

Gore Proposed District Plan

Hearing Stream 10 – Ecosystems and Indigenous Biodiversity (ECO)

Section 42A of the Resource Management Act 1991

Section 42A Report – ECOSYSTEMS AND INDIGENOUS BIODIVERSITY (ECO)

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Interpretation

Table 1: Abbreviations

Resource Management Act 1991	RMA or 'the Act'
Gore District Council	GDC or 'the Council'
Operative District Plan	ODP
Proposed District Plan	PDP
National Planning Standards 2019	PS
Southland Regional Policy Statement 2017	SRPS
National Policy Statements	NPS
Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna Areas meeting NPS-IB Criteria	SNA
Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna Areas meeting SRPS Criteria	SIVA
Indigenous Vegetation Area	IVA
National Policy Statement for Freshwater Management	NPS-FM
National Policy Statement for Electricity Transmission	NPS-ET
National Policy Statement for Renewable Electricity Generation	NPS-REG
National Environmental Standards	NES
National Environmental Standard for Freshwater 2020	NES-F
National Environmental Standard for Electricity Transmission Activities	NES-ETA
National Environmental Standard for Commercial Forestry	NES-CF
Regional Pest Management Plan	RPMP

Table 2: Submitters and Further Submitters Names Abbreviations

Chorus New Zealand Limited	Chorus
Contact Energy Limited	Contact Energy
Department of Conservation	DoC
Environment Southland	ES
Fire and Emergency New Zealand	FENZ
Groundswell New Zealand	Groundswell
Heritage New Zealand Pouhere Taonga	Heritage NZ
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
Kāinga Ora – Homes and Communities	Kāinga Ora
KiwiRail Holdings Limited	KiwiRail
Mercury New Zealand Limited	Mercury
Ministry of Education	MOE
New Zealand Transport Agency Waka Kotahi	NZTA
Royal Forest and Bird Protection Society of New Zealand Inc	Forest & Bird
Southland District Council	SDC
Southland Federated Farmers of New Zealand	Federated Farmers or SFF
Spark New Zealand Trading Limited	Spark
Stoney Creek Station Limited	Stoney Creek
Transpower New Zealand Limited	Transpower

Table 3: List of Submitters and Further Submitters

Submitter Number	Submitter Name
59	Adrienne Crispin
142	Alan Taylor
148	Alistair & Bernadette Hunt
118	AW+ JA Johnston Family Trust
FS22	Clark Fortune McDonald & Associates
144 and FS24	Contact Energy Ltd
109 and FS31	Department of Conservation
85	Environment Southland
105	Farm Manager - Wantwood Station
126 and FS17	Federated Farmers
124	Fire and Emergency NZ
122	Fulton Hogan
128	Greenbriar Ltd.
117	Greg Bokser
66	Groundswell NZ
74 and FS5	Hamish Weir
24	Helen McIntosh
FS11	Heritage New Zealand Pouhere Taonga
139 and FS20	Hokonui Rūnanga Inc
137	Hugh Gardyne
69	Ian Davidson-Watts
136	Jenny Campbell
68	John Baynes
19	Karen Temple
115	Kevin Robertson
132	KiwiRail Holdings Ltd
155	MacKenzie Aviation Ltd
104	McLeod-Wantwood Trust/Wantwood Station
103	McNab Management Limited
130 & FS26	Mercury NZ Limited
125	Ministry of Education
116	Nathan Bokser
152	Nigel Cowburn
153	Oakland Farming Ltd
127	Peters Farm Ltd Karen Peters
138 and FS10	Port Blakely Limited
18	Reaby Downs Farm Ltd
140	Robina Johnston
60	Ronald Crispin
101 and FS9	Royal Forest and Bird Society of NZ Inc
143	Rural Ratepayers Group
20	Sarah and Peter Barclay

3 and FS25	Stoney Creek Station Limited
146	Southland District Council
126	Southland Federated Farmers of New Zealand
101 and FS30	Transpower New Zealand Limited
113	Trudy Bokser
112 and FS14	Waka Kotahi NZ Transport Agency
FS21	Yrless Limited

1.0 Executive Summary

1. The Proposed District Plan (“PDP”) for Gore District was publicly notified on 31 August 2023. The PDP includes an Ecosystems and Indigenous Biodiversity (ECO) chapter. Submissions on the ECO chapter and associated provisions are considered in this report.
2. Overall, 571 submissions and 220 further submissions were received for the ECO Chapter of the PDP. A further 54 submissions and 23 further submission points were deferred from previous hearing streams and have been discussed in this report. This report includes recommendations to address matters raised in submissions as to whether the provisions in the PDP relating to these matters should be retained as notified, amended or deleted in full (refer Appendix B).
3. The parameters of the RMA must be considered in responding to these submissions. The RMA requires that the PDP must achieve the purpose of the Act and give effect to relevant national and regional direction. Overall, the PDP achieves its RMA obligations by maintaining indigenous *biological/biodiversity*¹ and protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna(SNA/SIVA)² by managing *indigenous vegetation*³ clearance.
4. Of note, RMA obligations include:
 - a. Enabling people and communities to provide for their social, economic and cultural well-being while safeguarding the life supporting capacity of ecosystems (RMA s5);
 - b. Maintaining ecological biodiversity (RMA s31(b)(iii) and protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna (RMA s6(c));
 - c. Maintaining indigenous biodiversity with no overall reduction in ecosystems and habitats of indigenous biodiversity by recognising community stewardship, mapping and protecting Significant Natural Areas (SNAs) in accordance with nationally consistent criteria (NPS-IB Appendix 1) over time, and providing for a range of activities and existing uses (NPS-IB);
 - d. Maintaining and protecting indigenous biodiversity by recognising the critical role of landowners, identifying SIVAs in accordance with regionally consistent criteria (SRPS Appendix 3) over time, and actively managing indigenous biodiversity including via the RPMP (SRPS).

¹ Has the same meaning as per the Resource Management Act – means the variability among living organisms, and the ecological complexes of which they are a part, including diversity within species, between species, and of ecosystems.

² SIVA and IVA are areas of significant indigenous vegetation and significant habitats of indigenous fauna. SIVA are identified using SRPS Appendix 3 criteria while SNA use NPS-IB Appendix 1 criteria which are similar.

³ Has the same meaning as per the National Planning Standard for Indigenous Biodiversity – means vascular and non-vascular plants that, in relation to a particular area, are native to the ecological district in which that area is located.

5. The PDP principally achieves these RMA obligations via the ECO chapter by managing indigenous vegetation clearance and land disturbance in a way that provides for a range of infrastructure and activities anticipated by the NPS-IB and essential for farming operations within limits and by defining and indicatively mapping SNAs/SIVAs⁴ and *indigenous vegetation* areas in accordance with NPS-IB and SRPS criteria.
6. Many of the submissions received are about how the ECO chapter could be improved to achieve the RMA obligations outlined above.
7. The following are considered to be the key issues identified through submissions:
 - a. Whole plan submissions seeking that the plan including the ECO chapter is deferred pending RMA reform;
 - b. Focus on mapped SNAs rather than defined Significant Natural Areas (SNAs) or unmapped SNAs;
 - c. The need to include Threatened or At-Risk species, highly mobile fauna areas, and taonga species;
 - d. Better articulation of mana whenua rights and values across provisions;
 - e. The management of exotic plant species and invasive animals in relation to the Regional Pest Management Plan (RPMP);
 - f. Consider definitions including animal pests, biodiversity covenant, biological diversity (or biodiversity), Council Authorised Biodiversity Management Plan, approved biodiversity management plan, exotic weed, biodiversity offset, biodiversity compensation, Significant Natural Area, Vegetation Clearance, Indigenous vegetation, Indigenous vegetation clearance, Ecological District, and Ecosystem Services;
 - g. Include bespoke provisions for the Hokonui Hills;
 - h. Amend provisions to better align with the NPS-IB, SRPS, and other relevant national direction;
 - i. Provide for greater recognition of efforts and needs of landowners, in particular by providing for a greater extent of indigenous vegetation clearance for a wider range of tracks, farm operations, and infrastructure while recognising different habitat types;
 - j. Provision for “upgrading” of infrastructure;
 - k. Different consent categories for inside and outside SNAs;
 - l. Changes to subdivision rules relating to SNAs to be more enabling or to reflect highly mobile fauna areas or Threatened or At-risk species;
 - m. Clarify Appendix 4 Criteria; and
 - n. Setbacks from SNAs.
8. This report has been prepared in accordance with section 42A of the RMA and outlines recommendations in response to the issues that have been identified through submissions. The report is intended to assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP, and to provide submitters with an opportunity to

understand how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.

9. Since notification of the PDP a number of key matters have influenced the response to submissions as outlined below including:
 - a. Changes to the NPS-IB and a review of anticipated RMA reform;
 - b. Clarification that there is limited access to Council and external funding for mapping and biodiversity management;
 - c. Preliminary feedback from the Biodiversity Technical Working Group (BTWG) about SNA mapping;
 - d. further economic and ecological assessments noting the limited coverage of SIVA and IVA on private land and amending clearance limits to respond to submitter feedback; and
 - e. Engagement with landowners, particularly in the Hokonui Hills area.
10. As a result of submissions, a range of recommended changes have been made which are shown in Appendix A and broadly summarised as follows:
 - a. Changes to the Overview to incorporate mana whenua values and update text relating to NPS-IB amendments resulting from the Resource Management (Freshwater and other matters) Amendment Act 2024;
 - b. Amendments to objectives so they are reframed to be outcome focussed and more closely reflect mana whenua values;
 - c. Amend policies to more closely reflect the direction from the NPS-IB and other national and regional direction and to improve alignment with the rule framework;
 - d. Delete ECO-P8 and ECO-P9 to avoid duplication;
 - e. Delete ECO-P12 to acknowledge that the RPMP will address weeds and pests;
 - f. Changes to ECO-R1 to enable greater clearance levels around existing infrastructure and provide for development in accordance with a Council Approved Biodiversity Management Plan; in plantation forestry areas outside SNAs/SIVAs; and allow for a small amount of general clearance;
 - g. Introduce a new rule, ECO-R2, to recognise the unique characteristics of the Hokonui Hills Area and provide for a range of permitted vegetation clearance that acknowledges the scale and significance of indigenous vegetation coverage and farming operations, as well as landowner conservation practices;
 - h. Deletion of notified ECO-R2 and ECO-R3 to acknowledge that the RPMP addresses weed and pest issues in accordance with SRPS direction;
 - i. Deletion of the vegetation clearance definition due to limited reference throughout the PDP and reliance on the indigenous vegetation clearance definition;
 - j. Amendments to the definitions of Council Approved Biodiversity Management Plan, indigenous vegetation clearance and SNA to better reflect national and regional direction;

- k. New definitions for Hokonui Hills area, biodiversity offset, biodiversity compensation, ecological district and ecosystem to reflect the NPS-IB and enhance PDP interpretation;
 - l. Minor changes to Appendix 4 and inclusion of Appendix 7 to add maps of Hokonui Hills Area that depict indigenous vegetation values; and
 - m. The inclusion of indicative maps showing Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna Areas (SIVAs) and Indigenous Vegetation Areas (IVAs) to sit as an information mapping layer to help implement ECO-R1 while further landowner engagement is undertaken ahead of mapping being incorporated into the PDP.
11. A number of submission points were rejected or accepted in part with no amendments because these matters were broadly already addressed in the ECO chapter or in other parts of the PDP.
 12. A key change resulting from recommendations on submissions is that landowners with indigenous vegetation can either:
 - a. rely on indicative SIVA and IVA mapping and the standard provisions in ECO-R1 to guide consenting requirements; or
 - b. proactively engage an ecologist to develop a CABMP with Environment Southland funding (due to end in mid-2025) to set alternative and appropriate vegetation clearance limits which is similar to the work done with landowners in the Hokonui Hills Area.

2.0 Introduction

2.1 Author and qualifications

13. My full name is Matthew Cecil Heale. I am the Acting South Island Planning Manager at The Property Group. I am the author of this report.
14. I have a Bachelor of Planning from the University of Auckland. I am a chair accredited RMA hearing commissioner and a Freshwater Commissioner.
15. I have been engaged as a contractor by Council since 2021 to lead the District Plan review and prepare the Draft and Proposed District Plans.
16. I have 30 years' resource management experience and have worked for local government (Waitakere City Council, Auckland Regional Council, and Nelson City Council) and in private consultancy. My experience includes the preparation and processing of applications for resource consent and the preparation of, and submissions to, District, Regional and Unitary Plans across Aotearoa. I have led the review of the Waitakere District Plan, the Nelson Resource Management Plan, and the Gore District Plan.

17. Mr Andrew Wells has provided me with expert evidence on ecology and where stated in this report I have relied on the expert advice provided by Mr Wells. Mr Wells has also provided a memo regarding specific matters that are outlined in Appendix C.
18. I have also relied on the expert economic analysis of Ms Natalie Hampson. Ms Hampson's economic analysis is attached at Appendix D and has been utilised to respond to a number of relevant submission points outlined in this report.

2.2 Code of Conduct

19. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel. The opinions expressed in this evidence are based on my qualifications and experience and are within my area of expertise. If I rely on the evidence or opinions of another my evidence will acknowledge that position.
20. I am authorised to give this evidence on the Council's behalf to the PDP hearing commissioners ("Hearings Panel").

3.0 Scope of report and topic overview

21. This report considers the submissions and further submissions that were received by the Council in relation to the ECO chapter and relevant subdivision provisions. In addition, the definitions and appendices relating to the management of these and general matters are also addressed.
22. The assessment of submissions will generally follow this format:
 - a. Submission information
 - b. Analysis of submissions
 - c. Recommendation and any amendments
 - d. Where an amendment is recommended a section 32AA assessment is provided.
23. Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions. Appendix A of this report 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.

4.0 Statutory requirements and planning framework

4.1 Resource Management Act 1991

24. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:

- a. Section 74 – Matters to be considered by territorial authorities; and
 - b. Section 75 – Content of District Plans.
25. As set out in the Section 32 Overview and Urban Form and Development Evaluation Report, there are a number of higher order planning documents and other relevant plans which have provided direction and guidance for the preparation of the PDP. These documents and a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are outlined in that Section 32 Report.
26. For completion, a summary of the key statutory considerations under the RMA is provided below.

Section 5

27. Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources.
28. Sustainable management means *managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, while –*
- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*
29. In achieving this purpose, authorities also need to recognise and provide for the matters of national importance identified in s6, have particular regard to other matters referred to in section 7 and take into account the principles of the Treaty of Waitangi referred to in section 8.

Section 6

30. The section 6 matters relevant to this topic are:
- c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
 - e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga*
 - (g) the protection of protected customary rights*
31. The PDP provisions generally manage the use, development and protection of natural and physical resources in a manner which recognises and provides for all matters of national importance (section 6).
32. The ECO Objectives recognise and give effect to all relevant RMA section 6 matters by protecting SIVA and taonga species, working in partnership with stakeholders, landowners and mana whenua, along with providing for mana whenua customs and interests.

Section 7

33. The section 7 matters that are relevant to this topic are:

- (a) *kaitiakitanga*
- (aa) *the ethic of stewardship*
- (d) *intrinsic values of ecosystems:*
- (e) *[Repealed]*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy.*

34. The ECO provisions generally manage the use, development and protection of natural and physical resources in a manner which has regard to all relevant section 7 matters within the scope of district plan functions. In particular, ecosystems and the quality of the environment are addressed by managing the impacts of development on indigenous vegetation and the PDP also recognises the stewardship role of landowners and the kaitiaki role of mana whenua. The maintenance of indigenous vegetation also plays a role in managing the effects of climate change.

Section 8

35. Section 8 of the RMA requires the Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Mana whenua, through the Hokonui Rūnanga, have partnered with the Council in the preparation of the PDP. The key principles which take account of s8 in relation to biodiversity include the need to work in partnership with iwi authorities, protection of rights to access biodiversity areas of cultural value and provide a kaitiakitanga role, and participation in the process of identifying and protecting indigenous biodiversity.

Section 31

36. Council must establish, implement and review a District Plan which contains—objectives, policies and methods to achieve the integrated management of the effects of the use, development, or protection of land and associated natural and physical resources (s31(1)(a)). Under section 31, Council must also maintain indigenous biological diversity (s31(b)(iii)).
37. This report considers the appropriateness of the new provisions in the PDP to achieve the purpose of the RMA and Council functions. The review of the ODP and the establishment of a new District Plan allows Council to give effect to Section 31 of the RMA.

4.2 Biosecurity Act 1993

38. The Biosecurity Act manages the incursion of weed and animal pest species. Regional Councils are the primary government partner through their role in pest management. How the regional council implements the Biosecurity Act and how this relates to the PDP is outlined below under the Regional Planning Instruments.

4.3 National Planning Standards

39. The national planning standards (planning standards) aim to make RMA policies and plans more consistent with each other, easier to use and faster to prepare. They set out a required structure and form for Plan content along with definitions and mapping criteria.
40. National Planning Standards require that:
 - a. Ecosystems and indigenous biodiversity provisions are included in part 2 District wide matters of the District Plan
 - b. Schedules are located within the relevant chapter or cross-referenced to appendices, and
 - c. Set definitions are to be included where relevant. For ecosystems and indigenous biodiversity this includes definitions for 'land disturbance', 'road', 'subdivision' 'functional need' and 'operational' need.
41. The PDP complies with these requirements.

4.4 National Planning Instruments

National Policy Statements

42. District Plans must give effect to National Policy Statements. Those relevant to indigenous biodiversity are:
 - a. The National Policy Statement for Indigenous Biodiversity (NPS-IB) 2023, Amended October 2024
 - b. The National Policy Statement for Electricity Transmission 2008
 - c. The National Policy Statement for Renewable Electricity Generation 2011
 - d. The National Policy Statement for Freshwater Management 2022

National Policy Statement on Indigenous Biodiversity (NPS-IB)

43. The NPS-IB has the objective of maintaining indigenous biodiversity primarily within terrestrial ecosystems. It was recently amended to reflect changes to resource management legislation, including a three-year postponement of the requirement to identify and notify new SNAs.
44. The NPS-IB seeks at least no net loss in biodiversity after 2023 (which is the commencement date of the NPS) achieving this through:
 - a. Recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity and protecting taonga species;
 - b. Recognising people and communities, including landowners, as stewards;
 - c. Protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity;

- d. Providing for social, economic, and cultural well-being of people and communities now and in the future;
- 45. Policies seek to give effect to principles of the Treaty of Waitangi and apply a consistent, integrated and precautionary approach, using mātauranga Māori with tangata whenua consent. Policies also seek to:
 - a. Promote resilience to climate change;
 - b. Identify significant natural areas (SNAs) through a consistent approach;
 - c. Protect SNAs from the adverse effects of development;
 - d. Restore indigenous biodiversity;
 - e. Increase indigenous vegetation cover;
 - f. Manage the populations of specified high mobile fauna populations across the natural range;
 - g. Provide for existing activities such as improved pasture within and outside SNAs;
 - h. Provide for works enabled in covenant and management plans, works that are necessary to address high risks to public health and safety, and works on specified Māori land.
- 46. The NPS-IB also:
 - a. Sets out criteria for identifying significant indigenous vegetation or habitats of indigenous fauna;
 - b. Notes that Significant Natural Areas can be areas of indigenous vegetation and/or habitats of indigenous fauna;
 - c. Indicates that maintaining biodiversity includes managing connections or corridors between areas of indigenous vegetation to protect the habitat of highly mobile fauna; and
 - d. Outlines that management can mean restricting certain adverse effects such as vegetation clearance, or pest and weed control, or taking proactive steps to restore indigenous biodiversity.
- 47. Councils must work with stakeholders and mana whenua to map and protect SNAs by October 2027 and include management provisions in district plans by 2031 or as part of the 10 yearly review, including incorporating a range of relevant definitions.
- 48. On notification of the PDP, Council signalled that it could not meet the NPS-IB then requirement to include mapping but that a variation would be notified in due course. The Resource Management (Freshwater and Other Matters) Amendment Act deferred commencement of the mapping requirement to the end of 2027 (for Gore District).
- 49. However, the amendment clarified that SIVA and indigenous biological diversity requirements of the RMA, Regional Policy Statements, and SNAs which predate the NPS-IB still generally apply. The key changes to the NPS-IB are attached at Appendix E and have the following impact:

- a. The following provisions of the NPS-IB are suspended for 3 years until 25 October 2027:
 - i. policy 6 requiring SIVAs to be identified as SNAs using a consistent approach (noting that Policy 7 still requires that SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development).
 - ii. clause 3.8(1) requiring a district wide assessment of SIVAs that qualify as SNAs.
 - iii. clause 3.8(6) relating to awareness of SIVAs that qualify as SNAs requiring an assessment and notification of a plan change.
 - iv. clause 3.8(8) relating to crown land qualifying as an SNA without the need for assessment on DoC land of certain reserve classifications.
 - v. clause 3.9(1) and (3) The requirement to notify a plan change to include SNA where it qualifies or at the 10 yearly review.
 - b. Clause 4.1(1) requiring that Council must give effect to the NPS-IB as soon as practical does not apply to the above matters and clause 3.8(5) relating to assessment of existing SNAs within 6 years does also not apply. However, clause 4.1(1) does apply to the other provisions of the NPS-IB 2023.
 - c. None of the amendments apply to NPS-IB **SNA already included** in District plans or notified in a District plan before commencement of the NPS-IB or affect the obligations to give effect to provisions in policy statements and regional plans relating to indigenous biological diversity.
 - d. If during the 3 year suspension a new SIVA is included in a plan this is not a NPS-IB SNA and the NPS-IB 2023 does not apply to this SIVA.
50. Of note, Council is still required to maintain indigenous biological diversity and protect areas of indigenous vegetation areas in accordance with the RMA and Southland Regional Policy Statement (SRPS) and manage SNAs already included in District plans under the NPS-IB. Two SNAs were specifically mapped in the notified version of the PDP at Pukerau and Croydon/Dolamore. In addition, the notified definition of SNA included sites meeting the criteria in Appendix 4 that reflect the criteria in the NPS-IB. Arguably, any sites meeting the criteria in Appendix 4 were included in the plan in August 2023. Indicative mapping of these sites was included in the FAQs at the time of PDP notification.
51. The PDP objectives give effect to the NPS-IB by protecting SIVA and maintaining indigenous biodiversity, working in partnership with mana whenua, stakeholders and landowners and recognising mana whenua customs and traditions. SNA mapping has been deferred while SIVAs/IVAs have been remotely identified in accordance with SRPS requirements and managed by indigenous vegetation clearance rules.

National Policy Statement for Electricity Transmission 2008 (NPS-ET)

52. The NPS-ET objective seeks to recognise the significance of the electricity network while managing adverse effects of the network and other activities on the network.
53. Policy 8 notes that the planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreational value and amenity in rural areas but there is no specific reference

to SNAs/SIVAs. In Gore all SNAs/SIVAs are in rural areas and are identified using criteria from the NPS-IB/SRPS relating to representativeness, diversity and pattern, rarity and distinctiveness, and ecological context. The unspoiled natural form of SNAs/SIVAs would fit within the scope of Policy 8 as they:

- a. contribute to amenity values within Gore's rural area⁵
 - b. include natural qualities that contribute to peoples' appreciation of pleasantness, cultural and recreational attributes;
 - c. include taonga species identified by mana whenua; and
 - d. a number are located within recreational areas.
54. The NPS-ET is recognised in ECO provisions by enabling indigenous vegetation clearance associated with critical infrastructure and the safe operation of the National Grid.

National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG)

55. The NPS-REG requires District Plans to include provisions to provide for the development, operation, maintenance and upgrading of renewable energy generation. The NPS-REG recognises that renewable energy generation can conflict with SIVAs but there is little guidance on how to resolve this conflict.
56. The District Plan must give effect to both National Policy Statements (NPS-IB and NPS-REG). It must both recognise and provide for renewable generation while maintaining indigenous biodiversity and protecting SIVAs. It does this by applying a hierarchy approach whereby adverse effects of renewable energy generation that cannot be avoided, remedied or mitigated may have biodiversity offsets applied or be otherwise subject to environmental compensation.

National Policy Statement for Freshwater Management 2020 (NPS-FM) Amended October 2024

57. The NPS-FM sets out provisions to manage freshwater systems. it requires management of natural and physical resources to prioritise health and well-being of water bodies and freshwater ecosystems, and the health needs of people and the ability of people and communities to provide for the well-being, now and in the future.
58. The NPS-FM is relevant to the ECO chapter of the PDP through provisions that identify indigenous biodiversity as a matter of concern in achieving freshwater objectives, in particular the need to take an integrated approach between land use and receiving

⁵ RMA definition - **amenity values** means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes

environments⁶. The PDP gives effect to the NPS-FM by protecting SIVAs, and including provisions to manage, protect and restore IVAs.

National Environmental Standards

59. The relevant NESs currently in effect are:

- a. Electricity Transmission Activities 2009
- b. Telecommunication Facilities 2016
- c. Commercial Forestry 2023 (replaced the NES Plantation Forestry 2017)

National Environmental Standards for Electricity Transmission Activities (NES-ET)

60. The NES-ET sets out a national management framework for existing electricity transmission lines. The regulations do include limitations on activities within 'natural areas' defined as "an area that is protected by a rule because it has outstanding natural features or landscapes, significant indigenous vegetation, or significant habitats of indigenous fauna". Therefore, District Plan provisions are not constrained by the NES-ET.
61. The NES-ET sets out a framework of permitted activities and resource consent requirements for the operation, maintenance and upgrading of such lines including the trimming of trees and earthworks. Vegetation clearance associated with existing transmission lines in a "natural area" requires resource consent. The ECO chapter implements NES-ET by permitting indigenous vegetation clearance associated with network utilities and the safe operation of the National Grid.

National Environmental Standards for Commercial Forestry 2023 (NES-CF)

62. The NES-CF enables local authorities to provide for the recognition and protection of SNAs from inappropriate use and development in relation to plantation forestry. The updated version extends the Standards to include commercial carbon forests. The NESCF outlines activity status for forestry within these areas whilst allowing a District Plan to apply more stringent rules to protect SNAs. The PDP implements the NES-CF by enabling indigenous vegetation clearance within plantation forestry outside SNAs/SIVAs.

63. National Environmental Standard for Telecommunication Facilities 2016 (NES-TF)

64. The NES-TF sets out a national management framework for telecommunications infrastructure. Subpart 5 of the NES-TF provides for telecommunications infrastructure to comply with the relevant district plan rules within particular areas including significant habitats for indigenous fauna and significant habitat for indigenous vegetation. Therefore, district plan SNA/SIVA provisions are not constrained by the NES-TF.

⁶ NPS-FM s3.5

65. The ECO chapter enables indigenous vegetation clearance associated with existing network utilities in accordance with the NES-TF.

4.5 Iwi Management Plans

66. 'Te Tangi a Tauira – The Cry of the People' the Ngai Tahu Ki Murihiku Natural Resource and Environmental Management Plan identifies a broad range of relevant matters when considering where and how Gore grows and develops. In particular, there is a desire to:
- a. Limit the impacts of climate change on indigenous species and ecosystems and the risks of natural hazards by appropriately managing urban development and providing for sustainable energy and transport systems; and
 - b. Protect sites of significance and indigenous biodiversity areas along with appropriate management of water and taonga species
67. 'Te Tāhū o Te Whāriki', the Ngāi Tahu Climate Change Strategy, identifies a need to protect taonga and influence agencies to develop climate change responses.
68. In relation to ecosystems and indigenous biodiversity, the plan also includes a focus on the values of all indigenous species rather than just SNA's, the need to protect iwi and hapu interests in indigenous biodiversity, establish vegetation corridors, and enhancement and replacement of indigenous vegetation.
69. Te Kawa o Te Taiao anticipates the re-establishment of mahinga kai species, identification, protection and restoration of biodiversity remnants and native environments and species including via establishment of biodiversity corridors.

4.6 Southland Regional Policy Statement 2017

70. The SRPS sets out the framework and priorities for resource management in the region. The SRPS identifies the regionally significant issues around the management of the Region's natural and physical resources and sets out what needs to be achieved (objectives) and the way in which the objectives will be achieved (policies and methods). Section 75(3) of the RMA requires the PDP to give effect to the regional policy statement.
71. The biodiversity objectives of the SRPS are summarised as follows:
- a. To understand the extent of loss of indigenous ecosystems and habitats and to identify those at risk of further loss and degradation
 - b. Maintain and protect indigenous biodiversity.
 - c. Enhance the range, extent and condition of indigenous biodiversity with an emphasis on areas most at risk to further loss or degradation.
72. Policies require the identification of SIVAs in accordance with criteria in SRPS Appendix 3 (BIO.1); maintain indigenous biodiversity (BIO.4), support biodiversity initiatives (BIO.5); active management of indigenous biodiversity including via the Regional Pest Management Plan (RPMP); and recognition of tangata whenua as kaitiaki (BIO.8), along with consideration of

biodiversity offsets and compensation, while also recognising the critical role of landowners (BIO.10).

73. Methods that give effect to the objectives and policies note that Environment Southland will update the schedule of Threatened, At-risk and rare habitat types and implement regional pest management programmes. Local authorities will identify and protect SIVAs and maintain indigenous biodiversity. Notably, there is no direction for Local Authorities to manage weeds and pests.
74. The ECO chapter implements the SRPS by indicatively mapping SIVAs and IVAs in accordance with the SPRS criteria, managing indigenous vegetation clearance and land disturbance along with considering weed and pest management.

4.7 Southland Regional Pest Management Plan (RPMP)

75. The SRPS seeks to promote an active and integrated approach to the management of indigenous ecosystems and habitats by implementing the regional pest management programmes and plans and assisting with pest plant and pest animal management⁷. The purpose of the RPMP is to provide for the efficient and effective management or eradication of specified organisms by prioritising the actual or potential adverse or unintended affects associated with those organisms and maximise the effectiveness of individual actions in managing pests through a regionally co-ordinated approach.
76. Of note, the RPMP states that while the Biosecurity Act is the main regulatory tool for managing pests there are complementary powers within the RMA that can be used to ensure the problem is not exacerbated by activities regulated by the RMA. The RPMP notes that territorial authority actions relate to requirements to carry out pest management on land they occupy such as road reserve and parks⁸. The RPMP also indicates that specified pests cannot be propagated or distributed pursuant to s52 and 53 of the Biosecurity Act. Organisms specified as pests are identified in RPMP Table 2.
77. The ECO chapter is consistent with the RPMP by considering how weeds and pests are managed alongside SIVAs and IVAs.

