explanation of the methodology employed to conduct the ecological field work survey. However, in carrying out his original data collection / survey, Mr Davis appears to have listed or mapped species of vegetation for each community (see e.g. para [5.5] “a total of 33 indigenous species were recorded within the wharariki / inaka / olearia vegetation community”) but he has not included those lists or (any) GIS survey maps in his evidence, and they are not before the Panel or submitters in any other form.
29. Importantly, the high-level mapping in Mr Davis’ evidence does not identify occurrences of Threatened or At-Risk plant species or significant habitat of Threatened or At-risk fauna species / habitat.¹⁷ Without mapping Threatened and At-risk species / habitat it is impossible for Mr Davis (and Dr Wells, and the s 42A Report writer) to conclude that the permitted rules in ECO-R2 would not adversely affect biodiversity.¹⁸
30. These omissions are particularly problematic because DOC is aware that there *are* Threatened and At-risk plant species on Stoney Creek, including a nationally important population of *Olearia hectorii* (Threatened – Nationally Endangered) (see evidence of Juzah Zammit-Ross, [20]-[21]).
31. Mr Davis’ statement and overall conclusion at [5.10] omits any mention of Threatened plant species on Stoney Creek Station:

“Of the species noted within the above vegetation communities the tree daisys *Olearia lineata*, *Olearia fragrantissima*, and manuka are classified under the New Zealand Threat Classification System (NZTCS) (de Lange et al., 2017) as At Risk – Declining. All other species present are classified as Not Threatened.”

¹⁷ NB: In his Ecological Memo dated 13th January 2025, Dr Wells states (in relation to the ECO chapter more generally) that “Threatened/At Risk plants should ideally be protected as they are easily defined” (p 4).

¹⁸ Glenn Davis, 7th February 2025, [6.5 – 6.7]. Note also that Mr Davis confuses the need for *maintenance* versus *protection* of SNA/SIVAs in his conclusion.

32. In his response to an e-mail from DOC (dated 14th February 2025), Mr Davis acknowledges that *Olearia hectorii* (Threatened) are present on Stoney Creek Station but said that the station owners “exclude stock” from the area they are located on.

33. In that e-mail, Mr Davis also states that:

“All of the mapped areas (excluding the improved pasture) contain ecological values that are consistent with most of the SRPS significance assessment criteria. The mapped areas are representative or characteristic of the ecological district, some vegetation communities provide habitat for threatened and at risk plants and fauna (notably a number of lizard and bird species) and there is a high diversity of the communities and species across the station.”

34. Given that is the case, what then is the justification for the more permissive clearance rules?

35. In respect of significant habitat of indigenous fauna, including Threatened and At-risk lizard species in the Hokonui Hills, the information before the Panel and submitters is inadequate.

36. Mr Davis states that the Herpetologist, Carey Knox, was contracted to undertake an assessment of one area of improved pasture on Stoney Creek Station and did not discover any lizards.¹⁹

37. There is no explanation as to why Mr Knox was limited in his assessment to this one area and did not investigate other areas likely to be lizard habitat on the Station. Accordingly, all the Panel (and submitters) have by way of information is that Threatened and At-risk lizard species are likely to be present in the Hokouni Hills, but there is no up-to-date or adequate survey of what is present, where.

38. Given the limited herpetology investigation, Mr Davis’ conclusion that “[t]he information provided by Mr Knox assisted my consideration of the risks associated with the farming

¹⁹ Glenn Davis, 7th February 2025, [5.13 - 5.14].

operation to lizard species and I find that the risk to lizards from farming activities is low given the limited habitat value the improved pasture provides lizard species” [5.14] is unsupportable and certainly has little if any relevance to considerations of ECO-R2 (1) (i), (j), (k).

39. These omissions from the evidence before the Panel are problematic because the assessment / evidence of Mr Davis is used to justify the permissive proposed vegetation clearance rules in ECO-R2 (1) (i), (j), and (k). There is nothing else to justify these rules – ecologically, economically, or legally. These rules would not prevent the clearance of Threatened and At-Risk species and their habitat, and they allow for continued clearance in SNA/SIVAs, contrary to s 6(c) of the RMA, the NPSIB, and Southland RPS.
40. Further, without any mapping of Threatened and At-risk species, it is not possible to assess if ECO-R2 accords with proposed ECO-P3 or ECO-P10 in the PDP. And without that mapping, it is not possible to assess if ECO-R2 *does* actually accord with ECO-P2(4).
41. Given the inadequacy of the information, a precautionary approach should be adopted (in accordance with NPSIB 3.7) – there is no basis for more permissive vegetation clearance rules in the Honkouni Hills and the approach adopted by ECO-R1 should be applied across the District.