4.8 Section 32AA evaluation

78. Any recommended amendments to provisions since the initial section 32 evaluation was undertaken are evaluated in accordance with section 32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) further evaluation required under this Act-

⁷ Refer Policy BIO.7 and Method BIO.4

⁸ Refer RPMP s3.3.3

- (a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
- (b) must be undertaken in accordance with section 32(1) to (4); and*
- (c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
- (d) must—*
 - (i) published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*
 - (ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*
- (2) To avoid doubt an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*
- (3) In this section, proposal means a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act.*

79. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the topics of this report is contained within the assessment of the relief sought in submissions or in Appendix F of this report, as required by s32AA(1)(d)(ii).
80. The Section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

5.0 Background

81. The background of the PDP development is outlined in the Hearing Stream 1 report. The development of the PDP commenced in 2020 with workshops to develop a Draft District Plan for feedback in 2022 and notification of the PDP in August 2023. Some chapters were not incorporated into the Draft District Plan released for feedback in 2022 because Council was awaiting national direction and further technical information. This included the Ecosystems and Indigenous Biodiversity chapter. This chapter was prepared separately, circulated for feedback from key stakeholders, and workshopped with the District Plan Sub-committee throughout March to July 2023 ahead of public notification in August 2023.
82. Publication of the NPS-IB in July 2023 led to several other key changes to the PDP including:
 - a. Widening the scope to include indigenous vegetation clearance and land disturbance associated with indigenous biodiversity as well as SNA's;
 - b. establishing a mechanism for further mapping of the District;
 - c. better recognition of mana whenua values and taonga species;
 - d. reference to covenants;
 - e. including the effects management hierarchy;

- f. providing for harvesting of plantation forestry and works necessary to address high risks to public health, safety and infrastructure;
 - g. Clearer controls around maintenance of improved pasture.
83. At its meeting on 21 November 2023, Council resolved to withdraw the maximum limit associated with fencing due to landowner concerns as follows:
- a. *“THAT in recognition of the invasive nature on farming operations posed by the maximum width provisions for clearing of vegetation associated with the replacement and construction of fencing contained in the Ecosystems and Indigenous Biodiversity chapter of the Proposed District Plan, the Council withdraw this rule insofar as specifying a maximum distance is concerned.*
 - b. *AND THAT the Council seeks to engage in fresh consultation with relevant stakeholders to develop a revised rule which is less restrictive for farming practices.”*
84. As a result of the resolution, a public notice was notified⁹, the PDP was amended, and consultation began with relevant stakeholders.
85. The Biodiversity Technical Working Group (BTWG) made up of key stakeholders¹⁰ was established to consider SNA mapping and a district plan variation as well as guide landowner consultation. Mapping information was provided to the BTWG for their technical review. The feedback from the BTWG has been incorporated into indicative mapping included at Appendix G. The BTWG also recommended that a non-regulatory support package for landowners be considered by Council prior to landowner engagement. Landowner consultation on this work was not undertaken at the direction of Council given anticipated changes to the NPS-IB in 2024.
86. In addition to the BTWG, Council also established the Stoney Creek Station Working Group in May 2024 to, amongst other things, identify indigenous biodiversity values on the station and develop a refined set of draft District Plan provisions to inform the ECO Chapter hearing in early 2025. This work resulted in bespoke provisions for the Hokonui Hills agreed to between Council and landowner experts which are discussed later in this report.
87. Gore District Council considered a report about mapping of indigenous biodiversity areas and non-regulatory funding options to help achieve biodiversity obligations at its meeting on 20 August 2024. Council resolved to continue SNA/SIVA/IVA mapping for willing landowners subject to available funding and that this mapping be utilised to inform PDP hearings in early 2025. While the Council did not agree to allocate longer term funding for rates remissions, mapping and detailed ecological assessments in the Gore LTP it did recommend seeking funds from Environment Southland.

⁹ Refer Public Notice in Appendix E

¹⁰ Members included Gore District Council, Environment Southland, Southland District Council, Department of Conservation, Southland Federated Farmers, Forest and Bird, Southland Fish and Game and Hokonui Rūnanga.

88. Environment Southland have subsequently confirmed that funding for SIVA/IVA ecological assessments is available until mid-2025 and have been contacting landowners to make them aware of this. Landowners requesting further information about SNA/SIVA/IVA mapping to GDC have also been referred onto Environment Southland for further advice. According to Environment Southland there has been a small number of requests for ecological assessments in Gore to date.
89. As noted earlier, changes to the NPS-IB in August 2024 have deferred SNA mapping requirements for 3 years, however, SIVA/IVA requirements are still in place under the RMA and SRPS.
90. Council considered a request to defer the District Plan hearings pending clarity from Central Government around RMA reforms at its meeting on 17 December 2024 and decided to consider this issue at the 18 February meeting 2025.
91. The hearing panel also received a request from Southland Federated Farmers to amend the hearing timetable for similar reasons on 18 December 2024 and have confirmed they will consider this matter by 3 February 2025, noting that in the meantime hearing will continue as outlined in Minute 31. Updates on these matters can be provided to submitters once decisions on deferring hearings have been released.

6.0 Consideration of submissions

6.1 Structure of the report

92. Submissions on ECO have raised a number of issues which have been grouped into sub-topics within this report which generally follow the ECO chapter structure. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submission(s) to which they relate.
93. A number of submission points relating to cross references to SNAs or indigenous biodiversity were considered in earlier hearings. A summary of the discussion of these submission points is included in Appendix H which notes the relevant hearing report and paragraph reference. Some of these points have only been partially considered and note that further assessment will be provided in the ECO hearing. Matters for further assessment include:
 - a. Halting the district plan review and the need for economic assessment given national direction change such as RMA reform (*Hearing Stream 1 – s137.001, s3.114, s68.001, s113.114, s116.114, s118.114, s18.116, s19.116, s20.116, s24.116, s68.118, s127.150, s117.114, s66.001, and FS31.002*);
 - b. Setbacks from SNAs and reference to indigenous biodiversity and ecological corridors (*Hearing Stream 2 (s110.070 and FS31.021), HS3 (s110.049 and FS5.170, FS5.166, FS17.090, FS17.091, FS17.087, FS25.135), HS4 (s110.065, 110.058, FS5.182, FS5.176, s110.086) and HS7 (s110.019, FS30.069, FS21.066, FS24.023)*);
 - c. Provision of a Hokonui Hills Special Precinct (*Hearing Stream 3 - s3.046, s127.082, s113.046, s116.046, s118.046, s18.048, s19.048, s20.048, s24.048, s68.050, s117.046,*

- FS17.088, FS11.039, and FS31.020), Hearing Stream 9 – s113.11, s116.111, s118.111, s127.147, s18.113, s19.113, s20.113, s24.113, s68.115, s117.111, s3.111, and FS31.022);*
- d. The definition of sensitive environments (*Hearing Stream 6 – s130.007, s95.008, FS30.051, and FS24.004*);
 - e. TRANS-R1 to include reference to unmapped SNAs (*Hearing Stream 5 s109.042, FS14.0010, and FS24.024*) subject to review in Hearing Stream 10; and
 - f. Submissions relating to Hearing Stream 9 - NFL-R6 (*s115.109, s143.120, s148.121, s60.111, s68.229, s126.108, FS5.64, FS25.108, s152.009, FS25.107*) that cross references to ECO-Rules and for tree diameter consideration (*s152.009*).
94. Consequently, these relevant submission points and associated further submission points are discussed in the most relevant section of this report below and have been included in the notice of Hearing for Hearing Stream 10.
 95. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission-by-submission approach. I have organised the evaluation in accordance with the layout of chapters of the PDP as notified.
 96. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission and further submission point are contained in Appendix B.
 97. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in Appendix B. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the chapter with recommended amendments in response to submissions as Appendix A.

6.2 Overview of submissions

98. A total of 625 submission points and 243 further submission points are addressed in this report. A list of submitters is provided at the start of this report.
99. The submitters seek a range of amendments to the entire ECO chapter and associated provisions. The key issues identified through submissions are:
 - a. Whole plan submissions seeking that the plan including the ECO chapter is deferred pending RMA reform;
 - b. Consider definitions including animal pests, biodiversity covenant, biological diversity (or biodiversity), Council Authorised Biodiversity Management Plan, approved biodiversity management plan, exotic weed, biodiversity offset, biodiversity compensation, Significant Natural Area, Vegetation Clearance, Indigenous vegetation,

- Indigenous vegetation clearance, Ecological District, Ecosystem Services, and sensitive environments;
- c. Focus on mapped SNAs rather than defined SNAs or unmapped SNAs;
- d. The need to include Threatened or At-risk species, highly mobile fauna areas, and taonga species;
- e. Better articulation of mana whenua rights and values across provisions;
- f. The management of exotic plant species and invasive animals in relation to the Regional Pest Management Plan (RPMP);
- g. Include bespoke provisions for the Hokonui Hills;
- h. Amend provisions to better align with the NPS-IB, SRPS, and other relevant national direction;
- i. Provide for greater recognition of efforts and needs of landowners, in particular by providing for a greater extent of indigenous vegetation clearance for a wider range of tracks, farm operations, and infrastructure while recognising different habitat types;
- j. Provision for “upgrading” of infrastructure;
- k. Different consent categories for inside and outside SNAs;
- l. Changes to SUB rules relating to SNAs to be more enabling or to reflect highly mobile fauna areas or threatened or at risk species;
- m. Clarify Appendix 4 Criteria; and
- n. Setbacks from SNAs.

6.3 Format for consideration of submissions

100. For each identified topic, I have considered the submissions that are seeking changes to the PDP in the following format:
 - a. Matters raised by submitters;
 - b. Assessment; and
 - c. Summary of recommendations.
 - d. Section 32AA assessment where changes are proposed.
101. The recommended amendments to the relevant chapters are set out in Appendix A of this report where all text changes are shown in a consolidated manner.

6.4 Assessment of Submissions

General submissions – Whole Plan

102. A number of whole plan submissions were lodged on the PDP. These submissions relate to general submissions in support, general submissions seeking to reject or delay the plan, or that plan provisions be generally more enabling or more focused on enhancing a range of environmental outcomes and are considered below.

- a. Setbacks from SNAs and reference to indigenous biodiversity and ecological corridors (Hearing Stream 2 (s110.070 and FS31.021), HS3 (s110.049 and FS5.170, FS5.166, FS17.090, FS17.091, FS17.087, FS25.135), HS4 (s110.065, 110.058, FS5.182, FS5.176, s110.086) and HS7 (s110.019, FS30.069, FS21.066, FS24.023).
- b. Provision of a Hokonui Hills Special Precinct (Hearing Stream 3 - s3.046, s127.082, s113.046, s116.046, s118.046, s18.048, s19.048, s20.048, s24.048, s68.050, s117.046, FS17.088, FS11.039, and FS31.020), Hearing Stream 9 – s113.11, s116.111, s118.111, s127.147, s18.113, s19.113, s20.113, s24.113, s68.115, s117.111, s3.111, and FS31.022).
- c. The definition of sensitive environments (Hearing Stream 6 – s130.007, s95.008, FS30.051, and FS24.004).
- d. TRANS-R1 to include reference to unmapped SNAs (Hearing Stream 5 s109.042, FS14.0010, and FS24.024) subject to review in Hearing Stream 10.
- e. Submissions relating to Hearing Stream 9 - NFL-R6 (s115.109, s143.120, s148.121, s60.111, s68.229, s126.108, FS5.64, FS25.108, s152.009, FS25.107) that cross references to ECO-Rules and for tree diameter consideration (s152.009).

General Submissions in Support

Matters Raised by Submitters

- 103. McNab Management Limited (s103.031) supported all the provisions in the PDP as notified and seek that they are retained as notified, except for the amendments requested to specific provisions as set out in their submission. The specific issues raised in the McNab submission, relate principally to amendments to the planning maps to amend zoning including introduction of a new zone and amendments to provisions within the following Chapters MPZ, RLZ and GRUZ where a new precinct and associated provisions is sought. These more detailed submission points will be addressed in the relevant section 42A hearing reports.
- 104. Transpower (s101.103) supported the PDP in its entirety insofar as it relates to the National Grid and particularly the extent to which the provisions of the PDP give effect to the NPS on Electricity Transmission 2008. However, specific amendments and decisions sought are provided in the remainder of the submission. Where those specific submission points relate to PDP provisions included in Hearing Stream 10 these points are assessed elsewhere in this report.
- 105. Hokonui Rūnanga (s139.093) support all the provisions in the PDP as notified and seek that they are retained as notified, except for the amendments requested to specific provisions as set out in their submission. The specific issues raised in the Hokonui Rūnanga submission include ECO Chapter provisions. These more detailed submission points will be addressed later in this report.

Assessment

- 106. McNabb Management Ltd's (s103.031), Transpower (s101.103), and Hokonui Rūnanga (s139.093) submission points in support are acknowledged and accepted given that the PDP

is generally aligned with national and regional direction, iwi planning documents the purpose of the RMA and meets the requirements of RMA s32.

Recommendations

107. The submission in support to the PDP is accepted as a whole, as detailed in Appendix B, while submissions seeking more specific relief are considered further below.

General Submissions in Opposition

Matters Raised by Submitters

108. As noted above, a number of general submissions seek that the district plan review be halted and an economic assessment is necessary given national direction change such as RMA reform¹¹. These submissions were originally discussed in Hearing Stream 1 and have been reconsidered here given their relevance to the ECO provisions.
109. Hugh Gardyne (s137.001) seeks that the plan review be deferred until the government is clear on the legislation pathway required for any RMA reforms and consequential regulation requirements on Council.
110. Stoney Creek Station Limited (“Stoney Creek”) et al¹², seeks that ECO-P8, ECO-P10, ECO-P11, and ECO-R1 be withdrawn due to concerns about a lack of consultation and impacts of provisions that have immediate legal effect (s3.114).
111. DOC (FS31.002) opposes this submission point and notes concerns with removing clearance limits associated with farming activities in SNAs and indigenous biodiversity areas and that the variation process anticipated in the PDP will allow for wider consultation.
112. Groundswell NZ (s66.001) seeks that the PDP be paused until the failings of the RMA have been addressed, the status of the NPS-IB has been clarified and the RMA replacement with the Natural and Built Environment Act is confirmed. This is in particular reference to SNAs, and the potential impact of financial hardship for property owners and the aim to enhance private property rights along with a lack of economic assessment.

Assessment

113. The Hugh Gardyne (s137.001) and Groundswell NZ (s66.001 and s68.0031) submissions are rejected as RMA reform to date by the National-led government has focussed on repealing the Natural and Built Environment Act and the Spatial Planning Act, Fast track consenting, and amendments to Freshwater and other matters. In the short-term, amendments are to

¹¹ s137.001, s3.114, s68.001, s113.114, s116.114, s118.114, s18.116, s19.116, s20.116, s24.116, s68.118, s127.150, s117.114, s66.001, and FS31.002

¹² John Baynes (s68.001), Trudy Bokser (s113.114), Nathan Bokser (116.114), AW & JA Johnston (118.114), Reaby Downs Farm Ltd (s18.116), Karen Temple (s19.116), Sarah and Peter Barclay (s20.116), Helen McIntosh(s24.116), John Baynes (s68.118), Peters Farm Ltd – Karen Peters (s127.150) and Greg Bokser (s117.114).

be made to the RMA to enable fast track consenting and other matters, which will generally not impact the PDP review process.

114. One change that is relevant and is discussed later in this report is the deferment of the NPS-IB mapping requirements for SNAs. Guidance from the Ministry for the Environment indicates that any further amendments to the RMA are likely to be beyond the timeframe of the PDP hearing process. A further update can be provided at PDP hearings as RMA reforms progress. In addition, (s137.001) also relates to parts of the Operative District Plan rather than the PDP.
115. With regards to the need for additional economic analysis to support the ECO chapter, this has been provided by Ms Hampson and is attached at Appendix D. Overall, this assesses SNA/SIVA and IVA mapping and the other ECO provisions and concludes that the benefits of protecting SIVAs/SNAs and maintaining indigenous biodiversity are considered, in principle, to outweigh the costs. This report is discussed in further detail in the SNA mapping and ECO-R1 sections of this report below.
116. I recommend that the Stoney Creek et al submissions relating to withdrawal of parts of the PDP are rejected as this matter was considered by Council at its meeting on 21 November 2023. The Council noted several inaccuracies in the letter from Stoney Creek to the Chief Executive relating to the legal effect of landscape rules (paragraph 6), potential impacts on landscapes and biodiversity areas should the provisions be withdrawn (paragraph 7 and 8), and the section 32 assessment noting the success of the Operative District Plan rules beyond public land (paragraph 10). The Council also noted that, while there was no breach of the statutory obligations to consult under the RMA, it would have preferred to have undertaken direct consultation with Stoney Creek. The Council also raised a number of concerns about any potential withdrawal of the ECO chapter including procedural and natural justice shortcomings, plan and hearing integration issues, time and cost delays, a range of practical issues such as misalignment with national and regional policy, and the immediate impact on biodiversity.
117. Ultimately, in response to the Stoney Creek letter, the Council agreed:

“THAT in recognition of the invasive nature on farming operations posed by the maximum width provisions for clearing of vegetation associated with the replacement and construction of fencing contained in the Ecosystems and Indigenous Biodiversity chapter of the Proposed District Plan, the Council withdraw this rule insofar as specifying a maximum distance is concerned.

AND THAT the Council seeks to engage in fresh consultation with relevant stakeholders to develop a revised rule which is less restrictive for farming practices.”
118. Following this direction from Council, the ECO chapter of the PDP has been amended to withdraw the maximum limit associated with fencing¹³ and consultation was commenced with relevant stakeholders. The specific submission points relating to ECO provisions are

¹³ Refer Public Notice in Appendix E

presented below including the requests for direct engagement with landowners in the Hokonui Hills area.

119. Accordingly, FS31.002 from DOC that notes concerns with removing clearance limits and that the variation process anticipated in the PDP will allow for wider consultation is supported subject to any amendments considered below.

Recommendation

120. The submissions in opposition to the PDP as a whole are rejected, as detailed in Appendix B, while submissions seeking more specific relief will be considered below.

General Submissions on the ECO Chapter

Matters Raised by Submitters

121. Robina Johnston (s140.006) seeks a number of general changes such as considering inclusion of Southern Rata and Haumuri reserve along with allowing for earthworks and stock access via culvert crossings and consented wetlands and good farming practices.
122. DoC (s109.047) seeks to Include mapped SNAs in the PDP now and capture unmapped SNAs and highly mobile fauna areas at the resource consent stage. This submission is supported by Forest & Bird (FS9.11) and Hokonui Rūnanga (FS20.004) and opposed by Stoney Creek (FS25.0010).
123. Adrienne and Ronald Crispin seek that SNAs are not incorporated in the PDP (s59.005 & s60.002 respectively). Forest & Bird oppose both Adrienne Crispin and Ronald Crispin's submission (FS9.12 & FS9.13).
124. Stoney Creek et al¹⁴ seek to withdraw the ECO chapter while Federated Farmers et al¹⁵ seek a re-write.
125. A general submission by Jenny Campbell (s136.005) requests to restore habitat for all native species which are often on the endangered list. These cover native plants which are in turn habitats for our endangered invertebrates, birds and fish.
126. Jenny Campbell seeks that SNAs should be identified and retained above all other considerations such as possible buildings with no grazing (s136.008 and s136.007). Forest & Bird support these submissions (FS9.14 & FS9.15) whilst Stoney Creek (FS25.011 & FS25.012) oppose these submissions. Federated Farmers also oppose this submission (FS17.008).

¹⁴ (S3.116, S19.002, S20.002, S24.002, S18.002, S113.116, S116.116, S118.116, S18.118, S19.118, S20.118, S24.118, S68.120, S127.152, S117.116) and further submissions (FS9.9, FS9.10, FS9.17, FS20.033, FS17.009, FS9.19, FS9.20, FS9.21, FS9.22, FS9.23, FS9.24, FS9.25, FS9.26, FS9.27, FS9.34)

¹⁵ (S126.177, S115.178, S60.180, S143.189, S148.190, S68.298) and further submissions (FS9.18, FS20.026, FS25.014, FS9.29, FS9.30)

127. Jenny Campbell also requests to include ecological corridors in the PDP (s136.009). This submission is supported by Forest & Bird (FS9.16) and opposed by Stoney Creek (FS25.013).
128. Alistair and Bernadette Hunt state that If SNAs are not mapped there should not be restrictions (S148.013). This submission is opposed by Forest & Bird (FS9.28) and supported by Federated Farmers (FS17.0010) and Stoney Creek (FS25.016).
129. Ian Davidson-Watts agrees to protection of all indigenous vegetation until the SNA process is resolved over the next 18 months with landowners, as well as considering incentives such as financial assistance and rates relief (s69.004). This submission is opposed by Stoney Creek (FS25.015).
130. Southland District Council supports the entire chapter (s146.035) and seeks a review of cross boundary issues noting that SNA-1 borders Southland District (s146.101).
131. Greenbriar Ltd notes that further work is required to give effect to the NPS-IB (s128.021)

Assessment

132. Robina Johnston’s submission point (s140.006) is accepted in part noting the submission refers to the ODP provisions and PDP changes to ECO-R1 below include increasing clearance limits, works associated with a Council Authorised Biodiversity Management Plan, and Plantation forestry along with the wide range of activities already permitted including waterway crossings. Haumuri/Croydon Bush is included as an existing SNA in the PDP and Southern Rata would be included in the definition of indigenous vegetation so are addressed in the ECO chapter.
133. DoC’s submission point (s109.047) seeking to Include mapped SNAs in the PDP now and capture unmapped SNAs and highly mobile fauna areas at the resource consent stage is accepted in part. Two SNAs are included in the PDP at Dolamore Park/Croydon Bush and the Pukerau Red Tussock Reserve. It is also recommended to include maps of SIVA and IVA for the wider Hokonui Hills area in the PDP (Recommended PDP Appendix 7 shown in Appendix A) as a result of direct landowner engagement/agreement.
134. Maps of wider SIVA and IVA are recommended to sit outside the PDP to guide ECO-R1 until detailed mapping is undertaken in conjunction with landowners as required by the NPS-IB and the SRPS. The definition of SNA includes areas meeting the criteria in Appendix 4 of the PDP and Appendix 3 of the SRPS so any areas meeting these criteria are effectively already included in the plan and will be covered by relevant ECO provisions.
135. Adrienne and Ronald Crispin submissions (s59.005 & s60.002) seeking that SNAs are not incorporated in the PDP are rejected as SNAs/SIVA are included in the PDP as noted above to reflect the requirements of the RMA, NPS-IB, and SRPS.

136. Stoney Creek et al¹⁶ submission point seeking to withdraw the ECO chapter is rejected given that this matter has already been considered by Council and rejected as noted above.
137. Federated Farmers et al¹⁷ submission point seeking a re-write of the ECO chapter is accepted in part subject to the changes recommended to the specific provisions outlined later in this report and shown in Appendix A.
138. Jenny Campbell's request (s136.009) to include ecological corridors in the PDP is rejected on similar grounds to the Forest and Bird submission (s110.003) in Hearing Stream 1¹⁸ which notes a lack of spatial and general information about ecological corridors, a likely coverage of corridors through general stream setback rules, and that any indigenous vegetation would be covered in ECO-R1 and ECO-R2.
139. Jenny Campbell's submission point relating to restoration of endangered species habitat (s136.005) is accepted in part as restoration of indigenous biodiversity is promoted in ECO-P6 by prioritising SNAs, threatened and rare ecosystems and areas that provide connectivity and buffering functions. Other policies seek to protect, restore and enhance SNAs (ECO-P7) and maintain indigenous biodiversity across the district (ECO-P10).
140. Jenny Campbell's submission points seeking that SNAs are identified and protected above all other considerations such as possible buildings with no grazing (s136.008 and s136.007) are accepted to the extent that indigenous vegetation clearance not meeting the permitted thresholds in ECO-R1 is a non-complying activity within SNAs. The definition of SNAs includes areas that meet the criteria in Appendix 4 of the PDP or Appendix 3 of the SRPS.
141. The submissions by Alistair and Bernadette Hunt (s148.013) seeking that If SNAs are not mapped there should not be restrictions is rejected given statutory obligations to protect these areas, the fact that areas have been remotely mapped using NPS-IB and SRPS criteria, and landowners will have an opportunity to review these areas prior to formal inclusion in the district plan. The mapping that has been undertaken helps provide guidance for the implementation of ECO-R1 which has been amended to reflect economic evidence and provide for a wider range of activities.
142. Ian Davidson-Watts submission (s69.004) seeking protection of indigenous vegetation until SNAs are formally identified and incentives for protection is accepted in part. ECO-R1, in conjunction with the definition of indigenous vegetation and SNA, provides for the protection of indigenous vegetation and SNAs meeting the criteria in the NPS-IB and SRPS. Provision of financial assistance such as rates relief is a matter which is outside the PDP process. Gore District Council did not agree to providing financial assistance and rates relief at the August

¹⁶ (S3.116, S19.002, S20.002, S24.002, S18.002, S113.116, S116.116, S118.116, S18.118, S19.118, S20.118, S24.118, S68.120, S127.152, S117.116) and further submissions (FS9.9, FS9.10, FS9.17, FS20.033, FS17.009, FS9.19, FS9.20, FS9.21, FS9.22, FS9.23, FS9.24, FS9.25, FS9.26, FS9.27, FS9.34)

¹⁷ (S126.177, S115.178, S60.180, S143.189, S148.190, S68.298) and further submissions (FS9.18, FS20.026, FS25.014, FS9.29, FS9.30)

¹⁸ HS1 s42a Report paragraphs 252-254

2024 meeting (refer Appendix I) but has directed staff to investigate alternative funding opportunities. An update on this can be provided at the hearing.

143. The support from Southland District Council (s146.101) is acknowledged and supported subject to changes recommended in this report and shown in Appendix A. The matter relating to cross boundary issues is accepted in part as no detail has been provided in the SDC submissions. Biodiversity is identified as a cross-boundary matter in the “How the Plan Works” section of the plan. The methodology for remote mapping was discussed at the Biodiversity Technical Working Group (BTWG) and is consistent with the SRPS criteria to ensure a regionally consistent approach. Feedback on remote mapping was requested from SDC via the BTWG and no feedback was provided. The development of the ECO chapter considered the approach of Southland Councils¹⁹ and has adopted the latest national best practice. SDC are welcome to provide more detail about the extent of cross boundary issues at the hearing.
144. The Greenbriar submission point (s128.021) broadly seeking better alignment with the NPS-IB is accepted in part given the changes to the ECO chapter recommended below and outlined in Appendix A. Specific matters raised by Greenbriar are also discussed in detail in the following sections of this report.

Recommendation

145. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B.

Submission on Definitions

Matters Raised by Submitters

146. There are a significant number of submissions on definitions across the PDP. These have been allocated to the most relevant hearing stream. There are some submissions that apply more generally across the PDP which have been considered in Hearing Stream 1. Definitions relating to the ECO chapter are considered below.

BIODIVERSITY COVENANT

147. DoC supports the definition of biodiversity covenant (s109.002) and the definition of threatened or at risk and threatened or at risk (declining) (s109.018).

BIOLOGICAL DIVERSITY

148. DoC supports (s109.012) the definition of biological diversity (or biodiversity) while Federated Farmers et al²⁰ support this in part seeking that “or biodiversity” is deleted as this does not align with the RMA definition.

¹⁹ Refer page 15 and 16 of Ecosystem and Indigenous Biodiversity Section 32 report

²⁰ DOC (S109.012), Federated Farmers et al (S126.009, S115.010, S143.021, S148.022, S60.012, S68.130)

COUNCIL APPROVED BIODIVERSITY MANAGEMENT PLAN

149. DoC's submission s109.004 seeks to correct a typo in the definition of Council Authorised Biodiversity Management Plan and include this as a matter of discretion in ECO-R1.
150. The Hokonui Rūnanga submission point s139.022 proposes a new definition of approved biodiversity management plan as outlined below:

"approved biodiversity management plan means a management plan approved by the council as appropriate for the management of the biodiversity values of a site and includes a QEII Trust management plan for the site or a mana whenua endorsed site plan."

EXOTIC WEED SPECIES

151. Federated Farmers et al submissions seek that exotic weed species is defined to support ECO-P12²¹ as the classification of plants as a weed can be subjective such as white clover. DoC (FS31.004) and Stoney Creek (FS25.056) support these submission, noting that reference to the Southland Regional Pest Management Plan could be included.

BIODIVERSITY OFFSET AND BIODIVERSITY COMPENSATION

152. DoC seek a biodiversity offset definition ²² to align with the NPS-IB which is supported by Forest and Bird (RF&B), Hokonui Rūnanga and Contact Energy. DoC seek the following definition to be added:

Biodiversity Offset

Has the same meaning as per the National Policy Statement for Indigenous Biodiversity and means: a measurable conservation outcome that meets the requirements in the NPS-IB Appendix 3 and results from actions that: a. redress any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, and remediation measures have been sequentially applied; and b. achieves a measurable net gain compared to that lost.

153. DoC also seek a biodiversity compensation definition ²³ to align with the NPS-IB which is supported by RF&B, Hokonui Rūnanga and Contact Energy. DoC seek the following definition to be included:

Biodiversity Compensation

Has the same meaning as per the National Policy Statement for Indigenous Biodiversity and means: Means a measurable conservation outcome that meets the requirements of the NPS-IB Appendix 3 and results from actions that are intended to redress any

²¹ Federated Farmers et al (S126.092, S68.213, S60.095, S148.105, S143.104, S115.093), DOC (FS31.004) Federated Farmers et al (S126.093, S68.214, S60.096, S148.106, S143.105, S115.094) and further submission (FS25.056)

²² DoC (S109.019), Forest & Bird (FS9.1), Hokonui Rūnanga (FS20.001), Contact Energy (FS24.001)

²³ DoC (S109.020), Forest & Bird (FS9.8), Hokonui Rūnanga (FS20.002), Contact Energy (FS24.002)

positive actions (excluding biodiversity offsets) to compensate for residual adverse biodiversity effects arising from activities after all appropriate avoidance, remediation, mitigation and biodiversity offset measures have been sequentially applied.

ECOLOGICAL DISTRICT

154. Royal Forest and Bird (RF&B) seek to add a definition of Ecological District(s110,001) as follows:

A particular geographical region that has a characteristic landscape and range of biological communities.

155. This definition is opposed by Federated Farmers (FS17.101) as they consider it does not align with the definition of ecological district in the NPS-IB which states:

ecological district means: (a) in relation to geothermal ecosystems in the Taupō Volcanic Zone, the Taupō Volcanic Zone; and (b) for all other areas, the ecological districts as shown in McEwen, W Mary (ed), 1987. Ecological regions and districts of New Zealand. Wellington: Department of Conservation.

ECOSYSTEM SERVICES

156. RF&B(s110.002) seeks to add a definition of Ecosystem Services as follows:

The benefits obtained from ecosystems such as: (a) supporting services, (e.g., nutrient cycling, soil formation, habitat creation); and (b) provisioning services, (e.g., food, freshwater, wood, fibre, fuel); and (c) regulating services, (e.g., water purification, climate regulation, flood regulation, disease regulation); and (d) cultural services, (e.g., aesthetic, spiritual, educational, recreational).

157. This definition is opposed by Federated Farmers (FS17.102) as they do not consider it aligns with the definition of ecosystems services in the NPS-IB which states:

ecosystem services are the benefits obtained from ecosystems such as: (a) supporting services, (eg, nutrient cycling, soil formation, habitat creation): (b) provisioning services, (eg, food, freshwater, wood, fibre, fuel): (c) regulating services, (eg, water purification, climate regulation, flood regulation, disease regulation): (d) cultural services, (eg, aesthetic, spiritual, educational, recreational). This submission point is declined as, while the term ecosystem is used throughout the PDP, the term ecosystem services is not.

THREATENED AND AT RISK SPECIES

158. DoC (S109.018) support the Threatened or At risk and Threatened or At risk (declining) definition.

VEGETATION CLEARANCE/INDIGENOUS VEGETATION CLEARANCE

159. There are numerous submissions about the definition of vegetation clearance including the need for both a definition of indigenous vegetation clearance and vegetation clearance, the

need to exclude vegetation clearance ancillary to primary production activities and a range of other farm-based activities²⁴, NES-F requirements for harvesting of sphagnum moss²⁵, and removal of reference to mob stocking²⁶

160. Numerous submissions seek amendments to the definition of indigenous vegetation clearance to cross reference vegetation clearance or be deleted, removal of mob stocking and exclusions for grazing of pasture or improved pasture species.²⁷
161. DoC (S109.007) seeks amendments to the definition of indigenous vegetation clearance to include “any activity that destroys, damages or removes” indigenous vegetation.
162. All submissions seek the retention of the indigenous vegetation definition²⁸, while DoC (FS31.005) notes a minor error to replace National Planning Standards with NPS-IB.
163. McLeod-Wantwood Trust/Wantwood Station et al²⁹ seek clarification for having two definitions for “vegetation clearance” and “indigenous vegetation clearance”.

SPECIFIED HIGHLY MOBILE FAUNA

164. DoC (S109.017) seeks amendments to specified highly mobile fauna to include areas to be listed in an Appendix to the plan or identified as part of a resource consent.

SIGNIFICANT NATURAL AREA (SNA)

165. Numerous submissions seek amendments to narrow the definition of SNA to ensure areas have to be notified or included in a district plan³⁰ following an assessment in accordance with Appendix 1 of the NPSIB and in consultation with landowners³¹. DoC (S109.016) seeks that the definition of SNA is clarified so that areas that are not yet mapped but meet the Appendix 4 criteria are included. DoC’s submission is opposed by Port Blakely Limited (FS10.006).

IMPROVED PASTURE

²⁴ Federated Farmers et al (S126.049, S115.050, S143.061, S148.062, S60.052, S68.170)

²⁵ Fulton Hogan (S122.002)

²⁶ Federated Farmers et al (S126.026, S115.027, S143.038, S148.039, S60.029, S68.147)

²⁷ McLeod-Wantwood Trust/Wantwood Station et al (S104.016, S105.016, S127.016), Stoney Creek et al (S3.106, S113.106, S116.106, S118.106, S127.142, S18.108, S19.108, S20.108, S24.108, S68.110, S117.106), Stoney Creek et al (S3.094, S113.094, S116.094, S118.094, S127.130, S18.096, S19.096, S20.096, S24.096, S68.098, S117.094)

²⁸ Federated Farmers et al (S126.025, S115.026, S143.037, S148.038, S60.028, S68.146, S117.093) Stoney Creek et al (S3.093, S113.093, S116.093, S118.093, S127.129, S18.095, S19.095, S20.095, S24.095, S68.097), DoC (S109.006)

²⁹ (S104.015, S105.015, S127.015)

³⁰ Farm Manager – Wantwood Station et al (S105.017, S127.017, S104.017)

³¹ Alistair & Bernadette Hunt (S148.002), Federated Farmers et al (S126.048, S68.169, S60.051, S148.061, S143.060, S115.049) and further submission (FS10.007), Stoney Creek et al (S3.105, S117.105, S68.109, S24.107, S20.107, S19.107, S18.107, S127.141, S118.105, S116.105, S113.105) and further submission (FS17.099)

166. All submissions seek that the definition of “maintenance of improved pasture”³² and “improved pasture”³³ is retained.

ANIMAL PESTS

167. Numerous submissions seek a definition of animal pests³⁴

EFFECTS MANAGEMENT HIERARCHY

168. DoC (S109.005) seeks that the definition of effects management hierarchy is retained while Mercury (S130.002) seek that the definition is restricted to biodiversity matters. Hamish Weir opposes DoC’s submission (FS5.43). Transpower (FS30.050) and Contact Energy (FS24.003) support Mercury’s submission.

SENSITIVE ENVIRONMENT

169. A number of submissions (s130.007, s95.008, FS30.051, and FS24.004) sought amendments to the definition of sensitive environment that were partially addressed in Hearing Stream 6 as outlined in Appendix H.

Assessment

BIODIVERSITY COVENANT

170. DoC’s support for the definition of Biodiversity covenant (s109.002) is acknowledged and accepted.

BIOLOGICAL DIVERSITY

171. Support by DoC is acknowledged and the Federated Farmers et al submission points are rejected as biodiversity has the same meaning as biological diversity, but it is a shorthand way of drafting for the PDP.

COUNCIL AUTHORISED BIODIVERSITY MANAGEMENT PLANS

172. DoC’s submission s109.004 correcting a typo in the definition of Council Authorised Biodiversity Management Plan is supported and the recommendation to include this as a matter of discretion in ECO-R1 is supported in part and discussed below (refer ECO-R1 discussion). The definition should be amended as follows:

“Council Authorised Biodiversity Management Plan” is defined as “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 suitably qualified and experienced

³² DoC (S109.009), Stoney Creek et al (S3.098, S113.098, S116.098, S118.098, S127.134, S18.100, S19.100, S20.100, S24.100, S68.102, S117.098)

³³ Stoney Creek et al (S3.092, S113.092, S116.092, S118.092, S127.128, S18.094, S19.094, S20.094, S24.094, S68.096, S117.092), Alistair & Bernadette Hunt (S148.198)

³⁴ Federated Farmers et al (S126.096, S115.097, S143.108, S148.109, S60.099, S68.217)

Council endorsed ecologist. This plan will ensure that ~~Significant Natural Area and taonga species~~ SIVA and IVA are identified and biodiversity values are protected by setting appropriate vegetation clearance and land disturbance limits.

173. Amending the definition of CABMP will also require consequential changes to the definition of SNA as CABMP should replace “Farm Environment Plan” which is not defined. This is discussed further below. The intention of including a definition of Council Authorised Biodiversity Management Plan (CABMP) in the PDP was to make this a permitted standard in ECO-R1 to allow for plans such as the plan developed for Hokonui Hills. This provision will ensure that as landowners work with the Council to undertake ecological assessments and develop CABMPs any unnecessary consent processes can be avoided. Reference to biodiversity values rather than SNA or taonga values in the definition will align with the approach taken in Hokonui Hills which seeks to protect and manage SIVA and IVAs accordingly.
174. The Hokonui Rūnanga submission point s139.022 seeking a new definition of approved biodiversity management plan is accepted in part as this can be partly accommodated within the recommended definition of Council Authorised Biodiversity Management Plan.
175. The proposed Hokonui Rūnanga definition has not been fully incorporated into CABMP as some elements are already addressed in other definitions and permitted standards within ECO-R1. For example, ECO-R1(1)(c) permits clearance by mana whenua in accordance with tikanga and ECO-R1(1)(f) provides for clearance in accordance with an approved Conservation Act reserve management plan. As outlined below (response to S85.032 under ECO-R1) a Conservation Act Reserve Management Plan also incorporates a QEII management plan. A mana whenua endorsed site plan would be unnecessary if works are undertaken by mana whenua in accordance with tikanga.

EXOTIC WEED SPECIES

176. The Federated Farmers et al submissions seeking that exotic weed species is defined to support ECO-P12³⁵ as the classification of plants as a weed can be subjective such as white clover is rejected as Policy ECO-P12 is recommended to be deleted as outlined below. Similarly, the DoC and Stoney Creek support for this submission, noting that reference to the Southland Regional Pest Management Plan could be included, is also rejected.

BIODIVERSITY OFFSET/COMPENSATION

177. Both “biodiversity offset” and “biodiversity compensation” are used in the definition of “effects management hierarchy” in the PDP and in ECO-P9 and ECO-P11. While it is proposed to delete ECO-P9, these terms are still used in ECO-P11 and effects management hierarchy is

³⁵ Federated Farmers et al (S126.092, S68.213, S60.095, S148.105, S143.104, S115.093), DOC (FS31.004) Federated Farmers et al (S126.093, S68.214, S60.096, S148.106, S143.105, S115.094) and further submission (FS25.056)

used in ECO-P4 and ECO-P10. These definitions will help in the interpretation of these policies, so it is recommended that these submission points be accepted.

ECOLOGICAL DISTRICT

178. RF&B³⁶ seek to add a definition of Ecological District as follows:

A particular geographical region that has a characteristic landscape and range of biological communities.

179. This definition is opposed by Federated Farmers (FS17.101) as they consider it does not align with the definition of ecological district in the NPS-IB which states:

ecological district means: (a) in relation to geothermal ecosystems in the Taupō Volcanic Zone, the Taupō Volcanic Zone; and (b) for all other areas, the ecological districts as shown in McEwen, W Mary (ed), 1987. Ecological regions and districts of New Zealand. Wellington: Department of Conservation.

180. The term ecological district is used in the definition of indigenous vegetation, ECO-P7, ECO-P8, Appendix 4 all of which are drawn from the NPS-IB. This submission point from RF&B is accepted in part to achieve national consistency with the NPS-IB definition amended to recognise that Gore is not in the Taupo Volcanic Zone. I therefore recommend the following definition for ecological district:

- a. Ecological District means A particular geographical region that has a characteristic landscape and range of biological communities as shown in McEwen, W Mary (ed), 1987. Ecological regions and districts of New Zealand. Wellington: Department of Conservation.

ECOSYSTEM SERVICES

181. The term ecosystem services is not used in the PDP. However, “ecosystem” is used throughout the PDP.

182. The NPS-IB defines the term ecosystem as follows:

ecosystem means the complexes of organisms and their associated physical environment within an area (and comprise: a biotic complex, an abiotic environment or complex, the interactions between the biotic and abiotic complexes, and a physical space in which these operate).

183. It is recommended that the definition of ecosystem is added to the PDP as a consequential change if the panel determines that there is scope to do this.

THREATENED OR AT RISK SPECIES

³⁶ [Forest & Bird \(S110.001\)](#), [Federated Farmers \(FS17.101\)](#)

184. DoC (S109.018) support the definition of Threatened or At-risk and Threatened or At-risk (declining). The term Threatened or At-risk and Threatened or At-risk (declining) is used in the definition of specified highly mobile fauna, ECO-P3, ECO-P5, ECO-P7, ECO-R1(1)(e) relating to maintenance of improved pasture, and Appendix 4 but has not been accurately italicised³⁷. Therefore, I recommend technical corrections to italicise the term where it is used across the PDP.

VEGETATION CLEARANCE/INDIGENOUS VEGETATION CLEARANCE

185. There are numerous submissions about the definition of vegetation clearance including the need for both a definition of indigenous vegetation clearance and vegetation clearance, the need for the definition to exclude vegetation clearance ancillary to primary production activities and a range of other farm-based activities³⁸, NES-F requirements for harvesting of sphagnum moss³⁹, and removal of reference to mob stocking and a note to clarify that grazing of improved pasture or improved pasture species is not included⁴⁰
186. Federated Farmers et al⁴¹ seek the following changes to the definition of vegetation clearance:

Means (...) (c) does not include vegetation clearance which is ancillary to primary production activities, such as-- (i) the removal of sphagnum moss for the purpose of a harvest in accordance with regulation 48 or (...) (v) the grazing of improved pasture within the relevant setback from a natural wetland.pasture maintenance; (vi) clearance for the purpose of maintaining rural fire breaks; (vii) clearance of airstrips, helipads, vehicle entranceways, accessways and driveways, farm tracks and stock crossings of waterways; (viii) clearance around farm buildings and farm infrastructure, water supply dams, pipelines and troughs; (ix) cultivation; (x) clearance or disturbance by animals including grazing; (xi) activities associated with fruit tree or fruit vine plantations; and (xii) clearance of vegetation that is fallen or dead.

187. The PDP defines vegetation clearance utilising the NES-F definition as:

(a) the disturbance, damage, destruction, or removal of vegetation by any means (for example, by cutting, crushing, application of chemicals, or burning); and
(b) includes activities that result in the disturbance, damage, destruction, or removal of vegetation (for example, over-planting, applying the seed of exotic pasture species, mob-stock, or draining away water); but
(c) does not include—

³⁷ See ECO-P3(5), ECO-P5(2), Appendix 4(1)(3), C (3) and (6)

³⁸ Federated Farmers et al (S126.049, S115.050, S143.061, S148.062, S60.052, S.009)

³⁹ Fulton Hogan (S122.002)

⁴⁰ Federated Farmers et al (S126.026, S115.027, S143.038, S148.039, S60.029, S68.147)

⁴¹ Federated Farmers et al (S126.049, S115.050, S143.061, S148.062, S60.052, S.009

- (i) the removal of sphagnum moss for the purpose of a harvest in accordance with regulation 48 or 49; or*
- (ii) the crushing of other vegetation for the purpose of maintaining the dominance of sphagnum moss, if the crushing is carried out during a harvest of sphagnum moss or to rehabilitate the moss after it is harvested; or*
- (iii) an activity described in paragraph (a) or (b) that is for the maintenance or construction of fencing for the purpose of excluding stock or marking property boundaries; or*
- (iv) an activity described in paragraph (a) or (b) that is for the maintenance of shelter belts; or*
- (v) the grazing of improved pasture within the relevant setback from a natural wetland.*

188. Indigenous vegetation clearance is defined in the PDP as:

Means 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.

189. The term vegetation clearance alone is only used in the definition of renewable electricity generation activities – large scale, while indigenous vegetation clearance is used in ECO-R1 and NFL-R6.

190. The definition of indigenous vegetation is drawn from the National Planning Standards and is defined in the PDP as:

Has the same meaning as per the National Planning Standard for Indigenous Biodiversity – means vascular and non-vascular plants that, in relation to a particular area, are native to the ecological district in which that area is located.

191. Given the limited reference to vegetation clearance across the PDP (see discussion below about renewable electricity generation) the changes sought by Federated Farmers et al are rejected but will be considered in light of the definition of indigenous vegetation clearance noting that this definition applies in ECO-R1 and NFL-R6.

192. ECO-R1 (1) has a number of exclusions relating to indigenous vegetation clearance within the rule so including similar exclusions within the definition is considered unnecessary. NFL-R6 cross references to ECO-R1 so any changes to the definition to address this cross referencing are also considered unnecessary.

193. The Fulton Hogan submission (\$122.002) seeks to reference the NES-F which is accepted to ensure the proposed definition references regulation 48 and 49 of the NES-F rather than other national direction as follows:

.....(i) the removal of sphagnum moss for the purpose of a harvest in accordance with regulation 48 or 49 of the National Environmental Standards for Freshwater Regulations 2020.

194. Federated Farmers et al submissions⁴² seeking removal of reference to mob stocking in the vegetation clearance definition is accepted. A review of other district plans⁴³ indicates that it unusual to reference mob stocking in contemporary plans. Council's Ecologist indicates that mob stocking is more relevant to indigenous vegetation associated with wetlands given the implications for damage associated with pugging and should be deleted as this is not a relevant consideration for a District Plan.
195. Numerous submissions seek amendments to the definition of indigenous vegetation clearance to cross reference vegetation clearance or be deleted, removal of mob stocking and exclusions for grazing of pasture or improved pasture species.⁴⁴
196. McLeod-Wantwood Trust/Wantwood Station et al seek clarification about the need for a definition of indigenous vegetation clearance and vegetation clearance and the need to refer to application of seeds from exotic pasture species as a method of vegetation clearance.
197. Stoney Creek et al (s3.106, s113.106, s116.106, s118.106, s127.142, s18.108, s19.108, s20.108, s24.108, s68.110, s117.106), seek to amend the definition of vegetation clearance to read:

(a) the disturbance, damage, destruction, or removal of vegetation by any means (for example, by cutting, crushing, application of chemicals, or burning); and (b) includes activities that result in the disturbance, damage, destruction, or removal of vegetation (for example, ~~over-planting~~, applying the seed of exotic pasture species, ~~mob-stocking~~, or draining away water); but(c) does not include--

...

~~v) the grazing of improved pasture within the relevant setback from a natural wetland.~~
198. Stoney Creek et al also seek to delete the definition of Indigenous vegetation clearance entirely or cross reference to vegetation clearance (s3.094, s113.094, s116.094, s118.094, s127.130, s18.096, s19.096, s20.096, s24.096, s68.098, s117.094).
199. Federated Farmers et al and DoC seek that the definition of vegetation clearance is retained as notified because it aligns with the NPS-IB.
200. Given the limited use of "vegetation clearance" it is recommended to delete this definition and rely on the definition of indigenous vegetation clearance.

⁴² Federated Farmers et al (S126.026, S115.027, S143.038, S148.039, S60.029, S68.147)

⁴³ Te Tai o Poutini Plan and Selwyn District do not reference in their definitions of indigenous vegetation clearance while Southland District do (refer Appendix J)

⁴⁴ McLeod-Wantwood Trust/Wantwood Station et al (S104.016, S105.016, S127.016), Stoney Creek et al (S3.106, S113.106, S116.106, S118.106, S127.142, S18.108, S19.108, S20.108, S24.108, S68.110, S117.106), Stoney Creek et al (S3.094, S113.094, S116.094, S118.094, S127.130, S18.096, S19.096, S20.096, S24.096, S68.098, S117.094)

201. McLeod-Wantwood Trust/Wantwood Station et al⁴⁵ seek clarification for having two definitions for “vegetation clearance” and “indigenous vegetation clearance”. As noted above it is proposed to delete the definition of vegetation clearance as this is only used in the definition of renewable electricity generation activities – large scale which is referred to in ENRG-R2 that requires the upgrading or construction and operation of new activities to gain a discretionary consent (GRUZ) or non-complying activity (all other zones).
202. The definition of renewable electricity generation activities – large scale which is as follows:
- Means electricity generation activities utilising renewable energy sources with a capacity of 20kW or greater for the purpose of exporting electricity directly into the distribution network or National Grid. It includes all ancillary components, structures and activities such as substations, climate/environmental monitoring equipment, earthworks, roading, maintenance buildings, temporary concrete batching plants, internal transmission and fibre networks, **vegetation clearance**, and site rehabilitation works.*
203. A consequential change of deleting the definition of vegetation clearance is to amend the definition of renewable electricity generation activities – large scale to delete the term vegetation clearance.
204. DoC (S109.007) seeks amendments to the definition of indigenous vegetation clearance to include “any activity that destroys, damages or removes” indigenous vegetation as follows:
- a. 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.
205. This is appropriate as damage would impact the ability to protect SNAs too.
206. A number of submissions seek the retention of the indigenous vegetation definition⁴⁶, while DoC (FS31.005) note a minor error to replace NPS with NPS-IB.
207. These submission points are accepted as this will make this definition clearer as outlined below:
208. Has the same meaning as per the National Policy Statement Planning Standard for Indigenous Biodiversity – means vascular and non-vascular plants that, in relation to a particular area, are native to the ecological district in which that area is located.

SPECIFIED HIGHLY MOBILE FAUNA

⁴⁵ (S104.015, S105.015, S127.015)

⁴⁶ Federated Farmers et al (S126.025, S115.026, S143.037 S148.038, S60.028, S68.146, S117.093) Stoney Creek et al (S3.093, S113.093, S116.093, S118.093, S127.129, S18.095, S19.095, S20.095, S24.095, S68.097), DoC (S109.006)

209. DoC (S109.017) seeks amendments to the specified highly mobile fauna definition to include areas to be listed in an Appendix to the PDP or identified as part of a resource consent as outlined below:

~~Has the same meaning as the NPS-IB~~ means the Threatened or At Risk species of highly mobile fauna that are identified in Appendix 2 of the NPS-IB or listed in an Appendix to this plan or are identified in an assessment of effects or evidence filed during the course of a resource consent application.

210. DoC indicates that this is because the NPS-IB sets minimum standards of protection for indigenous biodiversity (see NPS-IB cl 3.1). Councils can manage effects on species of highly mobile fauna and their habitat to comply with their functions under s31(1)(b)(iii) of the Act.
211. Clause 3.20 of the NPS-IB anticipates that specified highly mobile fauna areas will be identified by Environment Southland ahead of the Council including them in their District Plan. In the meantime, the PDP relies on the NPS-IB and so it is appropriate that the definition refer only the Appendix 2 of the NPS-IB.
212. Furthermore, Councils' Ecologist indicates that there are not many habitats for highly mobile fauna in Gore district apart from braided river birds and Australasian bitterns which tend to inhabit wetlands. These areas will largely be managed by the regional rather than district council. Consequently, the submission point is rejected.

SIGNIFICANT NATURAL AREA

213. Numerous submissions seek amendments to narrow the definition of SNA to ensure areas have to be notified or included in a district plan⁴⁷ following an assessment in accordance with Appendix 1 of the NPS-IB and in consultation with landowners⁴⁸.
214. DoC (S109.016) seeks that the definition of SNA is clarified so that areas that are not yet mapped but meet the Appendix 4 criteria are included. DoC's submission is opposed by Port Blakely Limited (FS10.006).
215. Farm Manager – Wantwood Station et al submission points seek the following change to the definition of 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

⁴⁷ Farm Manager – Wantwood Station et al (S105.017, S127.017, S104.017)

⁴⁸ Alistair & Bernadette Hunt (S148.002), Federated Farmers et al (S126.048, S68.169, S60.051, S148.061, S143.060, S115.049) and further submission (FS10.007), Stoney Creek et al (S3.105, S117.105, S68.109, S24.107, S20.107, S19.107, S18.107, S127.141, S118.105, S116.105, S113.105) and further submission (FS17.099)

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.~~

216. I recommend replacing “Waterfall Range” with “Dolamore/Croydon” as this better reflects the specific area covered by SNA1.

217. The NPS-IB defines SNA as follows:

SNA, or significant natural area, means:

(a) any area that, after the commencement date, is notified or included in a district plan as an SNA following an assessment of the area in accordance with Appendix 1; and

(b) any area that, on the commencement date, is already identified in a policy statement or plan as an area of significant indigenous vegetation or significant habitat of indigenous fauna (regardless of how it is described); in which case it remains as an SNA unless or until a suitably qualified ecologist engaged by the relevant local authority determines that it is not an area of significant indigenous vegetation or significant habitat of indigenous fauna.

218. The sites that were identified in the ODP and carried through to the PDP are SNA-1 at Dolamore Park and Croydon Bush and SNA-2 at Pukerau Red Tussock Reserve. This meets the limb of the NPS-IB definition (b). Council’s Ecologist has assessed these sites and confirmed that these are an area of significant indigenous vegetation or significant habitat of indigenous fauna subject to some minor mapping changes attached in Appendix K. In terms of the first limb of the NPS-IB definition of SNA the Council had undertaken a preliminary assessment of sites against the criteria in Appendix 1 of the NPS-IB but not included these in the notified version of the PDP. Instead reliance is placed on the additional clause in the PDP definition of SNA that allows additional areas that meet the Appendix 1 of the NPS-IB criteria (copied as Appendix 4 in the PDP) to come under the definition of SNA should areas qualify. This approach was adopted because the Council established a Biodiversity Technical Working Group with the intention of reviewing the preliminary maps ahead of engaging with landowners as anticipated by NPS-IB clauses 3.8 and 3.9.

219. This approach was re-enforced by ECO-P1 at notification as follows:

ECO-P1 Work in partnership with Local Authorities, mana whenua, stakeholders and landowners to: 1. identify Significant Natural Areas (SNAs) to include: u(a) Areas identified as SNA-1 (Waterfall Range) and SNA-2 (Pukerau Red Tussock Reserve) on the planning maps, and

(b) A variation to the Proposed District Plan to identify areas that meet the criteria set out in Appendix 4; and 2. map and describe each specified highly mobile fauna area.

220. These maps were discussed with the Biodiversity Technical Working Group and feedback has been incorporated. Following additional work undertaken in the Hokonui Hills these maps were further refined (refer Appendix G recommendations) to differentiate between SIVA and IVA to align with the requirements in ECO-R1 that controls indigenous vegetation

clearance and differentiates between significant and less significant indigenous vegetation. The Council directed that staff should not commence engagement with landowners given the RM Bill signalled that SNA mapping would be deferred. The RM (Freshwater and Other Matters) Bill has now been enacted and while SNA mapping has been deferred, Council still has obligations to protect SIVAs and IVA under RMA S6(c) and S31(1)(b)(iii) and SRPS Policy BIO.1.

221. Given the changes recommended to mapping and the NPS-IB and the ongoing need to give effect to the RMA and SRPS it is recommended that the submissions seeking to delete reference to *"including those identified at resource consent stage or as part of a Farm Environment Plan"* are supported in part. Instead of using the term 'Farm Environment Plan' I recommend use of the term 'Council Authorised Biodiversity Management Plan' in order to avoid the need for additional consenting in the future given the permitted pathway in ECO-R1 for sites with CABMP.
222. Reference to resource consent stage should also be retained as this allows detailed assessments to refine mapping as has been the case with the Hokonui Hills area. Given the delay of mapping for SNAs and the need to engage with landowners and the need to rely on the SRPS in the meantime it is appropriate to adapt the SNA definition to reflect SIVA and the fact that mapping is proposed to be used for guidance of how to interpret the definition. The following amendment is recommended:

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/SIV-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.

223. This amendment is consistent with a number of other plans such as Selwyn District Plan and Te o Poutini plans which rely on SRPS criteria rather than NPS-IB as outlined in Appendix L.
224. Alistair & Bernadette Hunt (s148.002) seek that SNAs be mapped in collaboration with landowners before being included in rules. Further, if a SNA is not mapped, it cannot and should not have any restrictions on it. Also, they do not support regulation regarding SNAs which will see them become a liability on private land as this will have negative consequences for biodiversity.
225. Federated Farmers et al (S126.048, S68.169, S60.051, S148.061, S143.060, S115.049) and further submission (FS10.007), seek to amend the SNA definition as follows:

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 in partnership with landowners determines that it is not an SNA; or (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 and in consultation with the landowner. ~~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.~~

226. The further submission from Port Blakely (FS10.007) supports this.
227. Stoney Creek et al submission point and the further submission by Southland Federated Farmers (FS17.099) seeks the definition of SNA is deleted and replaced with the following:
228. Has the same meaning as per the National Policy Statement for Indigenous Biodiversity and means: (a) any area that, after 4 August 2023, is notified or included in a district plan as an SNA following an assessment of the area in accordance with Appendix 1 of the NPSIB; and (b) any area that, on 4 August 2023, is already identified in a policy statement or plan as an area of significant indigenous vegetation or significant habitat of indigenous fauna (regardless of how it is described); in which case it remains as an SNA unless or until a suitably qualified ecologist engaged by the relevant local authority determines that it is not an area of significant indigenous vegetation or significant habitat of indigenous fauna.
229. These submission points⁴⁹ are rejected as the mapping of SNAs will be finalised in conjunction with landowners in the future. In the meantime, Council will rely on indicative mapping of SNAs/SIVAs and IVAs to inform the implementation of ECO-R1 relating to indigenous vegetation clearance.

IMPROVED PASTURE

230. All submissions seek that the definition of “maintenance of improved pasture”⁵⁰ and “improved pasture”⁵¹ is retained. These submissions are accepted due to alignment with the NPS-IB as this is where they are sourced from.

ANIMAL PESTS

231. Numerous submissions seek a definition of animal pests⁵² as follows:

⁴⁹ S148.002, S126.048, S68.169, S60.051, S148.061, S143.060, S115.049, FS10.007, FS10.007, FS17.099, and Stoney Creek et al

⁵⁰ DoC (S109.009), Stoney Creek et al (S3.098, S113.098, S116.098, S118.098, S127.134, S18.100, S19.100, S20.100, S24.100, S68.102, S117.098)

⁵¹ Stoney Creek et al (S3.092, S113.092, S116.092, S118.092, S127.128, S18.094, S19.094, S20.094, S24.094, S68.096, S117.092), Alistair & Bernadette Hunt (S148.198)

⁵² Federated Farmers et al (S126.096, S115.097, S143.108, S148.109, S60.099, S68.217)

The intentional release or farming of animal pests identified in the Southland
Regional Pest Management Plan.

232. The term “Animal Pests” is used in ECO-R3 and ECO-P12 as follows:

ECO-P12 Avoid the planting of exotic weed species and the intentional release or farming of animal pests within SNA's

ECO-R3 - The intentional release or farming of animal pests identified in a Southland Regional Pest Management Plan.

233. The inclusion of a definition is rejected as it is proposed to delete Policy ECO-P12 and ECO-R3 as outlined in the relevant sections below.

EFFECTS MANAGEMENT HIERARCHY

234. DoC (\$109.005) seeks that the definition of effects management hierarchy is retained Hamish Weir opposes DoC's submission (FS5.43).
235. Mercury (\$130.002) seek that the definition is restricted to biodiversity matters. Transpower (FS30.050) and Contact Energy (FS24.003) support Mercury's submission.
236. DoC's support is acknowledged due to alignment with the NPS-IB.
237. Mercury's submission point seeking to retitle the term to “Biodiversity” effects management hierarchy is rejected as unnecessary given the term ‘effects management hierarchy’ is only used in the PDP in the ECO chapter (ECO-P4 and ECO-P10) and the definition starts:

Means an approach to managing adverse effects of an activity on **indigenous biodiversity** that requires... [emphasis added]

SENSITIVE ENVIRONMENT

238. Submissions (\$130.007, \$95.008, FS30.051, and FS24.004) requesting amendments to the definition of sensitive environment are accepted in part.
239. Ms Woodbridge in her S42A report for Hazardous Substances rejected submissions seeking changes to the definition of sensitive environment concerned that areas of indigenous biodiversity are not identified. MS Woodbridge noted that further information was needed about how these areas would ultimately be identified in hearing stream 10. The notified definition of sensitive environment is as follows:

Means land identified with: Outstanding Natural Features and Landscapes or Significant Natural Area or Areas of Indigenous Biodiversity.

240. There is no definition of ‘areas of indigenous biodiversity’ in the PDP. However, the submissions on the definition of Indigenous vegetation and significant indigenous vegetation areas have been considered above and it is recommended to amend these definitions to better align with national and regional direction as outlined in Appendix A.

241. In addition, IVAs and SIVAs have also now been indicatively mapped. Therefore, a consequential change is recommended to the definition of Sensitive Environment as follows:

Means land identified with: Outstanding Natural Features and Landscapes or Significant Natural Area/SIVA or Indigenous Vegetation Areas ~~of Indigenous Biodiversity~~.

Recommendation

242. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B. Changes are recommended to the include, delete or amend the following definitions as indicated in Appendix A:

- a. Council Authorised Biodiversity Management Plan
- b. Biodiversity Offset
- c. Biodiversity Compensation
- d. Ecological District
- e. ~~Vegetation Clearance~~
- f. Indigenous Vegetation Clearance
- g. Indigenous Vegetation
- h. Renewable electricity generation activities – large scale
- i. SNA/SIVA
- j. Sensitive Environment

243. It is noted that SNA will need to be updated throughout the PDP to be SNA/SIVA. In addition, a Hokonui Hills Area definition is also recommended (see discussion on Hokonui Hills Precinct under ECO-R1).

Section 32AA Assessment

244. The amendments detailed below are considered more appropriate in achieving the objectives of the PDP than the notified provisions and improve alignment with national and regional direction:
- a. Include a definition of “Hokonui Hills Area”, “ecosystem”, Ecological District”, “biodiversity compensation”, and “biodiversity offset”.
 - b. Delete the definition of “vegetation clearance”
 - c. Amend the definition of “sensitive environment”, “SNA”, “Renewable Electricity Generation activities – large scale”, “Indigenous vegetation”, and “indigenous vegetation clearance”.

245. I consider that:

- a. These amendments will increase plan clarity and consistency;
- b. In addition, they will help avoid inconsistency with terms in the National Planning Standards definitions, National Policy Statements and the Resource Management Act. Nuance can be provided through the rules as needed; and
- c. The recommended amendments will not have any greater effects than the notified provisions.

246. Consequently, the amendments are more efficient and effective than the notified provisions in achieving the objectives of the PDP.

Mapping – Significant Natural Area

Matters Raised by Submitters

247. Federated Farmers et al⁵³ consider SNAs should only be considered SNAs once mapped and incorporated into the District Plan.