Providing for more permissive clearance rules in SNA/SIVAs in the Hokouni Hills is contrary to RMA, NPSIB, and Southland RPS

42. Given the inadequacy of the information before the Panel, the DOC expert planning witness is unable to make an assessment of ECO-R2 against the higher-level documents, (EW, 40)].
43. However, if areas A, B, C and D *are* SNA/SIVAs, and given there *are* Threatened and At-risk species in the Hokouni Hills Precinct, the more permissive rules are not supported by:

- a) s 6(c) of the RMA, that requires decision makers to recognise and provide for the **protection** of significant indigenous biodiversity and significant habitats of

indigenous fauna. As the s 42A Report writer correctly states, s 6 (c) requires the ‘outright’ protection of values and is not qualified in any way (i.e. compared to, by example, s 6 (a) ‘protection from *inappropriate* use’).²⁰ It is important to note that the RMA uses protection and maintenance in distinct ways and they mean different things.²¹ Protection requires *ex ante* or pro-active prevention measures to be taken to protect the relevant values, whereas ‘maintaining’ indigenous biodiversity in s 31(1)(b)(iii) is at the district-wide level and can be achieved using a range of measures, including *ex post facto* actions of a remedial nature (say, following clearance). The Southland RPS explicitly recognises this difference in its Biodiversity Chapter.²²

- b) NPSIB 3.10(2) that requires the listed effects on SNA to be avoided (as does Policy BIO-2 in the Southland RPS). Natalie Hampson notes that those adverse effects – such as fragmentation, reduction in occupancy etc. – *would* be created by proposed ECO-R2.²³ Further, ECO-R2 does not reflect the limited exceptions justifying clearance in SNAs in NPSIB 3.11, or NPSIB 3.15(2)(b).²⁴
- c) Southland RPS Objective BIO-2 and Policy BIO-2, that requires the protection of significant areas of indigenous vegetation and significant habitats of indigenous fauna. Importantly, ‘BIO-2 Explanation/Principal Reasons’ states that protection means “to **ensure no further loss.**” It does *not* mean allowing for continuing loss while putting some quantitative limit on that continuing loss, as the

²⁰ S 42A Report, p 128, [613 (d), (e)].

²¹ *Canyon Vineyard Ltd v Central Otago District Council* [2022] NZHC 2458 [101-125]. See also the detailed discussion of this issue in the Panel Decision on the [Proposed Otago Policy Statement](#) 2024 at [170].

²² Southland RPS, c.f. e.g. BIO-2 to BIO-4.

²³ Natalie Hampson, 18th January 2025, ft 59, 61 on p 38.

²⁴ These submissions are cognisant of the Resource Management (Freshwater and Other Matters) Amendment Act 2024 that removed mandatory requirements for district plans to identify and include new significant natural areas for a 3-year period. However, the Explanatory Note to the Bill explains that: “The Bill clarifies that it does not affect councils’ existing obligations under the RMA for indigenous biodiversity which includes the requirement to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna” Further, “[t]he changes in the Bill do not affect or prevent identification or notification of new SNAs in policy statements, proposed policy statements, plans, proposed plans or plan changes during the 3-year suspension period if required by a court order or other outcome as a result of existing proceedings or processes, which are preserved by sections 32 to 33 of the Legislation Act 2019.”

planning witness for Stoney Creek seems to suggest.²⁵ Appendix 2 of the Southland RPS explicitly identifies the Hokonui Forest as a *regionally* significant area requiring protection.

d) Further, I note that the s 42A Report writer concludes that:

“Based on the advice of Council’s Ecologist SIVAs in areas C&D (refer PDP Appendix 7) meet the SNA criteria in NPS-IB and SIVA criteria in the SRPS **and an avoid/protect approach is required in these situations** (see objective BIO.2 and Policy BIO.2 in the SRPS and NPS-IB 3.10(2)(emphasis added).”²⁶

This conclusion appears to contradict his support for the permissive vegetation clearance rules in ECO-R2.

44. For completeness, I also note that the permissive rules create a challenge for landowners and DOC in relation to Wildlife Act permits for protected lizard disturbance – in that, there would be no regulatory method to trigger notice that a Wildlife Act permit was required.

45. In summary, the permissive vegetation rules allow for continued clearance in SNA/SIVAs, and clearance of Threatened and At-risk plant species / habitat of Threatened and At-risk fauna. ECO-R2 (1) (a), (i), (j), (k) are not supported by the wider law or planning framework, the DOC expert witnesses, the Councils’ own cost benefit analysis, nor, I would submit, by the reasoning in the s 42A Report.²⁷

ISSUE 3 – new ECO-R1(1)(m)(n) and ‘Council Authorised Biodiversity Management Plans’ (CABMP)

46. The DOC expert planning witness does not support the inclusion of new ECO-R1(1)(m) – that would make vegetation clearance a permitted activity for “any other activity for

²⁵ Claire Perkins, 7th February [7.5].

²⁶ S 42A Report [613 (d)].

²⁷ See in particular s 42A Report [613 (a)-(f)] all of which undermines the rationale for ECO-R2 (i)(j)(k).

existing farming operations” (not defined and potentially interpreted widely) covering 50² per 5-year period involving non-forest vegetation.

47. Nor does she support new ECO-R1(1)(n) that would make the unlimited clearance of any vegetation less than 15 years old a permitted activity, in any area of Gore, for any reason (and see para 55 below). This provision would provide a major loophole by permitting (potentially extensive) clearance of indigenous vegetation.

48. Elizabeth Williams states these provisions are not warranted from a planning sense, opining that the new rules create regulatory uncertainty (EW [35-39]).

49. Juzah Zammit-Ross explains why provision ECO-R1(1)(n) is particularly problematic ecologically, as it would prevent or slow down successional processes, increase fragmentation, edge effects, and vulnerability, and remove habitat for indigenous fauna (see [28-30]).

50. The Councils’ own cost benefit / economic analysis does not support ECO-R1(1)(n) stating “the rule could lead to a material decline in indigenous biodiversity” and would be challenging to monitor.²⁸

51. Both provisions would hinder Gore in its s 30(1)(b)(iii) function of **maintaining** biodiversity which requires “**at least no overall loss**” from the baseline set by the NPSIB,²⁹ while potentially undermining any restoration efforts (contra. NPSIB Policy 13 and Southland RPS Objective BIO-3).

52. These provisions are particularly problematic in the Gore context, because as the Council’s own cost-benefit analysis states:

“At a district level, land cover analysis between 2008 and 2018 (effectively the life of the ODP) showed that (within the limitations of the dataset), there has been no change in the area of fern land, flax land, tall tussock grassland and indigenous forest, but there has been a slight (2ha) decline of broadleaved indigenous

²⁸ Natalie Hampson, 18th January 2025, [97-98], [113.4].

²⁹ Which means “at least no overall reduction” – NPSIB 1.7

hardwoods, and more material declines in manuka/kanuka (69ha), and matagouri or grey scrub area (78ha). The aggregate reduction across these vegetation types is 148ha over the 10 years.

While this may not sound like much, it is significant in a district that has very little indigenous vegetation remaining. In the analysis carried out for the NPS-IB CBA Report, **Gore District had the 9th lowest amount of indigenous vegetation cover remaining** (out of 66 territorial authorities). Those territorial authorities that had less indigenous vegetation are made up of the mainly urban cities or tightly defined authorities of Napier, Hamilton, Tauranga, Kwarau, Wellington, Porirua, Palmerston North and Invercargill. **As a mainly rural district, Gore is an outlier.”**

53. Accordingly, in all the circumstances, ECO-R1(1)(n),(m) should be deleted.

54. As an alternative submission, the drafting of ECO-R1(1)(n) does not make any sense – it reads “Permitted – Where (1) it is necessary for any of the following purposes ... (n) where vegetation is confirmed as being no older than 15 years”. How do the two clause connect together? How will you be able to monitor whether clearance was “necessary” – and necessary for what?

55. Finally, Elizabeth Williams also questions the merits of CABMP, which leave many questions of practical application unanswered and create much uncertainty (EW [26-32]). From a legal perspective, CABMP are anathema to the transparent and inclusive processes that underpin plan-making in the RMA.



Ceri Warnock
Counsel for the Director-General
17th February 2025