248. Federated Farmers (SFF) et al do not agree with including areas that have not been mapped as SNAs. SFF et al's view is that until areas are mapped and included in the plan, they should not be considered SNAs.

249. SFF et al indicate that the definition of a SNA as per the NPS-IB states 'any area that, after the commencement date, is notified or included in a district plan as an SNA following an assessment of the area in accordance with Appendix 1'. Therefore, until the identification is carried out notification or inclusion in the District Plan takes place, the unmapped areas should not be treated as SNAs. In the development of the Council's Long-Term Plan, the Council should look to provide financial assistance or rates rebates/remission for ratepayers with identified SNAs. SFF et al support nonregulatory approaches to managing SNAs and would be happy to work with the Council and our members to achieve this. There is a real risk of a perverse effect that SNAs will become something farmers are motivated to avoid having on their property. For instance, if there are significant costs and restrictions associated with SNAs, they will become a liability instead of something to be proud of. This will have implications for biodiversity, and farmers may choose to plant exotic species for artificial wetlands, shelterbelts or stock shade trees etc, which encourage a habitat for non-indigenous fauna, instead of being encouraged to choose indigenous species.

Assessment

⁵³ (S126.176, S115.177, S143.188, S148.189, S60.179, S68.297) and further submissions (FS25.138 & FS31.021)

250. The SFF et al submission point is accepted in part as preliminary mapping of SNAs has been undertaken and the economic impacts of SNA mapping have been further assessed. Council has also considered a number of non-regulatory support options at its August 2024 meeting.
251. Wildlands were contracted to map significant vegetation areas across the Gore District in 2019 using the criteria from the SRPS Appendix 3. Wildlands were engaged as part of the PDP process to map SNAs in accordance with the NPS-IB criteria in 2023. These 2023 maps were considered by the BTWG in early 2024 and have been refined following initial feedback from the stakeholders involved in the BTWG. Gore District Council directed that the next stage of the work to engage with landowners on the mapping should be postponed until further clarity was provided about RMA reform. The Resource Management (Freshwater and Other matters) Amendment Act (August 2024), has now clarified that SNA mapping should be stalled for 3 years while further work is undertaken to refine mapping criteria. In the meantime, Council still needs to implement the RMA (S6(c) and s31), the SRPS, and the other provisions of the NPS-IB.
252. Consequently, Councils' ecologist, Mr Wells, has updated indicative mapping to distinguish between SIVA and IVA so that ECO-R1 can be implemented. This mapping is attached at Appendix G. This remote mapping relies on SRPS criteria and best practice in the meantime, with the criteria being tested on sites in the Hokonui Hills. The intention is that this mapping will be refined with landowners over time and will be used as a guideline for resource consents until new NPS-IB criteria have been released. In his memo attached at Appendix C, Mr Wells indicates that the SRPS criteria are very similar to the NPS-IB 2023 criteria which means that regardless of changes to the NPS-IB criteria the SRPS criteria will apply in the meantime.
253. Councils' consultant Economist, Ms Hampson, has assessed the economic impact of indicative SNA and indigenous vegetation area mapping and concluded that:

"Indigenous biodiversity provides economic, social and cultural benefits directly and indirectly to all current and future residents in Gore District, and beyond. Helping to protect and maintain indigenous biodiversity in Gore District falls to an estimated 115 rural private property owners, including an estimated 77 property owners containing SIVAs (based on current mapping). This number may change slightly when SIVAs are subject to on-site assessments to confirm if they are SNAs or just IVAs.

The benefits of protecting SIVAs/SNAs and maintaining indigenous biodiversity are considered, in principle, to outweigh the costs. This has been determined for higher order statutory documents – the NPS-IB and SRPS. While many of the proposed provisions of the ECO chapter are prescribed and do not need to be justified as being efficient, I have considered the proposed provisions for Gore District as a whole (as recommended at the time of drafting this evidence) and consider that they are unlikely to impose any significant net additional economic costs or opportunity on rural property owners that would impact on their ability to provide for their economic wellbeing."

254. In coming to this conclusion Ms Hampson has assessed the coverage and location of preliminary SNA and indigenous vegetation mapping on private land and has indicated the following:

- a. Properties in Gore District are not highly constrained by indigenous vegetation coverage to the extent that they would unduly constrain existing activities or rural use and development.
 - b. Farming (and to some extent commercial forestry) has been carried out in Gore District over a long time period alongside remnants of indigenous vegetation. Current land uses are well established and operate effectively despite the presence of AIVs and SIVAs on those properties to date (although rural activities are eroding indigenous vegetation cover on some properties). The proposed provisions provide for the continuation of those existing activities (at their current scale and character).
 - c. There are very limited changes to the zoning of productive rural land in the PDP.
 - d. Dwelling density and lot sizes in the proposed General Rural Zone are also relatively large (between 8-40ha). This would provide reasonable opportunity to subdivide most rural land while avoiding fragmenting SIVAs/SNAs without losing any rural subdivision yield.
 - e. While some farming activities would require a consent if indigenous vegetation clearance or land disturbance could not be avoided, consent related costs are not considered to be so high as to make those proposed activities unfeasible, such that farming or forestry was no-longer viable at a property level.
255. Ms Hampson indicates that she disagrees with the SFF submission that the proposed provisions will create *“a real risk of a perverse effect that SNAs will become something that farmers are motivated to avoid having on their properties”* in the Gore District.
256. Ms Hampson also makes recommendations about how improvements could be made to ECO provisions, particularly clearance limits, to reduce economic impacts. These matters are discussed below in the response to submissions on ECO-R1.
257. Ms Hampson also notes that *“If Gore District Council considers rates remission for the estimated 77 landowners containing SIVAs/SNAs in the future, then this would help, over time, to mitigate any potential opportunity costs associated with the need to protect SIVAs/SNAs and maintain indigenous biodiversity”*.
258. The Council considered a range of non-regulatory support options including rates remissions at its meeting on 13 August 2024. A copy of that report and minutes is attached at Appendix I. The Council agreed not to include funding in the LTP to support mapping and rates remissions but did resolve the following:

THAT in the short-term, Significant Natural Areas (SNA)/Significant Indigenous Vegetation (SIV) and indigenous biodiversity mapping continue for landowners who are willing to have mapping undertaken, subject to external funding being available,

AND THAT this mapping be utilised to inform the Proposed District Plan Hearings in February 2025.

THAT that the Council liaise with Environment Southland to request an allocation of a minimum of \$750,000 in its Long Term Plan/Annual Plan to fund ecological

assessments and mapping of Significant Natural Areas (SNA)/Significant Indigenous Vegetation (SIV) areas in Gore and consider a regional rates remission policy for SNA/SIV landowners.

THAT the Council liaise with the Associate Minister - Environment (Andrew Hoggard) and philanthropic organisations to investigate what alternative funding sources are available for biodiversity enhancement.

259. Since then, ES have been contacting landowners to see whether they would like free ecological assessments until government funding runs out on 30 June 2025. Contact has also been made with philanthropic organisations and the Ministry for the Environment to see what funding is available to support this work.
260. Based on the above assessment, I recommended that the SFF et al submissions are accepted in part and the latest SNA/SIVA and IVA mapping (Appendix G) sits outside the PDP and is utilised as a tool to guide the implementation of the ECO chapter, particularly ECO-R1. Further feedback from landowners will be sought on this preliminary mapping and additional funding sources for mapping and biodiversity management will be investigated.

Recommendation

261. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B.

Section 32AA Assessment

262. Refer Appendix F.

Submissions on ECO Chapter Overview

Matters Raised by Submitters

263. A number of submissions sought changes to the overview section of the ECO Chapter as follows:
- a. Amend the ECO Overview to align with the NPS-IB (Forest & Bird S110.026 and S110.027) to note that the gap in SNAs “needs” to be addressed and a 10 year implementation timeframe “has been given”;
 - b. remove reference to the fact that comprehensive mapping of SNA’s has not been done (ES S85.017);
 - c. recognise the relationship of mana whenua with indigenous vegetation as outlined in their submission and to align with ECO-O4 (Hokonui Rūnanga S139.011);
 - d. provide a description of the important ecological values, identify issues, and include a commitment to mapping highly mobile fauna areas and taonga species including river segments hosting threatened species, including no diadromous galaxiids, kanakana

lamprey larval rearing areas and spawning habitat, threatened black billed gulls and their habitats, lizards etc. (DoC S109.048).

264. DoC's submission is supported by Forest & Bird (FS9.35) and Hokonui Rūnanga (FS20.005) and opposed by Stoney Creek (FS25.017). Hokonui Rūnanga's submission is supported by Forest & Bird (FS9.36) and opposed by Federated Farmers (FS17.011).

Assessment

265. In relation to Forest & Bird's submissions (s109.048 and s110.027) which seek minor changes to text as the chapter was drafted before the release of the NPS-IB, the overview was written to align with the NPS-IB and the SRPS at the time of notification. The NPS-IB has been amended by the RM (Freshwater and Other Matters) Amendment Act 2024 to defer SNA mapping but still protect SIVAs and maintain indigenous biological diversity. Accordingly, I recommend the following amendments to the Overview:

The Operative District Plan (2006) predates the Southland Regional Policy Statement 2017 (SRPS) and the release of the National Policy Statement Indigenous Biodiversity (NPSIB) (2023 and 2024 amendments) The SRPS and NPSIB both contain criteria for identifying areas of significant indigenous vegetation or significant habitat of indigenous fauna (SNA/SIVA). While comprehensive mapping has not been undertaken to identify SNAs/SIVAs in the Gore District, the Gore District Plan Efficiency and Effectiveness Review 2023 indicates that: ...

The SRPS and NPSIB also have a broader range of objectives and policies that have been considered in developing the provisions of this chapter. A 10-year implementation timeframe for the NPSIB is anticipated, which includes the development of a regional biodiversity strategy, an integrated approach across administrative boundaries, the need to work in partnership with tangata whenua and landowners, and notes that support will be provided from the regional council for mapping ~~which must be completed by August 2028~~. It is proposed that a variation plan change will be notified to the Proposed District Plan once mapping has been completed.

266. Submission point s85.017 is rejected as comprehensive mapping of SNA's has not been undertaken. While remote mapping has been undertaken to identify indigenous vegetation and significant indigenous vegetation it is envisaged that this mapping will be used to help guide Council staff to know whether resource consent is required for indigenous vegetation clearance in accordance with ECO-R1 so that this mapping can be verified at resource consent stage. It is anticipated that this mapping will be incorporated into the District Plan by district plan change once mapping has been verified with landowners.
267. Submission 139.011 from Hokonui Rūnanga is accepted and I recommend the following amendment to the Overview:

All indigenous vegetation is a taonga to mana whenua. Many species are highly valued for mahinga kai (as food, fibre or medicine). Healthy, robust indigenous ecosystems are important to maintain the mauri of the whenua (land), wai (water) and te taiao (environment).

Recognising and providing for the relationship of Māori and their customs and traditions with their ancestral lands, waters, sites wāhi tapu and other taonga is a Matter of National Importance under s6(c) of the RMA.

For mana whenua the issue does not turn on the protection of specific sites which are identified as 'significant'. The takiwā is home so mana whenua have a relationship with all whenua, wai and ecosystems within the takiwā. Therefore, the focus is on enhancing the quality and quantity of indigenous biodiversity within the District: maintaining the ecological function, integrity and value of established indigenous ecosystems and the habitats that support them; and encouraging areas of regeneration and new planting. As such, mana whenua support an approach which encourages landholders to both retain and enhance indigenous biodiversity and ecosystems on-site.

268. This statement usefully articulates the value mana whenua attributes for indigenous vegetation that are not otherwise articulated elsewhere in the PDP, such as the mana whenua chapter. This text also provides context to not only ECO-O4 but also ECO-O2 so will be useful to inform future planned mapping of SNAs. It is noted that the Hokonui Rūnanga position on submissions has been evolving throughout the PDP hearing process and it may be that this wording can be rationalised once the Mana whenua chapter has been finalised so consequential changes may be required following Hokonui Rūnanga evidence.
269. Doc's submission s109.048 is accepted in part. The Gore District overlaps with five ecological districts which all have slightly different ecological values. These values are articulated in the Ecosystems and Indigenous Biodiversity FAQ's which is a 22 page document provided on Councils website⁵⁴. While, incorporating these values into the PDP overview is considered too detailed, a reference to Councils website should be added in the notes section of the ECO-Chapter. The FAQs should also be updated to reflect changes to matters such as threatened plant species and amendments to the ECO chapter.
270. A commitment to mapping as part of a plan change is recommended in the Overview given the amendments to the timing of mapping now required by the NPS-IB. Furthermore, ECO-P1 notes that mapping will include highly mobile fauna areas once these have been identified in the SRPS given accuracy issues with current data. As outlined in my Right of Reply to Hearing Stream 1⁵⁵, taonga species are identified in the Ngai Tahu Claims Settlement Act 1998 – Schedule 97 which could be added to ECO Chapter notes also. These taonga species are all indigenous so would be picked up in Indigenous vegetation mapping. Consequently, the following changes are recommended:

It is proposed that a ~~variation~~ plan change will be notified to the ~~Proposed~~ District Plan once mapping has been completed.

⁵⁴ These FAQs will need to be updated to reflect the Decision version of the District Plan (<https://lets.talk.goredc.govt.nz/proposed-district-plan-topics-faqs>) Also see Appendix R for a paper copy.

⁵⁵ Hearing Stream 1 Right of Reply of Matt Heale on behalf of Gore District Council Date: 27 June 2024 - Page 37 and Appendix 6

Add the following note to the Notes Section of the ECO-Chapter:

Note 2	<u>Guidance on Indigenous Biodiversity Values</u>
	<u>The Gore district overlaps with five ecological districts. Information about the Indigenous biodiversity values across Gore is provided in the following link - https://lets.talk.goredc.govt.nz/proposed-district-plan-topics-faqs. Information about taonga species is included in schedule 97 of the Ngai Tahu Claims Settlement Act 1998.</u>

Recommendation

271. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B and amendments are made as outlined in Appendix A.

General Submissions on Objectives

General Changes

Matters Raised by Submitters

272. Part of the submission by Hokonui Rūnanga (S139.014) notes that objectives should be written as outcomes and in particular ECO-O2, ECO-O3 and ECO-O4 are policies rather than objectives. Hokonui Rūnanga's submission is opposed by Federated Farmers (FS17.018) and Stoney Creek (FS25.027).

Assessment

273. It is acknowledged that ECO Objectives do read like policies and as such I recommend the objectives are reframed to read as outcomes as follows:

ECO-O1 ~~Maintain indigenous biological diversity in the Gore District and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas).~~ Indigenous biological diversity is maintained, and areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas) are protected in the Gore District.

ECO-O2 ~~Significant Natural Areas are identified and protected by working work in partnership with Local Authorities, Government agencies, mana whenua, stakeholders and landowners to identify and protect Significant Natural Areas.~~

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 are protected by avoiding or managing adverse effects from new subdivision, use and development~~

274. The specific wording of these objectives is discussed in turn below.

Recommendation

275. It is recommended that submissions and further submissions are accepted as shown in Appendix B with amendments depicted in Appendix A.

Section 32AA Assessment

276. Refer Appendix F

Objective ECO-O1

Matters Raised by Submitters

277. Numerous submissions seek to amend ECO-O1 to include reference to “through the identification of Significant Natural Areas”⁵⁶, while other submitters seek to re-order the protect and maintain statements and reference no overall loss of biodiversity (ES S85.018) or include enhance and restore text (DoC S109.049). Forest & Bird (FS9.37) support DoC’s submission and Stoney Creek (FS25.019) oppose it.

278. Hokonui Rūnanga seek to replace ECO – O1 with “The quantum, quality and health of indigenous ecosystems and habitats is enhanced within Gore District.” (S139.012). This submission is opposed by Federated Farmers (FS17.013) and Stoney Creek (FS25.020).

279. Greenbriar Ltd. (S128.022) support this objective.

Assessment

280. Greenbriar Ltd’s support is acknowledged.

281. ECO-O1 as notified reads as follows:

Maintain indigenous biological diversity in the Gore District and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas).

282. ECO-O1 was worded in this fashion to align with the NPS-IB 2023, that introduced the term Significant Natural Areas (SNAs) to describe significant indigenous vegetation and significant habitats of indigenous fauna which require protection in accordance with RMA s6(c).

283. The numerous submissions seeking that ECO-O1 be reworded to state “through the identification of Significant Natural Areas” rather than “(Significant Natural Areas)” are

⁵⁶ Stoney Creek et al (S3.005, S117.005, S24.007, S127.041, S142.002, S68.009, S113.005, S116.005, S118.005, S18.007, S19.007, S20.007, S153.002) and further submissions (FS9.38, FS17.012, FS9.40, FS9.41, FS9.42, FS9.43, FS9.44, FS9.45, FS25.018) & Federated Farmers et al (S126.079, S68.200, S60.082, S148.092, S143.091, S115.080) and further submissions (FS9.39, FS25.021, and FS25.023)

accepted in part as the term SNA reflects the wording of the NPS-IB but not the RMA or SRPS. The RMA and SRPS refer to significant indigenous vegetation and fauna habitat (SIVA) and require their protection. Therefore, ECO-O1 should reference SIVA too.

284. Some submissions (Federated Farmers et al⁵⁷) seek that “through the identification of SNAs” is added at the start of ECO-O1 which suggests that indigenous biological diversity would be maintained solely by the identification of SNAs/SIVA.
285. However, this is not the case as the maintenance of indigenous biological diversity is also achieved by limiting indigenous vegetation clearance more broadly not just by the identification and protection of SNAs/SIVAs. Indigenous vegetation areas have been remotely mapped by Wildlands, which clearly show a distinction between general indigenous vegetation areas and significant indigenous vegetation areas, both of which include indigenous biological diversity values. This mapping and associated rule framework helps achieve Councils functions under s31 (1)(b)(iii) to maintain indigenous biological biodiversity which is distinct from RMA s6(c) requirements to protect significant indigenous vegetation and significant habitats of indigenous fauna (SNA/SIVA). This is why ECO-R1 controls indigenous vegetation clearance generally and sets a higher consent threshold (non-complying activity) for clearance inside SNAs as opposed to outside SNAs (discretionary).
286. Other submissions (Stoney Creek et al⁵⁸) seek that “through the identification of SNAs” replaces “(Significant Natural Areas)” at the end of ECO-O1. While the “identification” of SNAs will help with the protection of significant indigenous vegetation and significant habitats of indigenous fauna, protection cannot be achieved by identification alone. This is why ECO-O2 specifies the need to identify and protect SNAs/SIVAs and policies also include matters such as allowing, managing and avoiding certain activities within and outside SNAs/SIVAs. The intention of “(Significant Natural Areas)” is to show that significant indigenous vegetation and significant habitats of indigenous fauna are in fact the equivalent of SNAs as defined in the NPS-IB and SRPS.
287. Environment Southland’s submission point (S85.018) seeking that the order of protect and maintain is reversed is rejected as the maintenance of indigenous biodiversity relies on the protection of SNAs not the other way around. No overall loss is inherent in maintenance which is further clarified in ECO-P11.
288. DoC’s submission s109.049 seeking to not only maintain but also enhance and restore indigenous biological diversity is rejected on the basis that maintenance is consistent with the RMA, NPS-IB, and SRPS OBJ BIO.2 objectives. ECO-P10 includes enhancement and restoration as a factor to be considered in maintenance of indigenous biodiversity so this is addressed appropriately at the more specific policy level.

⁵⁷ S126.079, S68.200, S60.082, S148.092, S143.091, S115.080

⁵⁸ S3.005, S117.005, S24.007, S127.041, S142.002, S68.009, S113.005, S116.005, S118.005, S18.007, S19.007, S20.007, S153.002

289. The Hokonui Rūnanga submission s139.012 that seeks to replace ECO – O1 with “The quantum, quality and health of indigenous ecosystems and habitats is enhanced within Gore District” is rejected as this does not align with national and regional direction.

Recommendation

290. It is recommended that submissions and further submissions are accepted in part or rejected as shown in Appendix B with amendments depicted in Appendix A.

Section 32AA Assessment

291. Refer Appendix F.

Objective ECO-O2

Matters Raised by Submitters

292. A number of submitters seek to retain ECO-O2 as notified⁵⁹.
293. Southland District Council seeks to align regional SNA criteria (s146.036), and Environment Southland seeks to include “restore” (s85.019). ES’s submission is opposed by Federated Farmers (FS17.015).
294. Hokonui Rūnanga seeks to replace ECO – O2 with “Sites of significant indigenous vegetation and habitats of indigenous fauna are recognised and protected from inappropriate subdivision, use or development.” (s139.013). This submission is opposed by Federated Farmers (FS17.014) and Stoney Creek (FS25.022).

Assessment

295. Support for ECO-O2 is acknowledged.
296. ECO-O2 as notified reads as follows:

Work in partnership with Local Authorities, Government agencies, mana whenua, stakeholders and landowners to identify and protect Significant Natural Areas.

297. This objective is about the need to work in partnership to identify and protect SNAs. The Hokonui Rūnanga submission is therefore rejected as the need to recognise and protect these areas is largely addressed in ECO-O1. Also, RMA s6(c), unlike other matters of national importance such as outstanding natural features and landscapes (s6(b)) and historic heritage (s6(f)), requires unfettered protection of SIVAs rather than protection only from inappropriate subdivision, use and development.

⁵⁹ DoC (S109.050), MoE (S125.031), Greenbriar Ltd (S128.023), Federated Farmers et al (S126.080, S115.081, S143.092, S148.093, S60.083, S68.201)

298. Environment southland's submission (s85.019) acknowledges that the notified objective aligns with NPS-IB 3.8(2) but seeks that "restore " be added to ECO-O2 to give effect to NPS-IB 3.21.
299. NPS-IB 3.21 states that Local Authorities must include objectives, policies and methods in their plans to **promote** the restoration of indigenous biodiversity and must prioritise areas meeting numerous criteria such as degraded SNAs, threatened and rare ecosystems, areas providing important connectivity and buffering functions. The focus of ECO-O2 is on the **need for** (rather than promotion of) mapping and protection to be undertaken in partnership with the community and is targeted at implementing NPS-IB 3.8. ECO-P6 is specifically about achieving NPS-IB 3.21 and implementing the **need to** maintain indigenous biodiversity in ECO-O1 by **promoting** restoration and prioritising areas meeting NPS-IB criteria. ECO-O2 is focussed on SNAs not wider indigenous biodiversity outcomes. Consequently, Environment Southland's submission is rejected.
300. Southland District Council's submission (s146.036) seeking alignment of SNA criteria is rejected as the criteria used for identification is not outlined in ECO-O2 but ECO-P1. Furthermore, ECO-O2 already acknowledges that SDC will be involved in the mapping process. To date SDC have been involved in the Biodiversity Working Group that has had a role in reviewing preliminary SNA mapping. ECO-O2 directs that this will be the case in the future. Accordingly, no changes are necessary to address SDC's submission point.

Recommendation

301. It is recommended that submissions and further submissions are rejected, accepted in part, or accepted as shown in Appendix B subject to consequential changes to refer to SIVA as reflected in Appendix A and outlined below.

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~~

Section 32AA Assessment

302. Refer Appendix F.

Objective ECO-O3

Matters Raised by Submitters

303. Stoney Creek et al seek to amend ECO – O3 to provide for "new" subdivision within SNA's where adverse effects can be "avoided or managed"⁶⁰. Transpower seeks that the SNA

⁶⁰ Stoney Creek et al (S3.006, S117.006, S68.202, S24.008, S20.008, S19.008, S18.008, S127.042, S118.006, S116.006, S113.006) and further submission (FS17.016), Federated Farmers et al (S126.081, S68.010, S60.084, S148.094, S143.093, S115.082) and further submission (FS25.046)

“values of an area are maintained or where appropriate, enhanced (s101.051) while Mercury seek that effects can be appropriately managed (Mercury S130.055). Mercury’s submission is supported by Contact Energy (FS24.029 & FS24.033) and Stoney Creek (FS25.047). Transpower’s submission is supported by Stoney Creek (FS25.024).

304. DoC seeks that ECO-O3 is deleted (s109.051) as these matters are already addressed in policies. DoC’s submission is opposed by Federated Farmers (FS17.017), Contact Energy (FS24.028), and Stoney Creek (FS25.025).

305. Hokonui Rūnanga seeks that ECO-O3 is replaced with “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:

- Enabling the exercise of kaitiakitanga;
- Enabling mahinga kai; and
- Maintaining or where degraded restoring the mauri of indigenous ecosystems.”

This is on the basis that the focus on SNAs is too narrow and does not give effect to the purpose of the RMA and s75(1) that seeks to align objectives and policies, the NPS-IB and the SRPS. ECO-O3 is also considered inconsistent with ECO-P8 and ECO-P10 (S139.014). Hokonui Rūnanga’s submission is opposed by Federated Farmers (FS17.018) and Stoney Creek (FS25.027).

306. NZTA seeks to retain ECO-O3 as notified (NZTA S112.063).

Assessment

307. NZTAs support for ECO-O3 is acknowledged.

308. ECO-O3 as notified reads as follows:

Provide for appropriate subdivision, use and development within Significant Natural Areas where the values of the area can be maintained and enhanced.

309. The Hokonui Rūnanga submission point (s139.014) is accepted in part as it is acknowledged that ECO-O3 could be better framed as an objective as outlined earlier in this report. However, the focus specifically on SNAs is intentional as ECO-O1 addresses the broader need to maintain indigenous biodiversity and protect SNAs. ECO-O3 also steers away from mana whenua values because ECO-O4 specifically addresses this.

310. ECO-O3 is a broad SNA objective designed to guide the following policies:

- a. ECO-P2 that allows certain activities within SNAs;
- b. ECO-P3 that avoids certain adverse effects on SNAs;

- c. ECO-P4 that manages certain adverse effects on SNAs in accordance with the effects management hierarchy;
- d. ECO-P5 relating to management of plantation forestry within SNAs; and
- e. as notified ECO-P12 that avoids weeds and pests within SNAs. These policies have been derived from the NPS-IB policies and in consideration of the SRPS.

311. Together this objective and these policies guide the rules that manage subdivision, use and development within SNAs. ECO-R1 enables indigenous vegetation clearance and land disturbance associated with a range of activities that are consistent with the policies outlined above and anticipated in the NPS-IB. Clearance and land disturbance associated with uses and development beyond these permitted thresholds in an SNA or its equivalent (Hokonui Hills) is largely to be avoided as a non-complying activity. Weeds and pests within SNAs are avoided as non-complying activities in other notified ECO rules. Subdivision within an SNA is a discretionary activity in accordance with SUB-R14 and the direction in SUB-P17 to protect and enhance SNAs by ensuring appropriate subdivision design.

312. The objective of the NPS-IB is as follows:

*(a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and
(b) to achieve this:*

- (i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and*
- (ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and*
- (iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and*
- (iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.*

313. NPS-IB policies that are specific to SNAs once identified include Policy 7 that protects SNAs by avoiding or managing adverse effects from new subdivision, use and development and Policy 9 that provides for certain established activities within SNAs.

314. In relation to SNAs, or their equivalent SIVAs, the relevant SRPS objectives and policies are as follows:

- a. Objectives BIO.1 to BIO.3 seek to understand the extent and loss of indigenous biodiversity and identify those at future risk, maintain indigenous biodiversity and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna (SNAs/SIVAs), and enhance the range, extent and condition of indigenous biodiversity with an emphasis on those areas most at risk to further loss or degradation.
- b. Policies require the identification of SNAs/SIVAs using similar criteria to the NPS-IB (Policy BIO.1), the protection and where appropriate enhancement of SNAs/SIVAs (Policy BIO.2), the maintenance of indigenous biodiversity (Policy BIO.4),

encouragement and promotion and support of biodiversity initiatives (Policy BIO.5) , the promotion of active management of indigenous biodiversity (Policy BIO.7) and consideration of biodiversity offsets (Policy BIO.9), while recognising the critical role of landowners.

315. The consistent themes through this national and regional direction relating to SNAs/SIVAs is that they are a subset of indigenous biodiversity and that SNAs/SIVAs should be protected by avoiding or managing adverse effects of new subdivision, use and development while also recognising the role of landowners and mana whenua, and providing for people's wellbeing, with the aim of the overall maintenance of indigenous biodiversity.
316. ECO-O1 to ECO-O4 broadly achieves regional and national direction as a suite of overall objectives. ECO-O1 seeks maintenance of indigenous biodiversity and protection of SNAs, ECO – O2 emphasises the need to work with mana whenua and landowners to identify and protect SNAs, ECO-O3 provides for appropriate subdivision use and development within SNAs where the values of the area can be maintained and enhanced, and ECO-O4 recognises the relationship of mana whenua with SNAs by enabling kaitiakitanga, mahinga kai, and customary use. However, these objectives could be better framed to represent and outcome or future state and align with national and regional direction as outlined above in the "General Submissions on Objectives" section .
317. ECO-O3 with its focus on SNAs/SIVAs is therefore appropriate especially as it will be reframed to read more like an objective.

Recommendation

318. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B and ECO-O3 is amended as outlined in Appendix A to be reframed as an objective as outlined earlier along with a consequential change to reference SIVA.

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319. Refer Appendix F.

Objective ECO-O4

Matters Raised by Submitters

320. DoC have lodged a submission to retain ECO-O4 as notified (s109.052), while Hokonui Rūnanga seek to delete ECO-O4 (S139.015) for the same reasons outlined for ECO-O3.

321. Environment Southland want an amendment to include such matters as the principals of Te Titiriki and replace SNAs with indigenous biodiversity (S85.021). Federated Farmers et al⁶¹ want to only enable customary use with landowners' consent.

Assessment

322. I agree that the focus on SNAs is too narrow and ECO-O4 could be improved to better align with the RMA, NPS-IB and the SRPS. I therefore accept the submission of Hokonui Rūnanga and recommend that ECO-O4 is partially deleted and replaced with the objective proposed by Hokonui Rūnanga for ECO-O3 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.~~

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.

323. This amendment will also address the Federated Farmers et al and Environment Southland submissions as reference to enabling customary use is removed all together and the core principles of Te Tiriti relevant to the RMA are addressed.

Recommendation

324. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B and changes are made as outlined in Appendix A.

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325. Refer Appendix F.

⁶¹ (S126.082, S68.203, S60.085, S148.095, S143.094, S115.083) and further submission (FS25.028)

New Objectives

Matters Raised by Submitters

326. Environment Southland seek new objectives to promote the restoration of indigenous biodiversity, manage effects outside SNAs to acknowledge and identify taonga and manage adverse effects on highly mobile species, mapping of SNAs, tangata whenua's active participation in decision making relating to biodiversity, and Māori partnership in the ECO chapter (s85.035) and the SUB chapter (s85.109). These amendments are sought to give effect to NPS-IB 3.21, 3.16, 3.20 and policy 2. Submission s85.035 is supported by DoC (FS31.013) and opposed by Hamish Weir (FS5.45) and Hokonui Rūnanga (FS20.007). Submission s85.109 is opposed by Hamish Weir (FS5.115) and supported by Hokonui Rūnanga (FS20.011).
327. Forest and Bird seek to add ECO-O5 to utilise the identification and restoration of SNAs to enhance ecosystem services, community knowledge and education (s110.028). This submission was supported in part by Hokonui Rūnanga (FS20.018) and Federated Farmers (FS17.019).
328. Mercury NZ seek a new objective to recognise the functional and operational needs of critical infrastructure (Mercury NZ S130.056) which is opposed by DoC (FS31.017) and supported by Contact Energy (FS24.037).
329. Environment Southland also seek a new objective to take account of s3.16 of the NPS-IB (s85.020). This submission is opposed by Stoney Creek (FS25.026).

Assessment

330. NPS-IB provisions are addressed in the ECO chapter as follows:
- a. Clause 3.16 relating to subdivision use and development outside SNAs utilising the effects management hierarchy – ECO-O1 and ECO-P10
 - b. Clause 3.20 relating to managing adverse effects of new subdivision, use and development on specified highly mobile fauna areas outside SNAs – ECO-O1 and ECO P10
 - c. Clause 3.21 relating to promoting the restoration of indigenous biodiversity by prioritising particular features – ECO-O1 and ECO-P6
 - d. Policy 2 relating to Tangata whenua exercising kaitiakitanga for indigenous biodiversity in their rohe – ECO-O4 and ECO-P2.2, ECO-P6.5, ECO-P7.4, ECO-P8.4, ECO-P9.6, ECO-P10.4, and ECO-P11.4.
 - e. Functional and operational needs – ECO-O3 and ECO-P3.9
331. As these matters are already addressed generically at the objective level and specifically at the policy level, submissions by Environment Southland and Mercury are rejected.

332. The submission by Forest and Bird is rejected as the proposed objective reads like a policy and is a method to address the existing ECO objectives. A more effective approach would be to amend ECO-P7 to add the following as a consequential change:

Protect, enhance and restore Significant Natural Areas by....

6. enhancing community knowledge and education

Recommendation

333. No changes are recommended to include new objectives although a consequential change is recommended to ECO-P7 as outlined in Appendix A. Submissions and further submissions are accepted, accepted in part or rejected as shown in Appendix B.

Section 32AA Assessment

334. Refer Appendix F for assessment of consequential change to ECO-P7.

Policy ECO-P1

Matters Raised by Submitters

335. Numerous submission points seek to retain ECO-P1⁶² as notified. Hokonui Rūnanga seek an amendment to focus on mapped SNAs (s139.016), Environment Southland want highly mobile species included once they have been identified in the SRPS (s85.022), while other submitters want reference to the Waterfall Range excluded⁶³.

Assessment

336. Notified ECO-P1 is:

Work in partnership with Local Authorities, mana whenua, stakeholders and landowners to:

1. identify Significant Natural Areas (SNAs) to include:

(a) Areas identified as SNA-1 (Waterfall Range) and SNA-2 (Pukerau Red Tussock Reserve) on the planning maps, and

(b) A variation to the Proposed District Plan to identify areas that meet the criteria set out in Appendix 4; and

2. map and describe each specified highly mobile fauna area.

⁶² DoC (S109.053), Federated Farmers et al (S126.083, S115.084, S143.095, S148.096, S60.086, S68.204)

⁶³ McLeod-Wantwood Trust/Wantwood Station et al (S104.020, S127.020, S105.020) and further submission (FS17.020)

337. Support for ECO-P1 is acknowledged and accepted subject to the recommended alterations outlined below.
338. The NPS-IB directs that existing SNAs should be included in the PDP initially and then removed if an ecological assessment warrants this⁶⁴. Mr Wells, Council's consultant Ecologist, has confirmed that both areas identified in the PDP would meet NPS-IB SNA criteria and SRPS SIVA criteria so should therefore be included subject to minor mapping changes to exclude exotic vegetation outlined in Appendix C and Appendix K.
339. However, Mr Wells considers that reference to Waterfall Range should be amended as SNA-1 is mapped and includes the public land made up of Dolamore Park and Croydon Bush (see Figure 1 below) while the Waterfall Range includes a much wider area and would include private land such as Stoney Creek and Wantwood Stations which are addressed separately. Consequently, submission points outlined in footnote 16 are accepted in part subject to "Waterfall Range" being replaced with "Dolamore Park/Croydon Bush".

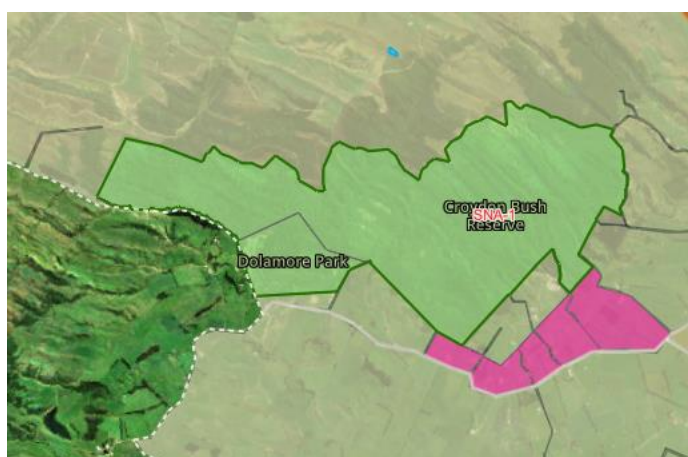


Figure 1

340. Hokonui Rūnanga submission point (s139.016) which seeks a focus on mapped SNAs is accepted in part. This submission point seeks the following changes:

Work in partnership with Local Authorities, mana whenua, stakeholders and landowners to:

1. To identify as Significant Natural Areas (SNAs) to include:

- (a) Areas identified as SNA-1 (Waterfall Range) and SNA-2 (Pukerau Red Tussock Reserve) on the planning maps, and
- (b) ~~A variation to the Proposed District Plan to identify~~ areas that meet the criteria set out in Appendix 4 once they are assessed and shown on the planning maps; and

2. map and describe each specified highly mobile fauna area.

⁶⁴ NPSIB - 3.8(5)

341. The NPS-IB has been amended by the Resource Management (Freshwater and Other Matters) Amendments Act 2024 to defer the requirement for mapping of SNAs for three years. Since notification of the PDP the Biodiversity Technical Working Group⁶⁵ (BTWG) was established to review existing SNA mapping. Councils' consultant Ecologist has reviewed the feedback of the BTWG and refined SNA mapping using the criteria from the NPS-IB and SRPS. This mapping (Appendix G) has been done remotely and differentiates between areas of indigenous biodiversity (IVAs) and SNAs/SIVAs to help inform which areas are covered by ECO-R1 and the definition of SNA/SIVA.
342. Given the change in mapping requirements to the NPS-IB, the timing of the PDP hearing process, the fact that the mapping has been done remotely and without input from landowners it is now no longer recommended that mapping is incorporated by way of a district plan variation which would be required before the PDP becomes operative. Instead, it is proposed that the mapping sits outside the district plan and is used as a guide to help inform when resource consent may be required for indigenous vegetation clearance in accordance with ECO-R1.
343. Since notification of the PDP the Council has relied on 2011 mapping (Appendix M) as outlined in the FAQ document attached at Appendix R. This 2011 mapping is less accurate and much more extensive than the current mapping and does not distinguish between SNAs/SIVAs and indigenous vegetation (IVAs).
344. Alongside the PDP process Environment Southland have been contacting Gore landowners and offering a free service to undertake ecological assessments⁶⁶. This work provides a detailed map of indigenous biodiversity areas and distinguishes Significant Indigenous vegetation areas using the SRPS criteria which are similar to NPS-IB SNA criteria as outlined by Mr Wells in Appendix C.
345. As a result of the work outlined above it is recommended to amend ECO-P1 to replace reference to 'Waterfall Range' with reference to 'Dolamore Park / Croydon Bush' and remove reference to a Plan variation. This change means that SNAs/SIVAs can be identified over time as landowners undertake development that may require clearance of indigenous vegetation described in the FAQ document and displayed on the indicative maps (Appendix G). This also means that there is no need for a variation although a plan change may be required to incorporate mapping of SNAs/SIVAs in the district plan in the future when SNA/SIVA mapping is mandated by the RMA/NPS-IB.
346. In the meantime, landowners will also have an opportunity to provide feedback on the indicative mapping following the release of this hearing report and seek a detailed and free ecological assessment from Environment Southland where funding remains available.

⁶⁵ BTWG membership included Environment Southland, Gore District Council, Southland District Council, Invercargill City Council, Federated Farmers, Hokonui Runanga, DoC, Fish and Game, and Forest and Bird.

⁶⁶ Add in detail from Polly about how many landowners have been approached and which landowners have taken up this offer – Also work through s6 Letters and note these details too.

347. Alternatively, the indigenous vegetation mapping could be incorporated into the PDP as a response to submissions discussed later in this report. Regardless of changes to the NPS-IB Council still has statutory obligations to protect areas of significant indigenous vegetation or significant habitats of indigenous fauna (SIVA) in accordance with s6(c) and maintain indigenous biological diversity in accordance with s31 (1)(b)(iii)) of the RMA. Identifying these areas inside or outside the PDP will make implementation of ECO-R1 more efficient and effective.
348. Environment Southland's submission point seeks to amend ECO-P1 to better align with the NPS-IB as follows:

to identify all areas of significant indigenous vegetation or significant habitats of indigenous fauna and include them in the district plan as SNAs" Identify by undertaking a district wide assessment using partnerships, transparency, quality, access, consistency and boundaries'. A policy regarding Highly Mobile Fauna should be included 'To provide information to the community about Highly Mobile Species, their habitat and the management of adverse effects' and to amend the Plan, if required once Highly Mobile Species areas have been identified in the Policy Statement.

349. Environment Southland's submission point (s85.022) is accepted in part on the basis that the notified version of the ECO-P1 does align with the NPS-IB by specifically including existing mapped SNAs⁶⁷, map and describe highly mobile fauna areas⁶⁸, and highlighting the need to work in partnership and with whom. While NPS-IB specifies that SNAs must also be identified against a number of other criteria⁶⁹, it is not considered necessary to parrot the NPS-IB as this will ultimately guide this work and working in partnership with others including Environment Southland will ensure this occurs. Further detail on the highly mobile species is considered useful particularly recognising the requirement for the regional council to identify these areas as well as the relationship between areas of significant indigenous vegetation or significant habitats of indigenous fauna and SNAs. Given that a key to maintaining indigenous biological diversity is also limiting clearance of indigenous vegetation it is also important to map these areas too.
350. Overall, to respond to the submissions assessed above it is recommended to amend ECO-P1 as follows:

Work in partnership with Local Authorities, mana whenua, stakeholders and landowners to:

1. Identify areas of indigenous vegetation;

2. identify all areas of significant indigenous vegetation or significant habitats of indigenous fauna as Significant Natural Areas (SNAs/SIVAs) to include:

⁶⁷ Clause 3.8(5) of NPS-IB

⁶⁸ Clause 3.20 NPS-IB

⁶⁹ Clause 3.8 (b) Transparency, (c) quality, (d) access, (e) consistency, (f) boundaries

- (a) Areas identified as SNA-1/~~SIVA~~ (~~Waterfall Range Dolamore Park/Croydon Bush~~) and SNA-2 (Pukerau Red Tussock Reserve) on the planning maps, and
- (b) ~~A variation to the Proposed District Plan to~~ identify areas that meet the criteria set out in Appendix 4 ~~or Appendix 3 of the Southland Regional Policy Statement~~; and
3. ~~map and provide information about specified highly mobile fauna areas once they have been included in the Southland Regional Policy Statement~~ ~~map and describe each specified highly mobile fauna area.~~

Recommendation

351. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B and changes are made as outlined in Appendix A.

Section 32AA Assessment

352. Refer Appendix F.

Policy ECO-P2

Matters Raised by Submitters

353. Mercury (S130.057) supports ECO-P2 () with amendments sought by Stoney Creek et al⁷⁰ to “Enable ~~Allow~~ activities within or affecting SNAs that may impact ~~indigenous biodiversity values~~ the extent or ecological integrity of the SNA where:
- I. the activity is a lawfully established activity; or
 - II. Their purpose is to facilitate or express Ngāi Tahu rights, interests, or cultural purpose; or
 - III. The activity has a functional or operational need to be located in the area....”
354. Other amendments are also sought to “enable” activities where this is for the “maintenance and development” of a lawfully established activity.⁷¹
355. DoC (S109.054) seeks the deletion of ECO-P2 or redrafting to reflect the exceptions and application of the effects management hierarchy to better reflect the NPS-IB.
356. DoC’s submission is opposed by Hamish Weir (FS5.34), Federated Farmers (FS17.023), NZTA (FS14.016), and Stoney Creek (FS25.030).
357. Forest and Bird (S110.029) seek amendments to clause 3 to note that there is no practicable alternative location. Forest & Bird’s submission is opposed by Federated Farmers (FS17.021),

⁷⁰ (S3.007, S113.007, S116.007, S118.007, S127.043, S18.009, S19.009, S20.009, S24.009, S68.011, S117.007

⁷¹ Federated Farmers et al (S126.084, S68.205, S60.087, S148.097, S143.096, S115.085) and further submissions (FS5.36 & FS25.037)

Transpower (FS30.070), Contact Energy (FS24.031), and Stoney Creek (FS25.031) and supported by Hamish Weir (FS5.35).

358. Hokonui Rūnanga (S139.018) seek that ECO-P2 be replaced with the following:

Allow subdivision, use or development of land or other activities in or adjoining Significant Natural Areas provided:

1. Any adverse effects of the activity on the ecological values, functioning or integrity of the site, its mauri or value as mahinga kai is minor; or
2. The activity has a functional or operational need to occur in that area and any adverse effects on the matters listed in (i) above are avoided or offset in accordance with ECO-P11; or
3. The activity is provided for and undertaken in accordance with an approved biodiversity management plan for the site.

359. This submission is opposed by Federated Farmers (FS17.024) and Stoney Creek (FS25.035).

360. Environment Southland (S85.023) seek that ECO-P2(4) is amended to:

The activity is no greater in intensity, scale or character and does not result in the loss of extent or degradation of ecological integrity.

361. This submission is opposed by Contact Energy (FS24.032) and Stoney Creek (FS25.032).

362. Transpower (S101.052) and NZTA (S112.064) seek amendments to recognise operational needs and Greenbriar Ltd (S128.024) also seek the recognition of activities which are locationally constrained.

363. Transpower's submission is supported by Federated Farmers (FS17.022) and Stoney Creek (FS25.029). NZTA's submission is supported by Stoney Creek (FS25.033) and NZTA noted an error in their original submission (FS14.017). Stoney Creek (FS25.036) support Greenbriar Ltd's submission.

364. Contact Energy do not consider ECO-P2 recognises when certain activities may be appropriate within SNAs (S144.007). Yrless Limited (FS21.075) and Stoney Creek (FS25.034) support this submission.

Assessment

365. ECO-P2 as notified reads as follows:

Allow activities within Significant Natural Areas that may impact indigenous biodiversity values where:

- 1. This is for a lawfully established activity; or*
- 2. Their purpose is to facilitate or express Ngāi Tahu rights, interests, or cultural purpose; or*
- 3. The activity has a functional need to be located in the area; or*

4. *The activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat, and/or Ngāi Tahu cultural purpose.*

366. The support of Mercury is acknowledged and supported subject to amendments recommended below.
367. The relief sought by Stoney creek et al seeks to “enable” activities within “or affecting” SNAs with a focus on “the impacts and extent or ecological integrity of the SNA” and allowing activities that have an “operational” as well as functional need is accepted.
368. Enable and allow can be used interchangeably to equate to permitting activities as has been the case throughout the PDP including within other chapters within the Natural Environment Values and Historical and Cultural Values chapters (RMA s6 Matters).⁷² Furthermore NPS-IB clause 3.15(2) states that **established activities** should be “**enabled**” in district plan policies where the **effects of the activity** on an SNA do not result in **loss of extent** or **degradation of ecological integrity**. It is therefore recommended to replace allow with enable.
369. Operational need is defined in the National Planning Standards and the PDP as “*the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.*”
370. NPS-IB clause 3.15 also states that an established activity means any activity (including maintenance, **operation**, and upgrade). For alignment purposes it is appropriate to enable activities that not only have a functional but also operational need to locate within SNA, particularly where this relates to an **established activity**, and does not result in a loss of extent or ecological integrity of an SNA.
371. ECO-P2 does not only cover lawfully established activities though. ECO-P2(2) addresses Ngāi Tahu Rights and Interests, ECO-P2(3) covers activities that have a functional need, and ECO-P3(4) covers activities that generally have no more than minor adverse effects. These arms of ECO-P2 address NPS-IB 3.10 and 3.11 which outlines how adverse effects on SNAs need to be managed and notes that adverse effects on an SNA involving sustainable customary use (3.10. (6)(b)) or activities requiring a functional or operational need to locate where there are no practical alternative (3.11 (1)(b) &(c)) shall be disregarded.
372. Furthermore clause 3.11(4) notes that other adverse effects generally need to be managed by applying the effects management hierarchy and 3.10(2) notes that certain adverse effects relating to indigenous vegetation and fauna habitat are avoided. Consequently, ECO-P2 is considered to give effect to the NPS-IB and as such I recommend with the changes proposed by Stoney Creek as follows:

~~“Enable Allow~~ activities within ~~or affecting~~ SNAs that may impact ~~indigenous biodiversity values the extent or ecological integrity of the SNA~~ where:

⁷² See for example HH-P3, HH – P4, and HH-P8

- a. the activity is a lawfully established activity; or
 - b. Their purpose is to facilitate or express Ngāi Tahu rights, interests, or cultural purpose; or
 - c. The activity has a functional or operational need to be located in the area; or
 - d. The activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat, and/or Ngāi Tahu cultural purpose.
373. Federated Farmers et al⁷³ submission points seeking to “enable” activities are also accepted. However, that part of the submission point seeking to enable activities for “the maintenance and development” of lawfully established activities is rejected. While it is acknowledged that ECO-R1 enables a range of existing farming activities to continue to operate in accordance with NPS-IB generally, this is recognised in ECO-P2(4) where the adverse effects are no more than minor and ECO-R1 sets limits accordingly unless these activities are permitted by other provisions in the NPS-IB. ECO-P2(1) has been worded to reflect NPS-IB 3.15(1) which limits established activities where they are not a new subdivision, use or development and 3.15(3) that sets up a management regime for activities that are a new use or development.
374. DoC’s submission point (s109.054) is accepted in part to improve alignment with the NPS-IB. This submission point seeks the deletion of ECO-P2 or redrafting to reflect the exceptions and application of the effects management hierarchy to better reflect the NPS-IB. DoC notes that *“This policy should be rewritten to clarify that SNAs have the highest protection due to the values of the area (or that the protection and avoidance of adverse effects within SNAs - ECO-P7 and P3 is set out first). P2 as drafted does not currently accord with cl 3.10 and 3.11 of the NPS IB. The policy is less protective than those clauses require and so, does not give effect to the NPS-IB. In particular, ECO-P2 point 4 undermines the other proposed ECO policies and does not give effect to NPS-IB cl 3.10(2). The exceptions to the SNA provisions in the NPS-IB need to be carefully written so that they accurately reflect the thresholds in which these exceptions can occur. It is recommended that this Policy is either removed or rewritten to accurately reflect the NPS-IB exceptions for activities that may have adverse effects on an SNA and how these are managed by applying the effects management hierarchy and other requirements as specified in the NPS IB.”*
375. ECO – P3 as notified addresses new subdivision, use and development noting that adverse effects on SNAs should be avoided where these result in impacts on aspects of significant indigenous vegetation or fauna habitat (SNAs) that reflect NPS-IB clause 3.10 and 3.11 as follows:
- 1. loss of ecosystem representation and extent; **(NPS-IB 3.10 (2)(a))**
 - 2. disruption to sequences, mosaics, or ecosystem function; **(NPS-IB 3.10 (2)(b))**

⁷³ S126.084, S68.205, S60.087, S148.097, S143.096, S115.085

3. fragmentation of SNAs or the loss of buffers or connections within an SNA; **(NPS-IB 3.10 (2)(c))**
4. reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems; and **(NPS-IB 3.10 (2)(d))**
5. a reduction in the population size or occupancy of Threatened or At Risk (declining) species that use an SNA for any part of their life cycle; **(NPS-IB 3.10 (2)(e))**

Unless they relate to:

6. Construction of specified infrastructure that provides significant national or regional public benefit; **(NPS-IB 3.11 (1)(a)(i))**
7. Mineral and aggregate extraction that provides significant national public benefit that could not otherwise be achieved using resource in New Zealand; **(NPS-IB 3.11 (1)(a)(ii) &(iii))**
8. The operation or expansion of any coal mine that was lawfully established before 4 August 2023, except that after 31 December 2030 this exception applies only to coal mines that extract Coking coal; and **(NPS-IB 3.11 (1)(a)(iv))**
9. There is a functional need or operational need to be in that particular location and there are no practicable alternative locations. **(NPS-IB 3.11 (1)(b) &(c))**

376. ECO-P7 as notified protects, enhances, and restores SNAs by addressing a number of matters that come from the NPS-IB and SRPS as follows:

1. Minimising the loss, fragmentation and reduction of:

- (a) Significant Natural Areas **(NPS-IB 3.21 (2)(a))**

- (b) connections between Significant Natural Areas, and **(NPS-IB 3.21 (2)(c))**

- (c) threatened or at risk and indigenous species populations; **(NPS-IB 3.21 (2)(b))**

2. Promoting the creation of connections and ecological corridors between Significant Natural Areas; **(NPS-IB 3.21 (2)(c))**

3. Promoting the use of eco-sourced species from the relevant ecological district; **(NPS-IB 3.22 (4)(b)(iv))**

4. 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; and **(NPS-IB 3.10 (6)(b), 3.5(1)(c), and 3.3 (2) (b)(c) and (d))**

5. Supporting initiatives by landowners, community groups and others to protect, restore and maintain areas of significant indigenous biodiversity. **(NPS-IB 3.21 (3) and 3.5(1)(e) and (f))**

377. In addition, ECO-P4 requires the application of the effects management hierarchy in accordance with the NPS-IB.
378. Therefore, when read together with other ECO policies, ECO-P2 does give effect to NPS-IB 3.10(2) which is specifically addressed in ECO-P3. ECO-P2 is about implementing NPS-IB 3.15 relating to established activities, 3.10. (6)(b) involving sustainable customary use, and 3.11 (1)(b) &(c) relating to operational and functional need. Furthermore, NPS-IB 3.11(4) notes that other **adverse** effects generally need to be managed by applying the effects management hierarchy and 3.10 (2) notes that certain **adverse** effects relating to indigenous vegetation and fauna habitat are avoided.
379. Hence ECO-P2(4) enables activities where the **adverse effects** on SNAs are **less than minor** and ECO-R1 establishes appropriate limits on these activities. Consequently, ECO-P2 is considered to give effect to the NPS-IB. Changes are however recommended to ECO-P2(3) to include reference where there are no practical alternative locations in accordance with NPS-IB 3.11(1)(c) and the Forest and Bird submission point discussed below.
380. The Forest and Bird submission point (S110.029) seeking amendments to ECO-P2(3) to note that there may be no practicable alternative location is accepted as this aligns with NPS-IB 3.11(1)(c) which limits activities with an operational or functional need to locate in SNAs where there are no alternative locations for the new subdivision, use or development. The following amendment is therefore recommended:

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

381. Consequently, Transpower (S101.052) and NZTA (S112.064) submission points are accepted in part. Greenbriar's submission point (S128.024) is also accepted in part to the extent that this also seeks reference to operational need, however the change to include locationally constrained is not accepted as this does not align with NPS-IB 3.11(1)(c) as the locational constraint relies on operational and functional need criteria also being met. Changes to clause 3 as amended by the Forest and Bird submission point may provide some relief to Greenbriar in this respect.
382. The Hokonui Rūnanga submission point (S139.018) seeking the replacement of ECO-P2 with the following is rejected:

Allow subdivision, use or development of land or other activities in or adjoining Significant Natural Areas provided:

1. Any adverse effects of the activity on the ecological values, functioning or integrity of the site, its mauri or value as mahinga kai is minor; or

2. The activity has a functional or operational need to occur in that area and any adverse effects on the matters listed in (i) above are avoided or offset in accordance with ECO-P11; or
 3. The activity is provided for and undertaken in accordance with an approved biodiversity management plan for the site.
383. Hokonui Rūnanga consider ECO-P2 appears contradictory to ECO-P3, ECO-P4, and ECO-P7. As outlined above ECO-P2 implements different parts of the NPS-IB to the other ECO policies. Consequently, this submission point is rejected.
384. In order to align with NPS-IB clauses 3.14, 3.15. and 3.17, Environment Southland (S85.023) seek that ECO-P2(4) is amended to:

The activity is no greater in intensity, scale or character and does not result in the loss of extent or degradation of ecological integrity.

385. This submission point is accepted in part.
386. As noted above, ECO-P2(4) covers minor adverse effects, helps align with permitted standards in ECO-R1, and is consistent with NPS-IB 3.11(4) due to the minor effects qualifier. Arguably, ECO-P2(4) also aligns with NPS-IB 3.14 (adverse effects of plantation forestry), 3.15 (managing adverse effects of established activities on SNAs), and 3.17 (Maintenance of improved pasture to ensure effects are no greater than previously undertaken) due to the minor effects qualifier.
387. However, adding an additional clause as requested by Environment Southland would help improve alignment and help clarify existing use rights and the need to maintain ecological integrity of SNAs. It is also noted that the approach of maintaining clause 4 and adding another clause would align with SRPS policies BIO.2 and BIO.4 that seeks to protect significant areas and maintain indigenous biodiversity while making appropriate provision for the lawful maintenance and operation of existing activities and having particular regard to a range of potential effects which could be considered to be more than minor. Consequently, I recommend that ECO-P2 is amended to include an additional clause as follows, noting that the extent and integrity of the SNA is now addressed in the chapeau in response to the Stoney Creek submission point above.

.....Or

5. The activity is no greater in intensity, scale or character.

388. The Contact Energy submission point (S144.007), that considers that ECO-P2 does not recognise when certain activities may be appropriate within SNAs provided the effects are managed, is rejected. ECO-P2(4) enables activities where the effects are minor and other policies such as ECO-P3, ECO-P4, ECO-P5, and ECO-P9 address the wider management of activities within SNAs in accordance with the NPS-IB requirements.

Recommendation

389. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B with amendments outlined in Appendix A including a consequential change to also refer to SIVA.

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390. Refer Appendix F.

Policy ECO-P3

Matters Raised by Submitters

391. There is general support for ECO-P3⁷⁴.
392. However, Transpower (S101.053) seek an amendment to exclude the operation, maintenance, upgrading and development of the National Grid and Mercury Energy (S130.058) who want an exclusion for the development, upgrade or maintenance of specified infrastructure that provides national or significant regional benefit.
393. Stoney Creek et al⁷⁵ want an exclusion to address high risk to public health and safety.
394. Hokonui Rūnanga (S139.019) want the policy deleted. Federated Farmers (FS17.026) and Stoney Creek (FS25.038) oppose Hokonui Rūnanga's submission.

Assessment

395. ECO-P3 as notified reads as follows:

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

- 1. loss of ecosystem representation and extent;*
- 2. disruption to sequences, mosaics, or ecosystem function;*
- 3. fragmentation of SNAs or the loss of buffers or connections within an SNA;*
- 4. reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems; and*
- 5. a reduction in the population size or occupancy of Threatened or At Risk (declining) species that use an SNA for any part of their life cycle;*

Unless they relate to:

- 6. Construction of specified infrastructure that provides significant national or regional public benefit;*
- 7. Mineral and aggregate extraction that provides significant national public benefit that could not otherwise be achieved using resource in New Zealand;*

⁷⁴ Doc (S109.055), NZTA (S112.065), Federated Farmers et al (S126.085, S115.086, S143.097, S148.098, S60.088, S68.206), ES (S85.024), KiwiRail (S132.050), Greenbriar Ltd (S128.025) and further submission (FS25.039)

⁷⁵ (S3.008, S117.008, S68.012, S24.010, S20.010, S19.010, S18.010, S127.044, S118.008, S116.008, S113.008) and further submission (FS17.025)

- 8. The operation or expansion of any coal mine that was lawfully established before 4 August 2023, except that after 31 December 2030 this exception applies only to coal mines that extract Coking coal; and*
- 9. There is a functional need or operational need to be in that particular location and there are no practicable alternative locations.*

396. ECO-P3 implements NPS-IB clause 3.10 (2) and the exceptions provided for in clause 3.11 (1)(a)(i) relating to specified infrastructure, mineral and aggregate extraction (3.11(1)(a)(ii) and (iii)), and coal mining (3.11(1)(a)(iv)). ECO-P3 also includes the limitation about functional and operational need and locational constraints of (3.11(1)(b) and (c)).
397. ECO-P3 also gives effect to SRPS Policies BIO. 2 and BIO.4 regarding protection of significant areas and maintenance of indigenous biodiversity and the need to address adverse effects relating to fragmentation and loss of ecosystems and rare or threatened indigenous species.
398. The general support of various parties⁷⁶ is noted and supported subject to any changes outlined below.
399. The Transpower submission (S101.053) seeking an additional clause to exclude the operation, maintenance, upgrading and development of the National Grid given the exclusion in NPS-IB 1.3(3) is rejected. NPS-IB 1.3(3) states that nothing in the NPS-IB *"applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network assets and activities. For the avoidance of doubt, renewable electricity generation assets and activities, and electricity transmission network assets and activities, are not "specified infrastructure" for the purposes of this National Policy Statement."*
400. While the NPS-IB may not cover renewable electricity generation and electricity generation assets and activities there is still a broader obligation under the RMA to protect SNAs (s6(c)) and maintain indigenous biodiversity (s31(1)(b)(iii)) while also having particular regard to the benefits derived from the use and development of renewable energy (s7(j)).
401. The management of renewable electricity generation and electricity generation assets and activities is guided by the existing NPSREG, NPSET and NESETA.
402. The NPSREG acknowledges that the benefits of renewable electricity generation can compete with matters of national importance including SNAs and there is a need for greater consistency for decision makers, applicants and wider community is resolving these competing interests.⁷⁷ While the NPSREG policies recognize the benefits of renewable electricity generation activities (Policy A), acknowledge practical implications of achieving targets from renewable resources (Policy B), acknowledge the practical constraints associated with new and existing REG activities (Policy C), and the need to incorporate provisions for REG generally and small and community scale REG activities in district plans

⁷⁶ S109.055, S112.065, S126.085, S115.086, S143.097, S148.098, S60.088, S68.206, S85.024, S132.050, and S128.025

⁷⁷ NPSREG Preamble

(Policy E and F), these policies do little to address the competing interest with SNAs that is highlighted in the NPSREG preamble.

403. The NPSET objective seeks to recognise the significance of the electricity network while managing adverse effects of the network and other activities on the network. Policy 8 notes that the planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreational value and amenity in rural areas but there is no specific reference to SNAs. In Gore all SNAs are in rural areas and are identified using criteria from the NPS-IB/SRPS relating to representativeness, diversity and pattern, rarity and distinctiveness, and ecological context. The unspoiled natural form of SNAs could be considered to contribute to Gores amenity values of the rural area given that the definition of amenity values in the RMA⁷⁸ includes natural qualities that contribute to people's appreciation of pleasantness, cultural and recreational attributes particularly given that SNAs include taonga species identified by mana whenua and a number are located within recreational areas.
404. The NESETA provides for vegetation clearance associated with existing transmission lines in Natural Areas (which include SNAs) generally as a controlled activity (s31), while clearance associated with new lines is outside the scope of NESETA and will be considered via the District Plan.
405. The SRPS also provides guidance in that Policy BIO.2 requires the protection and enhancement of SNAs while having regard to potential adverse effects relating to fragmentation and loss of values which are similar to ECO-P3(1 to 5). At the same time Policy INF.1 recognises the benefits of nationally and regionally significant infrastructure and critical infrastructure, while Policy INF.2 seeks to manage adverse effects of infrastructure on the environment while taking into account a range of matters including functional and operational need, alternative locations and designs and the requirements of NPSET (2008).
406. While the NPS-IB might not cover REG and Electricity transmission the broader coverage of the RMA and SRPS means that an exclusion for these matters should not be provided in ECO-P3. This is further supported by the lack of direction in NPSREG, the need to avoid adverse effects in recreational and amenity areas in the NPSET and the need for consent in the NESETA.
407. The Mercury Energy submission point (S130.058) requesting an exclusion for the construction "development, upgrade or maintenance of specified infrastructure that provides ~~significant~~ national or significant regional benefit", noting that it is unclear how a significant national benefit test would be applied, is accepted in part.
408. NPS-IB 3.11(1)(a)(i) notes that any adverse effects on an SNA of a new subdivision, use or development must be managed using an effects management hierarchy if it is for the purpose of "construction or upgrade of specified infrastructure that provides **significant national** or regional benefit". Any upgrade is only relevant where this does not meet the

⁷⁸ **amenity values** means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes

requirements of clause 3.15(2) relating to existing use rights and loss of SNA values. Construction and upgrade are referred to in the NPS-IB while development and maintenance are not. It is understood that this is because maintenance would be covered by NPS-IB 3.15 relating to established activities and addressed in ECO-P2 and the term 'development' would already be covered by reference to 'construction or upgrade'.

409. The significance test in the NPS-IB applies to not only regional but also national benefits so therefore should be retained as notified noting that the scale of benefit would be considered at resource consent stage and the policy states national "or" regional benefit not "and" so if regional benefit is achieved the policy test would be passed. I recommend that ECO-P3(6) is amended as follows:

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

410. The Stoney Creek et al⁷⁹ submission point seeking an exclusion to address high risk to public health and safety is accepted in part as this aligns with NPS-IB 3.10(6)(a) that excludes any use and development required to address a high risk to public health and safety from having to avoid effects or be considered using the effects management hierarchy and are therefore a permitted activity in ECO-R1. Consequently, I recommend an amendment to ECO-P2(6) as clause 6 rather than ECO-P3 as follows:

ECO-P2

"Enable activities within or affecting SNAs that may impact the extent or ecological integrity of the SNA where:

...6. There is a high risk to public health and safety.

411. The Hokonui Rūnanga submission point (\$139.019) requesting the deletion of the policy is rejected because the policy is needed to implement the NPS-IB and SRPS as noted above.

Recommendation

412. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B and amendments are made as outlined in Appendix A including consequential changes to ECO-P2(6).

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413. Refer Appendix F.

Policy ECO-P4

⁷⁹ (S3.008, S117.008, S68.012, S24.010, S20.010, S19.010, S18.010, S127.044, S118.008, S116.008, S113.008) and further submission (FS17.025)

Matters Raised by Submitters

414. There is general support for ECO-P4⁸⁰ apart from Transpower (S101.054) who seek an exclusion for the operation, maintenance, upgrading and development of the National Grid, Environment Southland (S85.025) who want removal of “not the harvesting of trees itself, and Hokonui Rūnanga (S139.020) who want the policy deleted. ES’s submission is supported by Federated Farmers (FS17.027).

Assessment

415. ECO-P4 as notified is as follows:

ECO-P4 Manage any adverse effects on an SNA from a new subdivision, use or development relating to the following matters in accordance with the effects management hierarchy:

- 1. Construction of specified infrastructure that provides significant national or regional public benefit:*
- 2. Mineral and aggregate extraction that provides significant national public benefit that could not otherwise be achieved using resource in New Zealand;*
- 3. The operation or expansion of any coal mine that was lawfully established before 4 August 2023,*
- 4. a single residential dwelling on an allotment created before 4 August 2023 and there is no practicable location within the allotment for dwelling construction and on-site infrastructure to avoid adverse effects outlined in ECO-P3(1) to ECO-P3(5),*
- 5. maintaining or restoring an SNA and this does not involve the permanent destruction of significant habitat of indigenous biodiversity,*
- 6. An activity associated with the harvest of indigenous tree species from a SNA carried out in accordance with a forest management plan or permit under part 3A of the Forests Act 1949, such as track clearance and timber storage, but not the harvesting of trees itself.*

416. ECO-P4 is giving effect to NPS-IB 3.11 relating to the effects management hierarchy being applied to specified infrastructure, mineral and aggregate extraction, coal mining, residential dwellings, maintenance and restoration of SNAs, and forestry. ECO-P4 also gives effect to SRPS Policies BIO.2 and BIO.4.
417. Submission points in support of ECO-P4 are acknowledged and accepted subject to any amendments recommended below.
418. Transpower’s submission point (S101.054) for an exclusion for the operation, maintenance, upgrading and development of the National Grid is rejected. As noted in the discussion under ECO-P3, the exclusion in the NPS-IB for renewable electricity generation and transmission lines does not mean that these matters do not need to be considered under the RMA and

⁸⁰ DoC (S109.056), NZTA (S112.066), Greenbriar Ltd (S128.026), KiwiRail (S132.051)

SRPS which require the protection and enhancement of SNAs along with consideration of impacts under NPSET and NESETA.

419. Environment Southland submission point (S85.025) to remove “not the harvesting of trees itself” from the end of ECO-P4(6) is rejected as NPS-IB 3.11 (5) states that the harvesting of trees are exempt from an assessment against an effects management hierarchy and NPS-IB 3.10.(6)(e) provides for harvest in accordance with a forest management plan.
420. The Hokonui Rūnanga (S139.020) submission point to delete the policy is rejected due to the need to give effect to the NPS-IB.

Recommendation

421. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B and a consequential amendment is made to include reference to SIVA as shown in Appendix A.

Section 32AA Assessment

422. Refer Appendix F.

Policy ECO-P5

Matters Raised by Submitters

423. Submissions seek amendments to ECO-P5 to also “enhance” long-term populations (including population size, age structure and distribution) of threatened or at risk species (DoC S109.057) along with taonga species (Hokonui Rūnanga S139.023) and ensure commercial forestry does not produce wilding seedlings with ongoing control within 10km of planting (Forest & Bird S110.030). Forest & Bird’s submission is opposed by Port Blakely Limited (FS10.001).
424. ES support ECO-P5 (S85.026).

Assessment

425. ECO-P5 as notified is:

Plantation Forest activities in any existing plantation forest within a SNA must be managed in a manner that:

- 1. Maintains indigenous biodiversity in the SNA as far as practicable while providing for plantation forest activities to continue, and*
- 2. Maintains the long-term populations of any Threatened or At Risk (declining) species present in the area.*

426. Support for ECO-P5 is acknowledged and accepted.
427. DoC’s submission point (s109.057) is accepted in part as NPS-IB 3.14 relating to plantation forestry activities specifically focuses on maintenance rather than enhancement of

indigenous biodiversity but additional text clarifying factors relating to long-term populations such as population size, age, structure and distribution are helpful and consistent with 3.10 (2)(e).

428. Hokonui Rūnanga submission point (s139.023) seeking an additional clause to maintain the long-term population and health of all taonga species is rejected. NPS-IB 3.19 requires that territorial authorities must work in partnership with tangata whenua to determine indigenous species, populations and ecosystems that are taonga and identify and protect them in the district plan along with notifying the relevant landowner. NPS-IB 3.14 does not specifically reference taonga species but requires the maintenance of indigenous biodiversity in the SNA as far as practicable while providing for plantation forestry activities to continue. Taonga species are defined in the PDP to include those species identified in Te Tangi A Tauira Taonga species appendix and are all indigenous so would be considered indigenous biodiversity, which is referenced in ECO-P5(1). It is therefore considered unnecessary to make specific reference to taonga species in this policy. However, an alternative to the notified version of the version of ECO-P5 could be to amend ECO-P5(2) to reference taonga species should this help ensure consistency from the submitter's perspective.
429. Forest and Birds submission point is accepted in part to align with the NESCF reference to "commercial forestry" rather than "plantation forestry" as the NESCF definition of commercial forest includes plantation forest. Changes sought to control wilding seedling spread within 10km of planting are rejected as this reads like a rule, is not covered in NPS-IB 3.14, and is managed in the Southland Regional Pest Management Plan.
430. Based on the above assessment, I recommend that ECO-P5 is amended as follows:

~~Plantation Commercial~~ Forest activities in any existing ~~plantation commercial~~ forest within a SNA must be managed in a manner that:

1. Maintains indigenous biodiversity in the SNA as far as practicable while providing for ~~plantation commercial~~ forest activities to continue, and
2. Maintains the long-term populations (including population size, age structure and distribution) of any Threatened or At Risk (declining) species present in the area.

Recommendation

431. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B and a consequential amendment is made to include reference to SIVA as shown in Appendix A.

Section 32AA Assessment

432. Refer Appendix F.

Policy ECO-P6

Matters Raised by Submitters

433. ECO-P6 has general support⁸¹ apart from:
- a. Southland Federated Farmers et al⁸² who seek a new clause to prioritise initiatives by landowners, community groups and others to protect, restore and maintain areas of significant indigenous biodiversity,
 - b. Forest and Bird (S110.031) who seek a focus on land owned and/or managed by Council, and
 - c. Hokonui Rūnanga (S139.024) who seek a focus on sites and areas with degraded ecological integrity and mauri, areas identified in farm management plans and iwi planning documents.
434. Forest& Bird's submission is supported by Federated Farmers (FS17.028) while the Hokonui Rūnanga submission is opposed by Federated Farmers (FS17.029).

Assessment

435. ECO-P6 as notified is as follows:

Promote the restoration of indigenous biodiversity by prioritising:

1. SNAs whose ecological integrity is degraded:

2. threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems:

3. areas that provide important connectivity or buffering functions:

4. natural inland wetlands whose ecological integrity is degraded or that no longer retain their indigenous vegetation or habitat for indigenous fauna:

5. areas of indigenous biodiversity on specified Māori land where restoration is advanced by the Māori landowners:

6. any other priorities specified in regional biodiversity strategies or any national priorities for indigenous biodiversity restoration.

436. ECO-P6 has been drafted to give effect to NPS-IB clause 3.21 directly.
437. General support for ECO-P6 is acknowledged and accepted subject to changes recommended below.
438. Federated Farmers et al submission points⁸³ are accepted as community initiatives should be acknowledged in accordance with NPS-IB objective 2.1(1)(b)(ii) and SPRS Policy BIO.5 relating to supporting biodiversity initiatives and Policy BIO.10 relating to the role of landowners.

⁸¹ DoC (S109.058), Greenbriar Ltd (S128.027), ES (S85.027)

⁸² (S126.086, S68.207, S60.089, S148.099, S143.098, S115.087) and further submissions (FS5.37 & FS25.040)

⁸³ S126.086, S68.207, S60.089, S148.099, S143.098, S115.087

439. The Forest and Bird submission point (S110.031) seeking priority for land owned or managed by Council is accepted in part for similar reasons to accepting Federated Farmers submission point noting that these matters can be combined by reference to land managers.
440. The Hokonui Rūnanga submission point (S139.024) is accepted in part as this policy specifically implements NPS-IB 3.21 which is focussed on degraded SNAs and specified Māori land. Wider degraded areas and areas prioritised by mana whenua are addressed in ECO-P10 and ECO-P11, while areas identified by landowners in farm plans and mana whenua will be addressed in the additional clause added in ECO-P6(7). Reference to iwi planning documents is appropriate to implement NPS-IB⁸⁴ and the requirements of the RMA⁸⁵. Natural inland wetlands are addressed in regional plans so should be deleted.
441. Based on the above assessment I recommend that ECO-P6 is amended as follows:

Promote the restoration of indigenous biodiversity by prioritising:

1. SNAs whose ecological integrity is degraded:
2. threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems and taonga species:
3. areas that provide important connectivity or buffering functions:
- ~~4. natural inland wetlands whose ecological integrity is degraded or that no longer retain their indigenous vegetation or habitat for indigenous fauna:~~
5. areas of indigenous biodiversity on specified Māori land where restoration is advanced by the Māori landowners:
6. any other priorities specified in regional biodiversity strategies, iwi planning documents or any national priorities for indigenous biodiversity restoration:
7. initiatives by mana whenua, landowners, land managers, community groups and others to protect, restore and maintain areas of significant indigenous biodiversity

Recommendation

442. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B and a consequential amendment is made to include reference to SIVA as shown in Appendix A.

Section 32AA Assessment

443. Refer Appendix F.

⁸⁴ NPS-IB 2.1(1)(b)(i) relating to mana whenua kaitiakitanga, Policy 2 relating to active participation in decision making and kaitiakitanga, 3.3 relating to tanagata whenua as partners, 3.5 (c), and 3.19 relating to taonga species.

⁸⁵ RMA s74(2A) relating to relevant planning documents recognised by and iwi authority.

Policy ECO-P7

Matters Raised by Submitters

444. A range of amendments are sought to ECO-P7 by Southland Federated Farmers et al⁸⁶ to enable landowner initiatives.
445. Department of Conservation (S109.059) seek the avoidance of indigenous vegetation clearance and earthworks in SNAs unless it meets permitted activity requirements. Federated Farmers (FS17.030), Contact Energy (FS24.034), and Stoney Creek (FS25.041) oppose DoC's submission.
446. Hokonui Rūnanga (S139.025) seek amendments to focus on indigenous biodiversity, mauri, mahinga kai, the effects management hierarchy, the benefits of farm management practices, and a biodiversity strategy. Hokonui Rūnanga's submission is opposed by Federated Farmers (FS17.031) and Stoney Creek (FS25.042).
447. Hokonui Rūnanga also (S139.021) seek the deletion of ECO-P7 and replacement with new policy as per ECO-P2.
448. ES (S85.028) request ECO-P7 is re-numbered to policy 2.

Assessment

449. ECO-P7 as notified states:

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;

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

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

4. 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; and

5. Supporting initiatives by landowners, community groups and others to protect, restore and maintain areas of significant indigenous biodiversity.

450. ECO-P7 has been drafted to principally give effect to NPS-IB 3.10 (2) and 3.19 relating to taonga, 3.3 and 3.5 relating to tangata whenua, and 3.22(4)(b), SRPS Policies BIO.2 addressing

⁸⁶ (S126.087, S68.208, S60.090, S148.100, S143.099, S115.088) and further submission (FS25.043)

protection of significant natural areas, BIO.4 regarding maintenance of indigenous biodiversity, BIO.8 relating to tangata whenua as kaitiaki and BIO.10 role of landowners.

451. Southland Federated Farmers et al submission point (S126.087, S68.208, S60.090, S148.100, S143.099, S115.088) is accepted as efforts to protect, restore, and maintain areas of indigenous biodiversity should not only be supported but also enabled as this is consistent with SRPS policies. In particular, policy BIO.5 that seeks to support biodiversity initiatives, BIO.7 that focuses on active management, and BIO.10 that recognises the critical role of landowners. “Enablement” also aligns with the rules that permit activities such as the removal of exotic species and pest plants.
452. The Department of Conservation submission point (S109.059) seeking an additional clause to avoid indigenous vegetation clearance and earthworks in SNAs unless it meets permitted activity requirements in ECOR1(1) is rejected. ECO-P2 guides which activities are allowed within SNAs and ECO-P3 and ECO-P8 outline which adverse effects should be avoided to align with the NPS-IB. Furthermore, adding reference to alignment with permitted activities in a policy would read like a rule rather than a policy.
453. Hokonui Rūnanga submission point (S109.060
454.) seeking to combine ECO-P7 and ECO -P10 with amendments to focus on indigenous biodiversity, mauri, mahinga kai, the effects management hierarchy, the benefits of farm management practices, and a biodiversity strategy is accepted in part. The focus on ECO-P7 is different from ECO-P10 which focuses on Indigenous biodiversity (rather than just SNAs) as well as the effects management hierarchy and implements NPS-IB 3.16 while ECO-P7 focuses on SNAs and implements NPS-IB 3.10 and 3.22(4)(b). The effects management hierarchy, farm management practices and the biodiversity strategy are addressed in ECO-P10 which, as noted, has a broader indigenous biodiversity focus.
455. I consider additions relating to mana whenua values are appropriate as these would help implement NPS-IB 3.19 (5) relating to taonga within SNAs and NPS-IB 3.3 and 3.5 relating to tangata whenua values not specifically addressed in other clauses. Accordingly, I recommend that ECO-P7 is amended to include the following:

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...

456. Environment Southland submission point (S85.028) requesting that ECO-P7 is re-numbered to policy 2 is rejected noting that the plan needs to be read as a whole.

457. **Recommendation**

458. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B and a consequential amendment is made to include reference to SIVA as shown in Appendix A.

Section 32AA Assessment

459. Refer Appendix F.

Policy ECO-P8

Matters Raised by Submitters

460. Stoney Creek et al⁸⁷ seeks the deletion of ECO-P8 or to ensure effects in areas outside SNAs consider the effects management hierarchy.

461. Submissions also seek changes to ECO-P8 to avoid effects that will discourage access to mahinga kai (Hokonui Rūnanga S139.026), focus the policy on areas within SNAs (Federated Farmers et al⁸⁸), and better align with ECO-R1 and reflect critical, endangered, vulnerable and at-risk species (DoC S109.060). DoC's submission is opposed by Stoney Creek (FS25.044).

Assessment

462. ECO-P8 as notified states:

When assessing consents for subdivision, land use and development, avoid effects which will:

1. Prevent an indigenous species or community being able to persist in their habitats in the ecological district;

2. Result in a degradation of the threat status, further measurable loss of indigenous cover or disruption to ecological processes, functions or connections in land environments in category one or two of the Threatened Environment Classification at the ecological district level;

⁸⁷ (S3.009, S117.009, S68.013, S24.011, S20.011, S19.011, S18.011, S127.045, S118.009, S116.009, S113.009) and further submission (FS17.032)

⁸⁸ (S126.088, S68.209, S60.091, S148.101, S143.100, S115.089) and further submission (FS25.045)

- 3. Result in a reduction in the local population of threatened taxa in the Department of Conservation Threat Categories 1 – 3a - nationally critical, nationally endangered and nationally vulnerable; and*
- 4. discourage mana whenua access to indigenous biodiversity for a mana whenua cultural purpose*

463. ECO-P8 is focussed on adverse effects on indigenous biodiversity outside SNA in accordance with NPS-IB 3.16 which requires that the effects management hierarchy is applied outside SNAs and adverse effects are managed to give effect to objectives and policies of the NPS-IB. NPS-IB Policy 2 provides for tangata whenua to exercise kaitiakitanga for indigenous biodiversity, Policy 8 recognises the importance of maintaining indigenous biodiversity outside SNAs and NPS-IB 15 states that:

Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their population across their natural range, and information and awareness of highly mobile fauna is improved.

464. NPS-IB 3.20(3) also requires the Council include policies for managing adverse effects of subdivision, use and development on highly mobile fauna areas identified by the regional council in order to maintain valuable populations of highly specified mobile fauna across their natural range. Specified highly mobile fauna are outlined in Appendix 2 of the NPS-IB and include threatened and at-risk species
465. Furthermore, NPS-IB 3.10 applies to any new subdivision, use or development that is in, **or affects**, and SNA. Therefore 3.10 (2), that outlines which effects that should be avoided, should also apply outside SNAs if the subdivision, use or development is outside the SNA but affects the SNA. 3.10(2) requires the following effects to be avoided:

- (a) loss of ecosystem representation and extent:*
- (b) disruption to sequences, mosaics, or ecosystem function:*
- (c) fragmentation of SNAs or the loss of buffers or connections within an SNA:*
- (d) a reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems:*
- (e) a reduction in the population size or occupancy of Threatened or At Risk (declining) species that use an SNA for any part of their life cycle.*

466. SRPS Policy BIO.4 requiring the maintenance of indigenous biodiversity seeks to:

Manage a full range of indigenous habitats and ecosystems to achieve a healthy functioning state, and to ensure viable and diverse populations of native species are maintained, while making appropriate provisions for lawful maintenance and operation of existing activities.

In giving effect to this policy, regard will be had to the following potential adverse effects:

- (i) fragmentation of, or reduction in the extent of, indigenous vegetation or habitats of indigenous fauna;*
- (ii) fragmentation or disruption of connections and linkages between ecosystems or habitats of indigenous fauna;*

- (iii) *loss of, or damage to, buffering of ecosystems or habitats of indigenous fauna;*
 (iv) *loss or reduction of rare or threatened indigenous species' populations or habitats.*

467. These principles from NPS-IB policies and clauses as well as the SRPS have been reflected in ECO-P8 which requires that effects be avoided that would impact on species being able to persist, result in degradation or reduction of threat status of threatened species and discourage mana whenua access to indigenous biodiversity for cultural purposes.
468. Nevertheless, ECO-P8 does duplicate elements of other policies within the ECO chapter and I recommend the policy is deleted particularly as policies are designed to be read together.
469. The table below outlines this duplication and where I recommend amendments to other policies to address any policy gaps when considered against the NPS-IB and SRPS in accordance with the advice from Council's consultant Ecologist attached at Appendix C.

ECO-P8	NPS-IB/SRPS Provision	Recommended change
Avoid effects which will:		
1. Prevent an indigenous species or community being able to persist in their habitats in the ecological district;	NPS-IB 3.10 (2) requires the avoidance of certain effects within SNAs and outside SNAs but where this affects the SNA. Certain effects include impact on ecosystem extent and function or fragmentation of SNAs or reduction in Threatened or at risk (declining) species. NPS-IB 3.16 is also focussed on impacts outside SNAs. SRPS Policy BIO.4 requires a similar approach to the NPS-IB.	Delete as addressed in ECO-P3(1) that requires the effects on an SNA to be avoided where there is impact on ecosystem extent and function or fragmentation of SNAs or reduction in Threatened or at risk (declining) species. This is also re-enforced by ECO-P7. Effects outside SNAs are addressed by ECO-P10 which seeks to preserve protected wildlife and this is strengthened by the recommendation to add the following to ECO-P10: Maintain indigenous biodiversity across the district by: <u>1. Avoiding adverse effects of new subdivision, use or development that result in a reduction in the local</u>

		<u>population of threatened taxa in the Department of Conservation Threat Categories 1 – 3a - nationally critical, nationally endangered and nationally vulnerable.</u>
2. Result in a degradation of the threat status, further measurable loss of indigenous cover or disruption to ecological processes, functions or connections in land environments in category one or two of the Threatened Environment Classification at the ecological district level; And 3. Result in a reduction in the local population of threatened taxa in the Department of Conservation Threat Categories 1 – 3a - nationally critical, nationally endangered and nationally vulnerable; and	As above.	Rely on ECO-P3 to address the protection of Threatened and At Risk species within SNAs. Include an additional reference in ECO-P10 to address this issue outside SNAs as follows: Maintain indigenous biodiversity across the district by: <u>1. Avoiding adverse effects of new subdivision, use or development that result in a reduction in the local population of threatened taxa in the Department of Conservation Threat Categories 1 – 3a - nationally critical, nationally endangered and nationally vulnerable.</u>
4. discourage mana whenua access to indigenous biodiversity for a mana whenua cultural purpose.	NPS-IB clause 3.3 relating to tanagata whenua involvement and 3.5 relating to kaitiakitanga	Addressed by: ECO-P2(2) that allows activities where their purpose is to facilitate or express Ngāi Tahu rights, interests, or cultural purpose and ECO-P2(4) that addresses impacts on Ngāi Tahu Cultural purposes.

		ECO-P7, including proposed amendments, that enables kaitiakitanga to be expressed, recognition of the mauri of ecosystems and identified taonga as well as enhancing mahinga kai when managing SNAs is also relevant. Outside of SNAs ECO-P10 also requires minimising adverse effects on, and encouraging mana whenua access to, indigenous biodiversity that are significant to mana whenua. Also addressed in ECO-R1 that provides for clearance associated with Ngai Tahu cultural purposes
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470. The Stoney Creek et al⁸⁹ submission points seeking the removal of ECO-P8 or to ensure effects in areas outside SNAs consider the effects management hierarchy are accepted in part due to my recommendation to delete ECO-P8 and rely on other ECO policies.
471. Hokonui Rūnanga submission point s139.026 seeking changes to ECO-P8 to avoid effects that will discourage access to mahinga kai is rejected at this stage as it is proposed to delete ECO-P8 and the matters raised by Hokonui Rūnanga are included in ECO-P2, ECO-P7 and ECO-P10 as outlined in the Table above. Hokonui Rūnanga seek that ECO-P8(4) is amended to “prevent or restrict access to or use of mahinga kai”.
472. Specific reference to mahinga kai rather than a mana whenua cultural purpose will narrow the focus of this policy. Given the change in position of mana whenua throughout the hearing process to date and changes to how cultural values are expressed this matter may need further consideration through evidence with a focus on the ECO policies that are proposed to be retained.

⁸⁹ (S3.009, S117.009, S68.013, S24.011, S20.011, S19.011, S18.011, S127.045, S118.009, S116.009, S113.009) and further submission (FS17.032)

473. Federated Farmers et al⁹⁰ submission point is accepted in part due to my recommendation to delete ECO-P8 while it is noted that other ECO policies will be retained and amended as NPS-IB 3.16 requires district plans have a policy on areas outside SNAs as well as within SNAs.
474. The DoC submission point s109.060 is accepted in part as this seeks to better reflect best practice around critical, endangered, vulnerable and at-risk species and clarify the focus is on “resource” consents. However, specific alignment with ECO-R1 to manage vegetation clearance and land disturbance is unnecessary as ECO-R1 is addressed via other policies. This includes ECO-P10 which is focussed in indigenous biodiversity generally and a range of policies addressing SNAs which are a subset of indigenous biodiversity such as ECO-P2 that outlines which activities should be allowed (permitted) within SNAs, ECO-P3 addressing adverse effects on (but not necessarily in) an SNA, and ECO-P4 to manage effects on a SNA.
475. DoC have noted that At-Risk (Declining) species are moving towards becoming classified as Threatened and so closer to extinction "if population trends continue on their current trajectory" (NZTCS, (2008) p 10). Accordingly, I recommend that ECO-P10 is amended to reference threatened taxa should the Panel agree to deleting ECO-P8. This aligns with Council's Ecologist advice attached at Appendix C.

Recommendation

476. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B and ECO-P8 is deleted as indicated in Appendix A.

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477. Refer Appendix F

Policy ECO-P9

Matters Raised by Submitters

478. Submissions were generally in support of ECO-P9⁹¹ with Environment Southland (S85.029) also seeking that ‘pest’ be replaced by ‘invasive’.
479. DoC (S109.061) seeks to delete ECO-P9 as they consider it may undermine direction in other policies.
480. Hokonui Rūnanga (s139.027) want to amend clause 3 and delete clause 6 to better reflect cultural values that activities may affect.

⁹⁰ (S126.088, S68.209, S60.091, S148.101, S143.100, S115.089) and further submission (FS25.045)

⁹¹ SDC (S146.038), NZTA (S112.067), KiwiRail (S132.052)

481. Stoney Creek et al⁹² seek to amend ECO-P9 to recognise that activities may help to control the spread of pest plant and animal weed species and to recognise lawfully established activities that will not result in the loss or degradation of the ecological integrity of a SNA.
482. Federated Farmers et al⁹³ want to add a clause to ECO-P9 to recognise the need for working pastoral farms to respond to changing climate, markets and global conditions.
483. Mercury NZ (s130.059) seek that ECO-P9 is amended to recognise that critical infrastructure or renewable electricity generating 'activities' are provided for.

Assessment

484. ECO-P9 as notified states:

When assessing resource consents in Significant Natural Areas, consider the following matters:

- 1. The necessity for the activity to provide for critical infrastructure or renewable electricity generation;*
- 2. Whether formal protection and active management of all or part of any Significant Natural Area will occur as part of the subdivision, land use or development;*
- 3. The extent to which the proposed activity recognises and provides for Ngāi Tahu cultural purposes, rights and interests;*
- 4. The cumulative effects of activities within or adjacent to any area of indigenous vegetation or habitat;*
- 5. The effects the activity may have on the introduction or spread of exotic weed species and pest animals both terrestrial and aquatic;*
- 6. The impacts on mahinga kai activities and species;*
- 7. The impact of the activity on the values of any Significant Natural Area, rare or threatened indigenous species or taonga species and how any potential impact could be avoided, remedied or mitigated; and*
- 8. The appropriateness and effectiveness of any biodiversity offsetting or compensation in accordance with ECO – P7 to offset any residual adverse effects that remain after avoiding, remedying and mitigating measures have been applied.*

485. The support of Southland District Council, NZTA and KiwiRail is acknowledged and rejected as I recommend deleting ECO-P9 for the reasons discussed below.
486. Environment Southland's submission point s85.029 seeking that "pest" is replaced by "invasive" is accepted in part as I recommend deleting ECO-P9. However, ECO-P12 could be amended as a consequential change to align with the Biosecurity Act 1993 if ECO-P12 is to be retained. Councils' consultant Ecologist notes that the Biosecurity Act refers to "organisms" while the RPMP refers to pest plants and animal pests.

⁹² (S3.010, S117.010, S68.014, S24.012, S20.012, S19.012, S18.012, S127.046, S118.010, S116.010, S113.010) and further submission (FS17.033)

⁹³ (S126.089, S68.210, S60.092, S148.102, S143.101, S115.090) and further submission (FS25.048)

487. DoC submission point s109.061 to delete ECO-P9 because it may undermine direction in other policies is accepted. While ECO-P9 and ECO-P8 were modelled on the notified Te Tai o Poutini Plan, that Plan does not have the same context as Gore or the specific policies to implement the NPS-IB. Retaining ECO-P9 may result in confusion as it is focussed on consideration of resource consents when really all policies and objectives should be considered when assessing a resource consent. I recommend deleting ECO-P8 for similar reasons. DoC also notes that ECO-P9 does not contain a comprehensive list of criteria that a decision maker would consider and would serve to skew decision making under RMA s104.
488. Elements of ECO-P9 have been designed to implement the NPS-IB as outlined in the table below. Amendments are recommended where necessary.

ECO-P9 Clause	NPS-IB Provision	Recommended change
1. The necessity for the activity to provide for critical infrastructure or renewable electricity generation;	3.11(1)(a)(i) allows construction or upgrade of specified infrastructure that provides significant national or regional public benefit to avoid assessment of ecosystem values of 3.10(2) and instead be assessed against the effects management hierarchy	Delete as addressed in ECO-P4(1) that requires effects on a SNA to be managed in accordance with the effects management hierarchy. Also addressed in ECO-R1 that permits limited clearance associated with critical infrastructure, network utilities, works associated with the national grid.
2. Whether formal protection and active management of all or part of any Significant Natural Area will occur as part of the subdivision, land use or development;	3.10 (5) noting that land in an SNA is covered by a covenant Council may allow certain specified activities that are not inconsistent with the district plan	Delete and Amend ECO-P2 to allow activities where they are consistent with a biodiversity covenant for the purpose of protecting or restoring the SNAs ecological values Also addressed in ECO-R1 that permits clearance in accordance with a Biodiversity Covenant.
3. The extent to which the proposed activity recognises and provides for Ngāi Tahu	NPS-IB clause 3.3 relating to tanagata whenua	Delete as addressed by: ECO-P2(2) that allows activities where their

cultural purposes, rights and interests;	involvement, 3.5 relating to kaitiakitanga	purpose is to facilitate or express Ngāi Tahu rights, interests, or cultural purpose. ECO-P2(4) that addresses impacts on Ngai Tahu Cultural purposes. ECO-P7(4), including proposed amendments, that enables kaitiakitanga to be expressed when managing SNAs is also relevant. Also addressed in ECO-R1 that provides for clearance associated with Ngai Tahu cultural purposes
4. The cumulative effects of activities within or adjacent to any area of indigenous vegetation or habitat	3.10 (2) which addresses impacts on representation, function, connections and buffers and 3.16 focussed on impacts outside SNAs.	Delete as addressed in ECO-P2(4) which limits allowance to no more than minor adverse effects on the significant indigenous vegetation or fauna habitat. Noting that the meaning of effect in the RMA includes cumulative effects.
5. The effects the activity may have on the introduction or spread of exotic weed species and pest animals both terrestrial and aquatic;	3.10(2) relating to avoiding adverse effects on an SNA regarding ecosystem representation, function, buffers and connection.	Delete as addressed in ECO-P2(4) relating to adverse effects, ECO-P3 relating to impacts on ecosystem values, ECO-P7 relating to minimising loss and fragmentation, ECO-P10 relating to pest control, and ECO-P12 which seeks to avoid planting and release of pests. Also implemented by ECO-R2 and R3 which limit weeds and pests

6. The impacts on mahinga kai activities and species;	NPS-IB clause 3.3 relating to tanagata whenua involvement, 3.5 relating to kaitiakitanga, 3.19 relating to taonga species	Delete as addressed by: ECO-P2(2) that allows activities where their purpose is to facilitate or express Ngāi Tahu rights, interests, or cultural purpose and ECO-P2(4) that addresses impacts on Ngai Tahu Cultural purposes. ECO-P6 as amended to include reference to taonga species. ECO-P7(4), including proposed amendments, that enables kaitiakitanga to be expressed when managing SNAs is also relevant.
7. The impact of the activity on the values of any Significant Natural Area, rare or threatened indigenous species or taonga species and how any potential impact could be avoided, remedied or mitigated; and	3.10(2) generally and relating to threatened or at risk species and 3.19 relating to taonga species	Delete as addressed by ECO-P3 in terms of SNA values and ECO-P6 as amended to include reference to taonga species.
8. The appropriateness and effectiveness of any biodiversity offsetting or compensation in accordance with ECO – P7 to offset any residual adverse effects that remain after avoiding, remedying and mitigating measures have been applied.	3.10 (3) and (4) requiring offsetting to be considered as part of the effects management hierarchy. Appendix 3 principles relating to biodiversity offsetting	Delete as addressed in ECO-P11 that provides for offsetting and ECO-P4 that requires consideration of the effects management hierarchy

489. Given that the matters addressed in ECO-P9 are largely addressed in other policies it is recommended to delete ECO-P9 and amend ECO-P2 to enable activities where they are consistent with a biodiversity covenant as outlined in the table above.
490. Hokonui Rūnanga submission point s139.027 is accepted in part noting that the entire policy is recommended to be deleted. While the submission point sought an amendment to clause 3 to state “will effect the mauri of the area or its values as mahinga kai” is also deleted, if the panel decides to retain ECO-P9 then I consider such a change appropriate as it provides more focus to the policy.
491. The Stoney Creek et al submission points are rejected as it is recommended to delete ECO-P9. Recognition of activities that may help to control the spread of pest plant and animal weed species and lawfully established activities that will not result in the loss or degradation of the ecological integrity of a SNA is provided for in the following policies and re-enforced in the RPMP:
- a. ECO-P2 that enables lawfully established activities,
 - b. ECO-P7 which supports initiatives by landowners,
 - c. ECO-P10 (8) that recognises the benefits of farm management practices, and
 - d. ECO-P12 that seeks to avoid the spread of weeds and pests (should this be retained).
492. The submission point by Federated Farmers et al is accepted in part. This seeks to add the following clauses to ECO-P9:
9. The necessity for the activity to provide for the maintenance and development of existing working pastoral farms to be innovative, to respond to changing climates, markets or global conditions, or to respond to technological advancements or changes in understandings around good management practice.
10. If the resource consent application is for a lawfully established activity.
493. While I recommend deleting ECO-P9 I also recommend adding a new policy to recognise good farming practice in addressing the submissions on the Hokonui Hills area as outlined below. This could be broadened to wider areas although it is noted that ECO-P2, ECO-P7, and ECO-P10 recognise existing activities and farm management practices as outlined above in response to the Stoney Creek et al submission.
494. The Mercury NZ submission point s130.059 is rejected as I recommend deleting ECO-P9 . Mercury NZ seek that ECO-P9 is changed as follows:
- When assessing resource consents in Significant Natural Areas, consider the following matters: 1. The necessity ~~for the activity~~ to provide for critical infrastructure or renewable electricity generation activities;
495. As outlined in the table above, this clause of the policy is not considered necessary as this matter is largely addressed in ECO-P4(1) relating to construction of specified infrastructure providing significant benefit. ECO-P2 also allows activities within SNAs that have a functional

need to locate there. These policies are implemented in ECO-R1 which permits clearance associated with *critical infrastructure*, network utilities, and for the safe operation and maintenance of the *National Grid*.

Recommendation

496. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B and ECO-P9 is deleted and ECO-P2 is amended to allow activities where they are consistent with a biodiversity covenant for the purpose of protecting or restoring the SNAs ecological values as indicated in Appendix A.

Section 32AA Assessment

497. Refer Appendix F.

Policy ECO-P10

Matters Raised by Submitters

498. NZTA seek to retain ECO-P10 (S112.068), while other submitters seek to amend to encourage “ongoing” non-regulatory assistance, support landowners “in their engagement with Council”⁹⁴.
499. Additional submitters seek that the policy does not limit the benefits of farm management and make specific reference to fencing⁹⁵.
500. ES wants the inclusion of voluntary control of invasive species (S85.030). ES’s submission is opposed by Federated Farmers (FS17.035).
501. DoC requests to amend ECO-P10 by adding “protect indigenous biodiversity by managing the vegetation clearance and land disturbance” (S109.062), while Forest & Bird want to delete reference to “Significant” adverse effects and “viable” populations (S110.032). Stoney Creek oppose both DoC and Forest & Bird’s submissions (FS25.049 & FS25.050).
502. Hokonui Rūnanga want to combine ECO-P10 and ECO-P7 (S139.028). This submission is opposed by Stoney Creek (FS25.051).

Assessment

503. ECO-P10 as notified states:

Maintain indigenous biodiversity across the district by:

⁹⁴ Federated Farmers et al (S126.090, S68.211, S60.093, S148.103, S143.102, S115.091) and further submission (FS25.052)

⁹⁵ Stoney Creek et al (S3.011, S117.011, S68.015, S24.013, S20.013, S19.013, S18.013, S127.047, S118.011, S116.011, S113.011) and further submission (FS17.034)

1. *Managing any significant adverse effects of new subdivision, use or development by applying the effects management hierarchy;*
2. *Managing the adverse effects of new subdivision, use or development on highly mobile fauna areas in order to maintain viable populations of specified highly mobile fauna across their natural range*
3. *Maintaining, and where appropriate enhancing or restoring, the functioning of ecological corridors and linkages;*
4. *Minimising adverse effects on, and encouraging mana whenua access to, areas of indigenous biodiversity which are significant to mana whenua;*
5. *Establishing a Biodiversity Stakeholder Group to review District Plan provisions, encourage non-regulatory assistance, and enhance landowner engagement;*
6. *Developing a biodiversity strategy that would consider free ecological surveys, financial support to Significant Natural Area landowners, rates remissions for Significant Natural Areas, and advice and support for local conservation groups and programmes;*
7. *Preserving protected wildlife; and*
8. *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.*

504. NZTA submission point s112.068 seeking to retain ECO-P10 is acknowledged and accepted subject to the changes recommended below.

505. Amendments sought by Federated Farmers et al are accepted in part. Changes requested are as follows:

Maintain indigenous biodiversity across the district by: ...

5. Establishing a Biodiversity Stakeholder Group to review District Plan provisions, encourage ongoing non-regulatory assistance, and ~~enhance~~ support landowners in their engagement with Council; ...

8. 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.

506. I consider amendments to Clause 5 are appropriate as non-regulatory assistance would be ongoing and landowners will be supported in their engagement with Council as the ECO chapter is implemented such as through verifying indicative mapping. Amendments to Clause 8 are unnecessary as the word “including” means the list is not exhaustive and fencing would be principally for the purpose of stock control so specifically adding the term ‘farm fencing’ is considered redundant.

507. Submissions by Stoney creek et al seek similar changes to Clause 8 which are rejected for the same reasons outlined above noting that specific changes are recommended later in this report specifically for the Hokonui Hills Area.

508. The ES submission (S85.030) seeking removal of clause 5, amendment to clause 6 to a “biodiversity investment strategy” and amendment to clause 8 to “...including the voluntary control of invasive plant and animal species and stock” is accepted in part.
- 509.
510. ECO-P10(5) that promotes the establishment of a Biodiversity Stakeholder Group is necessary to implement NPS-IB 3.2 about tangata whenua, landowner, and community engagement, 3.3 about working with tangata whenua, and 3.5 recognising the role of people and communities in the stewardship of indigenous biodiversity. Furthermore, NPS-IB 3.8 anticipates that assessing SNAs will be undertaken in conjunction with landowners and use the best information known at the time which could be gathered by other stakeholders on the Biodiversity Technical Working Group such as DoC and Environment Southland.
511. I consider clause 6 as notified may be redundant as biodiversity strategies are required to be developed by the regional council in accordance with NPS-IB 3.23. However, as this is to be done in conjunction with territorial authorities, tangata whenua, communities and other identified stakeholders it should be retained and amended to reflect these requirements. To date Gore District Council has decided not to provide rates relief or the funding of ecological surveys and instead approach ES to provide this funding(refer Appendix I). Consequently, I recommend ECO-P10(6) is amended as follows:
6. ~~Developing~~ Contribute to a regional biodiversity strategy that would consider free ecological surveys, financial support to Significant Natural Area landowners, rates remissions for Significant Natural Areas, and advice and support for local conservation groups and programmes;
512. ES indicate that a change to ECO-P10(8) is necessary to reflect that the management of pests and weeds is regulated by the Biosecurity Act and the Regional Pest Management Plan and that this is not voluntary. I therefore recommend amending the wording to align with regional direction is appropriate as follows:
8. Recognising the benefits of farm management practices and active management of indigenous biodiversity, including the voluntary control of invasive plant and animal species ~~animal and plant pest~~ and voluntary stock control and/or formal legal protection.
513. The DoC submission s109,062 seeking to add a clause to ECO-P10 to “protect indigenous biodiversity by managing the vegetation clearance and land disturbance” is rejected on the basis that the RMA and NPS-IB focus is on maintaining rather than protecting indigenous biodiversity and this is already addressed in ECO-P10(1) and other ECO-P10 clauses along with ECO-P2, P3, P4, and P7 in relation to SNAs.
514. The Forest and Bird submission point s110.032 seeking to delete reference to “Significant” adverse effects and “viable” populations is accepted in part. NPS-IB 3.10(3) requires that **any** adverse effects on an SNA must consider the effects management hierarchy unless an exception under 3.11 applies. 3.11 includes matters such as specified infrastructure, aggregate and mineral extraction and forestry along with SNA restoration. These activities

have been provided for as Permitted activities under ECO-R1. In addition, NPS-IB 3.16 notes that any **significant** adverse effects on indigenous biodiversity must be managed by applying the effects management hierarchy. ECO-P4 relates to SNAs and specifies that **any** adverse effects on an SNA must be managed in accordance with the effects management hierarchy. Focussing ECO-P10 on significant adverse effects therefore better aligns with NPS-IB 3.16.

515. The amendment to delete “viable” from ECO-P10(2) is accepted as this aligns with NPS-IB policy 15 that requires all populations of highly mobile fauna to be maintained not just viable populations. Accordingly, I recommend that ECO-P10 is amended as follows:

2. Managing the adverse effects of new subdivision, use or development on highly mobile fauna areas in order to maintain ~~viable~~ populations of specified highly mobile fauna across their natural range

516. The Hokonui Rūnanga submission point s139.028 seeking to Combine ECO-P10 and ECO-P7 is rejected as ECO-P7 focusses on SNAs and ECO-P10 focusses on Indigenous biodiversity and is consistent with this distinction as outlined above in the response to the Forest and Bird submission.

Recommendation

517. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B and ECO-P10 is amended as indicated in Appendix A.

Section 32AA Assessment

518. Refer Appendix F.

Policy ECO-P11

Matters Raised by Submitters

519. ECO-P11 is supported by some submitters⁹⁶ with amendments sought to either delete the policy or delete reference to off-setting and compensation packages that are consistent with Ngai Tahu cultural purposes⁹⁷.
520. Hokonui Rūnanga (S139.029) seek that Ngai Tahu cultural purposes is replaced with the whakapapa, mauri and any mahinga kai values of both sites and areas.

⁹⁶ Greenbriar Ltd (S128.028), Mercury (S130.060)

⁹⁷ Stoney Creek et al (S3.012, S117.012, S68.016, S24.014, S20.014, S19.014, S18.014, S127.048, S118.012, S116.012, S115.092) and further submission (FS17.036)

521. Other amendments seek to clarify that residual adverse effects are limited to those on indigenous biodiversity within an SNA⁹⁸.
522. DoC (S109.063) seeks amendments to align with the NPS-IB (Appendix 3 and 4) and NPS-FM (Appendix 6 and 7). Contact Energy (FS24.035) oppose DoC's submission.
523. Transpower NZ (S101.055) seek amendments note that offsetting measures are proposed or agreed to by an applicant or requiring authority. Stoney Creek (FS25.053) support Transpower's submission.
524. ES (S85.066) support ECO-P11.

Assessment

525. ECO-P11 as notified states:

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

- 1. The goal of the biodiversity offsets is no net loss and, preferably, a net gain of biodiversity of similar species and location where practicable;*
- 2. The conservation outcomes are measurable and positive; and*
- 3. The biodiversity offsets or compensation are in accordance with best practice, including but not limited to New Zealand Government guidance on biodiversity offsetting; and*
- 4. Off-setting and compensation packages are consistent with Ngāi Tahu cultural purposes.*

526. Submission points by Environment Southland, Greenbriar and Mercury in support of ECO-P11 are acknowledged and accepted subject to the changes recommended below.
527. Stoney Creek et al submission points seeking to either delete the policy or delete clause 4 relating to Ngai Tahu cultural purposes are rejected. NPS-IB defines biodiversity offset and compensation as follows:

“biodiversity offset means a measurable conservation outcome that meets the requirements in Appendix 3 and results from actions that are intended to:

(a) redress any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, and remediation measures have been sequentially applied; and

(b) achieve a net gain in type, amount, and condition of indigenous biodiversity compared to that lost.”

⁹⁸ Federated Farmers et al (S126.091, S68.212, S60.094, S148.104, S143.103, S115.092) and further submission (FS25.055)

“biodiversity compensation means a conservation outcome that meets the requirements in Appendix 4 and results from actions that are intended to compensate for any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, remediation, and biodiversity offsetting measures have been sequentially applied”

528. NPS-IB Appendix 3 relating to biodiversity offsets and Appendix 4 relating to biodiversity compensation requires consideration of matauranga Māori and tangata whenua participation.
529. Biodiversity offsetting and compensation are also referenced in the definition of effects management hierarchy and are required where effects cannot be avoided, minimised or remedied. NPS-IB clauses 3.10 and 3.16 require that the effects management hierarchy and, by definition, offsetting and compensation be applied within SNAs and outside SNAs.
530. NPS-IB Clause 3.10 (4)(b) also requires that if offsetting or compensation is applied within an SNA then the principles of appendix 3 and 4 are applied. NPS-IB clause 3.18(2)(e) also requires options for offsetting and compensation be considered in relation to specified Māori land⁹⁹.
531. Given reference to matauranga Māori and tangata whenua participation in Appendix 3 and 4 of the NPS-IB it is appropriate to reference Ngāi Tahu values in ECO-P11. The Hokonui Rūnanga submission point 139.029 seeks that ECO-P11 (4) is replaced with:
- 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.
532. The change proposed by Hokonui Rūnanga is accepted given that this will better reflect the matauranga Māori provisions and signal tangata whenua participation outlined in Appendix 3 and 4 of the NPS-IB.
533. The Federated Farmers et al submission points seeking the following change and clarification of “residual” effect are accepted in part:

⁹⁹NPS-IB - Specified Māori land means land that is any of the following: (a) Māori customary land and Māori freehold land (as defined in Te Ture Whenua Māori Act 1993); (b) land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953; (c) land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over the land; (d) land vested in the Māori Trustee that is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955, and remains subject to that Act; (e) land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land within the meaning of section 7 of the Te Urewera Act 2014); (f) the maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014; (g) Treaty settlement land, being land held by a post-settlement governance entity (as defined in the Urban Development Act 2020) where the land was transferred or vested and held (including land held in the name of a person such as a tipuna of the claimant group, rather than the entity itself); (i) as part of redress for the settlement of Treaty of Waitangi claims; or (ii) by the exercise of rights under a Treaty settlement Act or Treaty settlement deed.

Provide for biodiversity offsets and compensation to manage residual adverse effects of an activity on indigenous biodiversity within an SNA where:

534. While it is useful to clarify that biodiversity offsets and compensation relate to indigenous biodiversity I do not consider it appropriate to limit this to within an SNA as NPS-IB 3.16 requires the effects management hierarchy be applied outside SNAs. Furthermore, the NPS-IB definition of effects management hierarchy includes consideration of offsets and compensation. Consequently, I recommend ECO-P11 is amended as follows:

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

535. It is noted that “residual adverse effects” is referred to in ECO-P11 to reflect the definitions of biodiversity compensation and offset along with effects management hierarchy and Appendix 3 and 4 in the NPS-IB. SRPS Policy BIO.9 also clarifies that residual adverse effects are those effects left after all the appropriate avoidance, remediation, or mitigation actions have been taken.
536. The DoC submission point s109.063 seeking amendments to align with the NPS-IB (Appendix 3 and 4) and NPS-FM (Appendix 6 and 7) as outlined below are accepted in part:

Where more than minor residual effects of an activity cannot be avoided, minimised, or remedied, provide for biodiversity offsets and compensation ~~to manage residual adverse effects of an activity~~ where it can meet the following:

1. The goal of the biodiversity offsets is no net loss and, preferably, a net gain of biodiversity of similar species and location where practicable;
2. The conservation outcomes are measurable and positive; and
3. The biodiversity offsets or compensation are in accordance with best practice, ~~including but not limited to New Zealand Government guidance on biodiversity offsetting~~ including in accordance with the principles set out in Appendix 3 and 4 of the NPS-IB and Appendix 6 and 7 of the NPS-FM;...

537. Adding the words “where more than minor residual effects of an activity cannot be avoided, minimised, or remedied” as an arm of the policy rather than the chapeau of ECO-P11 will align with the NPS-IB effects management hierarchy approach as defined and would therefore be appropriate in my opinion.
538. I do not consider changing ECO-P11(3) to specifically reference Appendices of the NPS-IB and NPS-FM is appropriate given the changing nature of current national direction which may require future plan changes if national direction and best practice changes. The explanation to policy BIO.9 in the SRPS notes that the offset and compensation policy should be designed and implemented with regard to any current good practice guidance or direction from Government. Retaining clause 3 as notified provides greater flexibility and aligns with the SRPS. Consequently, I recommend the chapeau of ECO – P11 is amended as follows:

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

1. More than minor residual effects of an activity cannot be avoided, minimised, or remedied; and

539. Transpower NZ's submission point s101.055 that requests an additional clause to note that the offsetting measures are proposed or agreed to by an applicant or requiring authority is rejected as this level of detail is not necessary in a policy and can be worked through as part of a resource consent application that follows the effects management hierarchy assessment. NPS-IB clause 3.10 (4)(b) requires that each step of the effects management hierarchy must be applied and that the requirements of NPS-IB Appendix 3 and 4 are applied. This is not optional so the consideration of offsetting or compensation will be considered at the time of consent. NPS-IB clause 3.18(2)(e) also requires options for offsetting and compensation be considered in relation to specified Māori land.

Recommendation

540. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B and ECO-P11 is amended as indicated in Appendix A.

Section 32AA Assessment

541. Refer Appendix F.

Policy ECO-P12

Matters Raised by Submitters

542. Environment Southland (S85.031) seek that ECO-P12 is amended to "prohibit the planting of exotic plant species and the release of domesticated or invasive animals within an SNA unless allowed by ECO-P2".
543. Forest and Bird (S110.033) seek that ECO-P12 should be limited to refer to Regional Pest Management Plans. Forest & Bird's submission is supported by Federated Farmers (FS17.038).
544. Department of Conservation (S109.064) seek that ECO-P12 is expanded to control pests that are likely to adversely affect indigenous biodiversity values. DoC's submission is opposed by Federated Farmers (FS17.039).
545. Hokonui Rūnanga (S139.030) seek that ECO-P12 is deleted. Hokonui Rūnanga's submission is opposed by Federated Farmers (FS17.037 & FS17.040) and supported by Stoney Creek (FS25.054).
546. In summary, Submitters seek to widen the type of pests controlled, expand the control to all indigenous values, include a definition of exotic weed, or delete the policy entirely.

Assessment

547. ECO-P12 as notified states:

Avoid the planting of exotic weed species and the intentional release or farming of animal pests within SNA's.

548. It is noted that ECO-P10 (with recommended changes) seeks to maintain indigenous biodiversity across the district through "[active management of invasive plant and animal species.](#)"

549. It is also relevant that a request by ES (S85.001) to include a wilding pine chapter in the PDP was considered in Hearing Stream 1 and this was partially discounted on the basis that exotic weed species would be managed in SNAs via ECO-P12 and ECO-R2 and ECO-R3 as notified. Other factors considered included their management under the Biosecurity Act, RPMP, and the NES-CF.¹⁰⁰

550. Hokonui Rūnanga (139.030) requests that the policy be deleted on the grounds that planting of plant pests and farming of animal pests is managed under the Biosecurity Act.

551. A more complete discussion on the biosecurity management regime and RMA requirements for District Councils is in Appendix N. In summary, the Biosecurity Act manages the incursion of weed and animal pest species. Regional Councils are the primary government partner through their role in pest management. Southland Regional Council has developed a Biosecurity Strategy 2019 – 2024 and a Regional Pest Management Plan (RPMP) 2019 – 2029.

552. The RPMP notes that there are a wide range of actions that the Regional Council can take to control pests on private land, and these are much wider than those in a District Plan. Specifically, they have the power to:

- a. Create rules in the RPMP¹⁰¹ that can apply to owners and/or occupiers of a place, owners and persons in charge of goods, or to a person's actions in general
- b. Rules may prohibit or regulate activities to assist in the control of the pest
- c. Rules may restrict propagation or distribution of specified pests
- d. Rules may require an occupier of a place to take specified actions to eradicate or manage the pest or habitat of the pest
- e. Rules may be restrictive or proactive.

¹⁰⁰ Refer HS1 s42A report paragraphs 225-228

¹⁰¹ Page 27: Section 73 of the Biosecurity Act prescribe the purposes for which rules may be included in the RMPM and what they may specify.

553. A regional council paper¹⁰² noted that although it is common to refer to “biodiversity management”, in fact most activity is more accurately described as management of the threats to biodiversity. The report notes that biodiversity threat management is complex and spread across many agencies. It further noted that threats are managed by:
- a. managing species directly
 - b. protecting and enhancing key habitats and
 - c. protecting the ambient environmental conditions on which healthy functioning ecosystems rely.
554. Gore District Council has a duty under the NPS-IB and RMA to maintain indigenous biodiversity and pest control is a necessary part of achieving this. Council has no powers to manage species directly but has a role in (b) and (c) above. Nevertheless, Council must also be certain that provisions in a District Plan are the most appropriate way to achieve objectives, including identifying other reasonably practicable options.¹⁰³
555. Pest management is a dynamic endeavour as species cross national borders and/or move around the country. Management responses move through an “invasion curve” of exclusion, eradication, containment, and control. The Regional Council has wide ranging powers to respond to pest management, including making rules to prohibit or regulate activities. This is a much more responsive power than setting management methods for a ten- year time horizon as required for the PDP. Further as noted in Appendix N, there is no specific direction in the hierarchy of planning documents requiring local authorities to include provisions for weed and animal pest management in their district plans.
556. In my opinion the most efficient way to control weed and animal pest species is through the Biosecurity Act, and I recommend that the submission by Hokonui Rūnanga be accepted and the policy deleted, particularly given that ECO-P10 recommendations include a more general direction about active management of invasive plant and animal species. Council’s consultant Ecologist also supports this approach. I am interested to hear from other submitters to understand if there are any other key considerations that need to factor into this recommendation. I note that other district plans take a mixed approach to this issue.¹⁰⁴

¹⁰² Addressing New Zealand’s Biodiversity Challenge: A Regional Council thinkpiece on nth future of biodiversity management in New Zealand. Enfocus, 2017. Sourced: [AddressingBiodiversityChallenge-web2.pdf](#)

¹⁰³ Section 32 of the RMA.

¹⁰⁴ Te Tai o Poutini Plan has these same rules but also policy 8 that includes Maintain indigenous habitats and ecosystems across the West Coast/Te [Tai o Poutini](#) by:...

(e)Recognising the benefits of active management of indigenous biodiversity, including voluntary animal and plant pest and stock control and/or formal legal protection. While the Selwyn District Plan relies on the **Canterbury Regional Pest Management Plan 2018-2038** and the **National Environmental Standards for Plantation Forestry 2017** to manage pest plants.ECO-P11 has the following: Avoid planting pest [tree](#) and plant species that are listed in [ECO-SCHEDI](#)- Potential Pest Species} or in the **Canterbury Regional Pest Management Plan 2018-2038**. ECO-R3 makes planting of potential pest species inside or outside indigenous biodiversity overlays a non-complying activity.

557. If the Panel accepts this recommendation, then there are consequential impacts on Rules ECO-R2 and ECO-R3 whereby both rules should also be deleted. There is submission scope to do this as Hokonui Rūnanga seeks deletion of both rules (S139.037 and S139.038).
558. Further, if the Panel accepts the recommendation then all other submissions fall away. If, however, the Panel do not accept this recommendation then the other submissions must be considered. Following is my analysis of these submissions.
559. Environment Southland submission point seeking ECO-P12 is amended to “prohibit the planting of exotic plant species and the release of domesticated or invasive animals within an SNA unless allowed by ECO -P2” is rejected. The term “prohibit” is inappropriate in a policy particularly where the relevant consent threshold is non-complying as outlined in ECO-R2 and ECO-R3 which should reflect “avoid” wording in a policy. Reference to exotic weed species and animal pests aligns with phrasing in ECO-R2 and ECO-R3 which also reference the Southland Regional Pest Management Plan.
560. ES have signalled that referring to “domesticated or invasive” animals will positively pick up cats and birds that are not pests.
561. The phrase “domesticated or invasive animals” is not defined. It is also unclear whether the “release” of them is active or could be extended to the passive allowing of animals to migrate into SNAs. For example, through a neighbouring landowner owning cats. This lack of definition could cause difficulties with implementation. Further it is inefficient to have two management regimes, dealing with different pest species. I note that if ES believe that domesticated or invasive animals should be restricted, they do have recourse to amending the Regional Pest Management Plan. I recommend their submission be rejected.
562. Furthermore, the PDP may not be the best tool to implement this approach. The focus of this policy is about avoiding impacts on SNAs or their equivalent so that the overall objectives of the NPS-IB about maintaining biodiversity and protecting SIVAs is achieved. The SRPS seeks to promote an active and integrated approach to the management of indigenous ecosystems and habitats by implementing the regional pest management programmes and plans and assisting with pest plant and pest animal management¹⁰⁵.
563. The RPMP notes that territorial authority actions relate to requirements to carry out pest management on land they occupy¹⁰⁶. The RPMP also indicates that specified pests cannot be propagated or distributed pursuant to s52 and 53 of the Biosecurity Act. Organisms specified as pests are identified in RPMP Table 2 and are attached at Appendix O of this report. This list includes a number of feral animals but does not include organisms such as domestic cats. Domestic animals are considered pest agents which are not subject to statutory obligations and include domestic cats on Stewart Island Rakiura, domestic goats and domestic pigs.
564. Forest and Bird (s110.033) seek to amend the policy to read:

¹⁰⁵ Refer Policy BIO.7 and Method BIO.4

¹⁰⁶ Refer s3.3.3

Avoid the planting of exotic weed species and the intentional release or farming of animal pests identified in the Regional Pest Management Plan within SNA's.

565. I consider that this is a helpful addition as it references the appropriate legislative tools and is already written into the drafting of rules ECO-R2 and ECO-R3. For the avoidance of doubt, it should reference a Southland Regional Pest Management Plan. This also goes some way to satisfying submissions that seek a definition for exotic weed (S126.093, S115.094, S60.096, S143.105, S148.106, S68.214) as the Plan lists pest weed species.
566. The Department of Conservation (S109.064) seek an expansion of the policy beyond SNAs to include adverse effects of indigenous biodiversity values generally. I consider this problematic for several reasons, for the reasons noted above, and also because weed and animal pest species are not defined, controlling them overlaps with the RPMP and it is inefficient for the District Plan to do so. I recommend rejecting this submission.

Recommendation

567. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B and ECO-P12 is deleted with reliance on amended ECO-P10 as indicated in Appendix A or amended as follows:

Avoid the planting of exotic weed species and the intentional release or farming of animal pests identified in a Southland Regional Pest Management Plan within SNA's.

Section 32AA Assessment

568. Refer Appendix F.

New Policies

Matters Raised by Submitters

569. Greenbriar wants a new Policy ECO-P11A relating to ecological enhancement (s128.029).
570. Hokonui Rūnanga seek to add a new policy to prevent general clearance and allow for removal of small areas ancillary to other land uses on the site (Hokonui Rūnanga S139.017). This submission was supported by Hamish Weir (FS5.46) and Stoney Creek (FS25.071).

571. Assessment

572. The Greenbriar submission point s128.029 seeking the following new policy is accepted in part:

ECO P11A - provide for ecological enhancement works that will enhance indigenous ecological biodiversity to occur on highly productive land.

573. Ecological enhancement works that enhance indigenous biodiversity should be addressed in the suite of policies in the ECO chapter. The existing policies are largely targeted at managing impacts on indigenous biodiversity. ECO-P10 has a focus on maintaining indigenous

biodiversity across the district. Rather than adding a new policy to focus on ecological enhancement of indigenous biodiversity I consider it would be more appropriate to add to ECO-P10 as follows:

ECO-P10 Maintain indigenous biodiversity across the district by:...

9. Providing for ecological enhancement works that will restore or enhance areas of indigenous biodiversity.

574. This change will give effect to NPS-IB clause 3.11 (3) and 3.21 relating to restoration. While Greenbriar have sought a specific focus on highly productive land I consider that this broader approach will address this issue.
575. The Hokonui Rūnanga submission point s139.017 seeking to add a new policy to prevent general clearance and allow for removal of small areas ancillary to other land uses on the site is rejected. Hokonui Rūnanga seek a specific new policy as outlined below:

To prevent the clearance or destruction of established indigenous vegetation or habitats or changes in surrounding land conditions which will effect the destruction of established indigenous vegetation or habitats; and Provide for the removal of individual plants or modification of small areas of indigenous vegetation which is ancillary to undertaking other land uses on the site, provide these activities do not adversely affect the ability of the indigenous vegetation to regenerate or compromise the ecological integrity of the site.

576. Hokonui Rūnanga note that *“the plan needs some policy guidance around the ability to remove small areas of indigenous vegetation as part of day to day farming and other land use activities in rural areas, where such activities do not compromise the ecological integrity of indigenous ecosystems on-site; while preventing the wholesale clearance or destruction of tussock grasslands, and regenerating scrubland. Allowing small scale removal or modification is vital if we are to encourage landholders to plant and enhance areas and sites. This type of policy is needed to anchor general indigenous vegetation clearance rules.”*
577. This change is not necessary as a range of policies already fulfil this function and direct ECO-R1 permitted activity limits. ECO-P2 allows activities within SNAs that may impact indigenous biodiversity values that are lawfully established, are for a cultural purpose, have a functional need to locate there, and where adverse effects are no more than minor.
578. ECO-P10 seeks to maintain indigenous biodiversity across the district by amongst other things recognising the benefits of farm management practices. These policies anchor permitted activities in ECO-R1 relating to vegetation clearance which enables a range of activities at an appropriate scale including the maintenance of improved pasture, repair and replacement of existing buildings, forestry, gardens, fences, tracks, crossings and infrastructure. I also recommend inclusion of a new policy that enables 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 Hokonui Hills Area. This policy could have a broader application

should the PDP make a distinction between indigenous vegetation significance across the wider district.

Recommendation

579. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B and a consequential change is made to ECO-P10 as indicated in Appendix A.

Section 32AA Assessment

580. Refer Appendix F.

Rule ECO-R1

Matters Raised by Submitters

581. A wide range of amendments are sought to ECO-R1 including:
- a. Greater flexibility around clearance limits depending on type of habitat, (Ian Davidson-Watts s69.005). This submission is opposed by Stoney Creek (FS25.069).
 - b. Allowing for track building and maintenance to be improved for agriculture aviation safety, (MacKenzie Aviation Ltd s155.001). This submission is supported by Stoney Creek (FS25.068).
 - c. Allowing for maintenance of forestry tracks within SNAs in accordance with Reg 93 NES-CF, (Port Blakely Limited s138.003) and general compliance with the NES-CF (Port Blakely Limited s138.002 and 138.001). These submissions are supported by Stoney Creek (FS25.064, FS25.065, & FS25.066).
 - d. Allowing for mountain bike and hiking trails as well as planting for waterbody setbacks, and changing the 1.0m limit to no more than “practically required” (Hamish Weir s74.005). This submission is supported by Stoney Creek (FS25.063) and opposed by Heritage NZ (FS11.044).
 - e. Allowing for increased clearance and land disturbance (Hokonui Rūnanga s139.036 – opposed by Stoney Creek (FS25.062)):
 - i. associated with new fences, firebreaks and watercourse crossings (under clause 1(a));
 - ii. Up to 2.5m either side of structures identified in Clause 1(a);
 - iii. By removing clause (i) to (iii) from clause 1 (e) relating to maintenance of improved pasture and replacing it with “provided the clearance does not involve the burning, spraying, intensive grazing or other actions intended to permanently remove tussock lands or regenerating scrubland”;
 - iv. By removing clause 1 (f) relating to reserve management plans;

- v. By increasing the clearance around buildings and structures in 1(g) from 2.0m to 5.0m and have this apply to new buildings as well;
 - vi. By adding to clause 1(k) to include for landscaping and amenity purposes or indigenous plant propagation or nursery activities;
 - vii. By adding a new clause in accordance with the conditions of an approved biodiversity management plan for the site;
 - viii. By making non-compliance with setback distances in 1(a) a restricted discretionary activity; and
 - ix. By deleting matter of discretion (2) referring to policies and replacing this with “the whakapapa of the site and effects on its mauri, mahinga kai values and taonga species.
- f. Clarification about the density of vegetation and the need to recognise the practicality of types of equipment for farming activities by removing clearance allowances, (McLeod-Wantwood Trust/Wantwood Station s104.021). This submission is supported by Stoney Creek (FS25.061).
- g. Permitting maintenance, repair, replacement, upgrading of existing infrastructure, (Alistair & Bernadette Hunt s148.004). This submission is supported by Stoney Creek (FS25.057).
- h. Including a 3.0m clearance limit for boundary fences with other fencing needing consent, add NPSIB clause 3.17.2 a and b to clause 1(e) relating to improved pasture, amending 1(f) to refer to relevant provisions of the conservation act and manage effects beyond sites, amend 1 (g) to remove reference to structures as this is covered by 1(a) and add a new clause that states the vegetation is not indigenous to the Southland region (ES s85.032). This submission is opposed by Federated Farmers (FS17.043) and Stoney Creek (FS25.060).
- i. Delete Rule 1 or make specific provision for a Hokonui Hills Precinct, or allow fences, farm tracks, and farm infrastructure generally and remove the clearance limit for other matters, allow maintenance of improved pasture outside an SNA, extend clearance for other buildings to 7.5m from 2.0m, and make non-compliance a restricted discretionary activity rather than discretionary activity when clearance is outside an SNA and Discretionary rather than non-complying within SNAs. Also amend Matters of discretion.¹⁰⁷
- j. Ensure the rule is not conjunctive by adding “for one of” to the chapeau and default all non-compliance to be restricted discretionary. (Fulton Hogan s122.006). This submission is supported by Hamish Weir (FS5.40).

¹⁰⁷ Stoney Creek et al (s3.013, S117.013, S68.017, S24.015, S20.015, S19.015, S18.015, S127.049, S118.013, S116.013, S113.013) and further submission (FS17.041)

- k. Include a definition of lawfully established and allow fences, farm fences, and farm tracks and remove clearance limits generally, and clarify that improved pasture has not become a 'mapped SNA'.¹⁰⁸
- l. Retain the rules but amend to clarify that maintenance but not extension of the national grid is allowed and include a matter of discretion requiring the management of effects via a Council Authorised Biodiversity Management Plan. (DoC s109.065 and S109.143). This submission [s109.065] is opposed by Hamish Weir (FS5.38), Transpower (FS30.022), and Stoney Creek (FS25.058).
- m. Retain Discretionary and non-complying status regardless of whether the SNA has been mapped and including any mobile fauna areas or threatened species. (DoC S109.066). This submission is opposed by Port Blakely Limited (FS10.002), Federated Farmers (FS17.042), Transpower (FS30.023), NZTA (FS14.011), Contact Energy (FS24.036), and Stoney Creek (FS25.059).
- n. Amend to allow for practicalities by removing width restrictions and clarify whether the rule applies to occasional vegetation or native bush¹⁰⁹
- o. FENZ (s124.024) supports the rule as it allows 1.5m clearance for fire breaks
- p. Contact Energy (s144.008) seeks that clearance within SNAs associated with large scale electricity generation is a discretionary activity
- q. Make clearance a restricted discretionary activity outside SNAs and highly mobile fauna areas and activities referenced in ECO-P4 a discretionary activity. (Greenbriar Ltd. s128.030)
- r. Amend to ensure clearance associated with critical infrastructure to be a discretionary activity. (NZTA s112.069)
- s. Amend to make non-compliance a restricted discretionary activity with the matters of discretion recognising the benefits of the National Grid. (Transpower s101.056)
- t. Mercury (S130.061) support this rule.
- u. Submissions relating to HS9 - NFL-R6 (s115.109, s143.120, s148.121, s60.111, s68.229, s126.108, FS5.64, FS25.108, s152.009, FS3.031
- v. that cross references to ECO-Rules and for tree diameter consideration (s152.009).

Assessment

¹⁰⁸ Federated Farmers et al (s126.094, S68.215, S60.097, S148.107, S143.106, S115.095) and further submissions (FS5.39, FS5.41, and FS25.067)

¹⁰⁹ Peters Farm Ltd Karen Peters et al (S127.021, S105.021, S104.021)

582. In responding to these submission points seeking a different range of clearance limits it is important to understand the key drivers for indigenous vegetation controls and the local context.
583. The RMA requires Councils to protect significant vegetation and fauna habitats¹¹⁰ and maintain indigenous biological diversity¹¹¹. The NPS-IB directs that in order to maintain indigenous biodiversity there must be no overall reduction in indigenous species population, occupancy, ecosystems, habitats, connectivity, resilience and adaptability and where necessary consideration of restoration and enhancement.¹¹² The objectives include at least no overall loss in indigenous biodiversity by working with mana/ tangata whenua and communities to protect and restore indigenous biodiversity and provide for peoples wellbeing.¹¹³ Policies include identifying¹¹⁴ and protecting¹¹⁵ Significant indigenous vegetation and habitats of indigenous fauna (SNAs/SIVAs), and recognising the importance of maintaining indigenous biodiversity and specified highly mobile fauna outside SNAs and providing for established activities¹¹⁶. There is also a need to recognise and provide for activities that contribute to wellbeing along with managing and providing for plantation forestry.
584. The SRPS takes a similar approach to the NPS-IB where objectives seek to understand and identify impacts on indigenous ecosystems and identify risks to further loss (Objective BIO.1) and maintain, protect and enhance indigenous biodiversity and areas of significant indigenous vegetation (Objectives BIO.2 and BIO.3). Policies require identification of significant indigenous vegetation using similar criteria to the NPS-IB (Policy BIO.1) along with their protection (Policy BIO.2) and an over-riding need to manage a full range of indigenous habitats and ecosystems (Policy BIO.4) including by supporting biodiversity initiatives (Policy BIO.5), active management (Policy BIO.7), consideration of biodiversity offsets and compensation (Policy BIO.9) and recognising the role of tangata whenua as kaitiaki (Policy BIO.8).
585. This national and regional direction means that we need to carefully consider the permitted extent of indigenous vegetation clearance. In Gore there are approximately 115 sites that would qualify as areas of Significant indigenous vegetation and habitats of indigenous fauna (SIVA/SNAs) or indigenous vegetation areas (IVAs). According to analysis by Ms Hampson, Council's consultant Economist, of those 115 properties with SIVA/IVA, 77 (less than 1% of general tenure land) have SIVA with nearly a third of properties having less than 1% coverage of SIVA, 13 properties have between 10-20%, 5 properties have 20-35%, one property has 35-50% coverage, and no properties have greater than 50%.¹¹⁷ Appendix C, D, and E of Ms

¹¹⁰ S6(c)

¹¹¹ S31(1)(b)(3)

¹¹² NPS-IB s1.7

¹¹³ NPS-IB s2.1

¹¹⁴ NPSIB- Policy 6

¹¹⁵ NPSIB Policy 7

¹¹⁶ NPSIB Policy 8, 9 and 15

¹¹⁷ Evidence of Ms Hampson Paragraph 66

Hampson's evidence shows properties with greater than 10% coverage of SIVA and IVA. The highest coverage of larger properties tends to be in the Hokonui Hills and Mt Wendon.

586. On sites with a lower indigenous vegetation coverage there is greater flexibility to undertake works outside indigenous vegetation areas. More detailed ecological assessments have been undertaken on some larger sites with a higher indigenous vegetation coverage and a bespoke approach is proposed to recognise these unique characteristics.
587. Analysis of sites with lower indigenous vegetation coverage indicates that there is greater flexibility for use and development but that indigenous vegetation clearance limits need careful consideration as these are some of the last remaining remnants of SIVA in the Gore District and there is ample room for development outside these areas. Enabling unconstrained or significant clearance limits clearance will make it difficult to meet national and regional direction for protection of SNA's and no net loss of indigenous biodiversity values. Clearance for and around buildings may be appropriate where this vegetation clearance is off-set by revegetating other areas, particularly when on low coverage indigenous vegetation sites there is ample space (approx. 90%) to locate buildings outside these areas.
588. More detailed ecological assessments in the Hokonui Hills have allowed the ability to provide greater flexibility for vegetation clearance limits.
589. Ms Hampson, has assessed the economic impacts associated with vegetation clearance limits. This assessment is attached at Appendix D. Of note, this recommends new vegetation clearance limits as outlined in the table below:

Existing Activity	Notified PDP limits	Ms Hampson's recommendations
Fences	1.5m/No limit	no greater in width that the currently or previously cleared area (else support no threshold)
Vehicle tracks	1.0m	1.0m
Roads	1.0m	1.0m
Walkways	1.0m	1.0m
Firebreaks	1.5m	1.5m
Waterway crossings	1.0m	1.0m

Critical infrastructure – state highway network and arterial roads	1.0m	1.0m
Critical infrastructure - other	1.0m	no greater in width that the currently or previously cleared area
Dams	1.0m	no greater in width that the currently or previously cleared area
Network Utilities	1.0m	no greater in width that the currently or previously cleared area

Table 4 – Recommended Vegetation Clearance Limits

590. This table has been reviewed by Council’s consultant Ecologist who agrees that these limits are appropriate.
591. The above local factors and information have been considered in how I have responded to individual submission points below.
592. In response to the Ian Davidson-Watts submission (s69.005), to some degree clearance limits do reflect the type of vegetation. For example, ECO-R1(1)(e) permits clearance associated with the maintenance of improved pasture that is not an *uncultivated depositional landform* or a *Threatened or At Risk (declining)* species, (h) allows the removal of exotic species, and (k) allows for the removal of deliberately planted indigenous vegetation within a garden or shelter belt.
593. In addition, where more detailed mapping has been undertaken such as in the Hokonui Hills, a clear distinction is made between Indigenous vegetation and significant indigenous vegetation based on type and density of vegetation. In other areas a desk top approach has been undertaken to identify (map) these different areas. This helps distinguish between Council’s obligations to protect significant indigenous vegetation and maintain indigenous biological diversity. The intention is that these maps will sit outside the PDP to provide guidance as to how to interpret the rules relating to indigenous vegetation clearance. This submission point is therefore accepted in part.
594. The MacKenzie Aviation Ltd’s submission point s155.001 to allow for track building and maintenance to be improved for agriculture aviation safety is accepted in part as this is already provided for. ECO-R1(1)(a) already allows for 1.0m clearance beyond established vehicle tracks for the repair and replacement. It is anticipated that this would include tracks associated with aviation vehicles. The establishment of new tracks would require a resource consent unless they are in areas that are maintained as improved pasture which would likely include regularly used landing and take-off areas. For example, based on the detailed mapping undertaken in the Hokonui Hills (refer recommended PDP Appendix 7 shown in

Appendix A) there are extensive flat areas not identified as IVAs which indicates that this will not be an issue. Councils' consultant ecologist, Mr Wells, has confirmed that the airstrip is in an area of improved pasture.

595. Submission point s138.001 by Port Blakely Limited seeks to include permitted activities aligning with NES-CF Reg 93(2), (3), (4), and (5) or note that indigenous vegetation clearance associated with commercial forestry is regulated by the NES-CF is accepted. NES-CF clause 93(1) notes that 93(2) and (3) applies outside SNAs¹¹⁸. NES-CF Clause 93 (2) permits vegetation clearance of indigenous vegetation within an area of plantation forest if the vegetation has grown up under plantation forestry, is within a failed plantation forest or harvested in the previous 5 years or overgrown forestry track used within the past 50 years. NES-CF Clause 93 (3) permits clearance within or adjacent to plantation forest if they are held in the same ownership and cumulative clearance does not exceed 1ha or 1.5% (whichever is the greater). Clause 93(4) and (5) permits incidental damage which includes damage where ecosystems will recover and if in an SNA does not significantly affect the values of the SNA. At the same time, NPS-IB 3.14 requires that the adverse effects of plantation forestry activities in any existing plantation forest on any SNA must be managed to maintain indigenous biodiversity in the SNA and provide for plantation forestry activities to continue while also maintaining the long-term population of any Threatened or At-risk (declining) species present in the area. Changes to district plans are required to be consistent with both the requirements. Of the NPS-IB and NES-CF.
596. Consequently, there is a requirement to manage plantation forestry activities within SNAs whether they are mapped or described. There is also a need to comply with the requirements of the NES-CF outside SNA/SIVAs and obtain a restricted discretionary activity consent where this is not met. Based on indicative mapping of SIVAs and IVAs in Appendix P it is unlikely that existing forestry operations will significantly impact either SIVAs or IVAs in Gore. ECO-R1 permits the maintenance of tracks which would include forestry tracks so some elements of clause 93 NES-CF are met. However not all aspects of NES-CF clause 93 are addressed.
597. Accordingly, I recommend ECO-R1 is amended to provide for plantation forestry permitted by the NES-CF and activities not meeting these permitted thresholds outside SNA/SIVAs should be a restricted discretionary activity in accordance with clause 94 NES-CF as follows:

ECO-R1

¹¹⁸ In the NES-CF **significant natural area** means an area of significant indigenous vegetation or significant habitat of indigenous fauna that—

(a)

is identified in a regional policy statement or a regional or district plan as significant, however described; and

(b)

is identified in the policy statement or plan, including by a map, a schedule, or a description of the area or by using significance criteria

Activity Status: Permitted

Where

1. It is necessary for the following purposes:....

(l) located outside SNAs/SIVAs that has grown within an area of plantation forestry.

Activity status where compliance is not achieved with:

ECO-R1(1)(a)(i) ~~or~~ ECO-R1(1)(a)(vi) or ECO – R1 (1)(l): Restricted discretionary

Where:

2. The *indigenous vegetation clearance* and *land disturbance* does not comply with ECO-R1(1)(a)(i) ~~or~~ ECO-R1(1)(a)(vi) or ECO – R1 (1)(l):

Matters of discretion:

1. Effects on indigenous biodiversity values.
2. the matters outlined in ECO-P3, ECO-P7, ECO-P8, ECO-P9 and ECO-P10.
3. The quantity and quality of indigenous vegetation impacted and the reasons for the works.
4. the potential danger the vegetation is causing to human life.
5. The need for fencing to protect indigenous biodiversity values.
6. any functional or operational constraints and the route, site and method selection process, and
7. In relation to plantation forestry outside an SNA/SIVA:
 - a. The location of the activity;
 - b. The ecological effects due to –
 - i. The ecological significance of the indigenous vegetation; or
 - ii. The location and extent of indigenous vegetation removal; or
 - iii. The functioning of remaining vegetation, including edge effects and retention of corridors;
 - c. The mitigation measures proposed;

d. Alternatives to clearance and disturbance of indigenous vegetation

e. Information and monitoring requirements.

598. The submission point allowing for the maintenance of existing forestry tracks within SNA's/SIVAs in accordance with Reg 93 NES-CF (s138.003), is accepted in part as clearance is permitted if the tracks are for vehicles (ECO-R1 (1)(a)(ii)) or any associated clearance is located in an improved pasture area (ECO-R1 (1)(e)). As noted above, overlaying the indicative mapping of SIVAs with forestry maps shown in Appendix P indicates that there is unlikely to be many forestry tracks through SIVAs in the Gore district.
599. Submission point s138.002 to align with Reg 94 NES-CF which requires non-compliance with permitted conditions to be restricted discretionary is accepted as noted above.
600. Hamish Weir's submission point s74.005 is accepted in part with no amendments required. Allowing for mountain bike and hiking trails is partially permitted where this is maintaining or replacing an existing vehicle track or walkway. Furthermore, there are no limits on planting within SNAs for waterbody setbacks. It is not appropriate to use the term "practically required" as a clearance limit as this is too open to interpretation and therefore difficult to implement and enforce particularly when Council's obligations are to maintain indigenous biological diversity and protect areas of significant indigenous vegetation. Similarly having unfettered clearance limits for new mountain bike and hiking trails would also make it difficult for council to achieve its RMA obligations. It is also noted that vegetation clearance is permitted where this is in accordance with a reserve management plan or a Council Approved Biodiversity Management Plan so there are other pathways to provide for mountain bike trails on both public and private land without the need for a resource consent.
601. In terms of the Hokonui Rūnanga submission (s139.036) seeking more enabling clearance limits and consent status for non-compliance:

- a. Allowing for clearance of deliberately planted landscaping is partially permitted by ECO-R1(1)(k) if the landscaping is within a domestic garden or screening/shelter belts. Similarly, plant propagation could be considered permitted as domestic gardening or if located within a maintained pasture area. Mr Wells has indicated that clearance of vegetation that is no older than 15 years is appropriate. It is noted that vegetation clearance on private land was permitted in the ODP so there is no need to reference "legal clearance" as any clearance predating the PDP was legal. Consequently, these submission points are accepted in part and I recommend the following amendment;

(n) Where vegetation is confirmed as being no older than 15 years.

- b. Works in accordance with a *Council Authorised Biodiversity Management Plan* (CABMP) is appropriate as a permitted activity as this requires the protection of biodiversity values as advised by a Council endorsed ecologist. This would be particularly effective in areas that have not yet been comprehensively mapped or had an ecological assessment. This approach would allow an alternative consent pathway to relying on indicative SIVA and IVA mapping and the other parameters of ECO-R1,

which is similar to the approach taken in the Hokonui Hills Area as outlined below. Council would need to consider how this method is resourced and administered, including a delegation process to relevant Council staff to consider and authorise the CABMP and whether properties with high SNA/SIVA/IVA coverage should be prioritised first given the limited funding of Environment Southland. In order to align with the Hokonui Hills Area approach any infringement of the limits established in the CABMP would need to be a restricted discretionary activity outside SIVA/SNA areas and non-complying within. Further discussion on this matter is addressed in the CABMP definition section of this report and in response to Wantwood and Stoney Creek et al submission points on ECO-R1 below.

Consequently, I recommend that ECO-R1 is amended as follows:

ECO-R1(1)(f) -

- f. In accordance with an approved Reserve Act or Conservation Act reserve management plan or a Council Authorised Biodiversity Management Plan.

ECO-R1(2)

Activity status where compliance is not achieved with:

ECO-R1(1)(a)(i), ~~or~~ ECO-R1(1)(a)(vi) , is located within an IVA and included in a Council Authorised Biodiversity Management Plan or ECO-R1(1)(l):
Restricted discretionary.

- c. Allowing unlimited clearance for new firebreaks, fences and watercourse crossings is inappropriate as it is difficult to understand how this would achieve SNA/SIVA protection and biodiversity maintenance required by the RMA, NPS-IB and SRPS.
- d. Increasing clearance to 2.5m either side of structures identified in clause 1(a) is inappropriate as this would allow significantly more clearance of a limited natural resource particularly where this relates to areas with smaller SIVA and IVA coverage. Clause 1(a) provides for a wide range of farming and infrastructure activities so cumulatively this increase in clearance limits could be substantial. While more enabling provisions have been provided for in the Hokonui Hills area this is because detailed mapping and an understanding of future aspirations has been provided which allows a greater level of certainty of impact when considered against the other sites where this is not the case.

NPS-IB 3.10 requires that development or use associated with SNAs must either be avoided or considered via the effects management hierarchy. This requires a consent pathway. NPS-IB requires that the effects management hierarchy must apply to significant adverse effects. Councils' Ecologist and Economist have indicated that increasing clearance limits to those outlined in Table 2 above would be appropriate but it should be clarified that this is either side of the structure or infrastructure, or no greater than currently cleared as outlined in ECO-R1(1). Mr Wells also confirms that

it would be appropriate for a 50m² limit where non-forest vegetation is involved (refer Appendix C).

- e. Deleting reference to reserve management plans in ECO-R1(f) is considered inappropriate as SIVA and IVAs can be identified as part of the management plan process and addressed accordingly. NPS-IB 3.10 (6) also indicates that works in accordance with a conservation act management plan are excluded from consideration.
- f. Increasing clearance around existing or new buildings from 2.0 to 5.0m in ECO-R1(g) is considered inappropriate given the high permitted building coverage limit in the GRUZ and the limited coverage of SIVA/IVA on most properties in Gore and hence the ability to access buildings without requiring clearance. It is unclear whether increasing clearance associated with minimising fire risk is necessary given a lack of specific evidence presented by FENZ and other parties. This position may change depending on what evidence is presented at the hearing given it is noted that available generic advice indicates 10m may be appropriate.¹¹⁹ Of note, appropriate vegetation clearance widths around buildings for reducing fire risk will depend on several factors including species flammability, vegetation height and density, vegetation maintenance regime, topography and climatic factors, and are therefore best assessed on a case-by-case basis at the time of consenting for new developments. Guidance from FENZ regarding an appropriate general clearance threshold around existing buildings in Gore District would however be helpful in setting a permitted clearance limit for existing buildings.
- g. Making non-compliance with clearance allowances in ECO-R1(1)(a) an RDA is rejected as it is unclear what matters should be restricted for such a broad range of activities from fences to critical infrastructure.
- h. Replacing Matter of Discretion 2 which references a range of policies with a new matter of discretion relating to the whakapapa of the site and effects on its mauri, mahinga kai values and taonga species is accepted in part as this will significantly reduce the matters for consideration anticipated in the NPS-IB. Removing reference to ECO-P8 and ECO-P9 will align with recommendations earlier to remove these policies. It is noted that ECO-P11 relating to biodiversity offsets and compensation will also be relevant, particularly if CABMPs exceedances are referenced as a restricted discretionary activity. Consequently, I recommend amending ECO-R1 Matter of Discretion 2 as follows:

2. the matters outlined in ECO-P3, ECO-P7, ~~ECO-P8, ECO-P9 and ECO-P10~~, and ECO-P11.

602. The Wantwood station submission point s104.021 seeking clarification about the density of vegetation and the need to recognise the practicality of types of equipment for farming activities by removing clearance allowances is accepted in part. New rule ECO-R2 is

¹¹⁹ [Rural property checklist | Fire and Emergency New Zealand](#)

recommended following detailed mapping of the Hokonui Hills area to address these matters. Mapping of SIVA and IVA have considered an appropriate density of vegetation using best practice as agreed by the two independent Ecologists that assessed the Hokonui Hills areas. A similar method has been used to remotely map other areas across the district as best as possible without being able to undertake site visits.

603. Among other things, new rule ECO-R2 permits unlimited clearance for the maintenance of existing fences and tracks and restricts clearance associated with new fences and tracks and other essential farming operations where clearance is limited to five yearly square meter limits. These limits have been agreed between the two independent Ecologists (see Appendix C and Appendix Q) to ensure biodiversity values can be maintained overall through the ongoing protection of SIVA areas. General clearance limits applying to areas outside the Hokonui Hills area has been expanded for the reasons outlined in the discussion on submission points above. Accordingly, I recommend that a new rule ECO-R2 is added as outlined in Appendix A. However, it should be noted that this new rule may be unnecessary depending on the decision of the hearing panel to provide for CABMPs in ECO-R1(1)(f) as a CABMP is effectively what has been developed in the Hokonui Hills.
604. The submission point s148.004 by Alistair & Bernadette Hunt that seeks to permit the maintenance, repair, replacement, and upgrading of existing infrastructure is accepted in part. The submitter has provided no details of the types of infrastructure they want to be permitted. The definition of infrastructure in the PDP is very broad¹²⁰. The maintenance, repair and replacement of some infrastructure (roads, critical infrastructure, network utilities, dams etc) is permitted by ECO-R1 within specific clearance limits while other infrastructure is permitted without limits (National Grid, infrastructure required to address a high risk to public health and safety) to align with the NPS-IB, other infrastructure national direction, and the SRPS. Upgrading of this infrastructure can also be provided to align with this national and regional direction should appropriate clearance limits be provided as outlined above. Ms Hampson, Councils consultant economist, has outlined appropriate clearance limits from an economic perspective and Council's Ecologist has confirmed that these limits are appropriate in order to meet national guidance. Consequently, I recommend that ECO-R1 is amended as follows to include upgrading as follows and clearance limits should be amended as outlined in Appendix A:

Activity status: Permitted

Where: 1.

It is necessary for the following purposes:

(a) the maintenance, repair, ~~or~~ replacement or upgrading of existing lawfully established:

605. Environment Southland submission point s85.032 is accepted in part for the following reasons. Only allowing fencing along property boundaries and restricting clearance to 3.0m

¹²⁰ Includes pipelines, telecommunications, radiocommunication, electricity, water, and transport networks, airports and network utilities.

for existing fencing is not practical particularly in relation to larger landholdings with a significant coverage of SIVs/IVAs. As outlined in the Objectives of the NPS-IB there is a balance needed in maintaining indigenous biodiversity while recognising landowners role as stewards and providing for social, economic and cultural wellbeing. To this end the protection of SIVAs helps maintain indigenous biodiversity which has been reflected in the clearance limits for the Hokonui Hills area in new ECO-R2 attached at Appendix A. Limits on smaller landholdings with smaller SIVA/IVA coverage are appropriate as confirmed by Council's Ecologist and Economist (refer Appendices C and D and table 2 above). Accordingly fencing limits have been set at "no greater than currently cleared" as this reflects economic and ecological advice that fencing is typically lineal and clearance typically exists on one side of fencing. This is unlike other works such as tracks, roads, walkways, dams and network utilities which are typically wide enough to accommodate construction machinery when a clearance margin is added either side.

606. ECO-R1(1)(e) relates to the Maintenance of improved pasture as follows:

Maintenance of improved pasture where:

- (i) the improved pasture has not become a SNA, and
- (ii) the land is not an uncultivated depositional landform, and
- (iii) it will not adversely affect a Threatened or At Risk (declining) species.

607. Adding NPS-IB 3.17(2)(a) (relating to evidence of a regular cycle of periodic maintenance) and (b) (relating to ensuring adverse effects are no greater in intensity and scale or character than previous effects) would be difficult to interpret and enforce as a permitted activity and also replicates principles of s10 RMA and relevant caselaw. I therefore recommend rejecting this submission point.

608. ECO-R1(1)(f) relates to permitting indigenous vegetation clearance and land disturbance in accordance with an approved Reserve Act or Conservation Act reserve management plan. This clause has been developed to not only implement NPS-IB 3.10 (6)(c) relating to crown land administered under the Conservation Act but to also recognise that land administered by Council under the Reserve Act on behalf of the Crown and managed through a reserve management plan should also be exempt from needing consent in order to avoid duplication of process.

609. It is noted that Schedule 1 of the Conservation Act includes the Reserves Act 1997 and the QEII National Trust Act 1977 that are relevant to Gore. NPS-IB (6)(c) also provides an exemption for management plans prepared under these enactments. While amending ECO-R1(1)(f) to '*work or activity of the crown within the boundaries of any area of land held or managed under the Conservation Act 1987 or any other act specified in schedule 1 of that act providing the activity does not have a significant adverse effect beyond the boundary of the crown land*' would mimic NPS-IB (6)(c) more closely not all Acts referenced in Schedule 1 of the Conservation Act are relevant to Gore. ECO-R1(1)(i) also enables works undertaken in accordance with a Biodiversity Covenant which includes a covenant under the Conservation,

Reserve and QEII Acts and implements NPS-IB 3.10(5). Consequently, the following change to ECO-R1(1)(f) is recommended:

~~In accordance with~~ To implement an approved Reserve Act or Conservation Act reserve management plan or a Biodiversity Covenant.

Delete ECO-R1(1)(i)

610. Deleting 'structures' from ECO-R1(1)(g) as this is covered by ECO-R1(1)(a) is incorrect so is rejected.
611. Deleting ECO-R1(1)(i) and replacing it with 'the vegetation is not indigenous to the Southland Region' is accepted in part as ECO-R1(1)(i) will be combined with ECO-R1(1)(f) and implements NPS-IB 3.10(5). Adding the clause about the origin of vegetation will not restrict planting from outside the region as the rule is about vegetation clearance.
612. The Stoney Creek et al submission points are accepted in part in terms of specific provisions for Hokonui Hills as attached at Appendix A and referenced in Appendix P. Recommended new rule ECO-R2 has been developed in conjunction with the owners of Stoney Creek and Wantwood stations to recognise the scale of these operations, past conservation efforts, future aspirations around fencing and tracking, and the combined impact of indigenous vegetation clearance rules and outstanding landscape provisions on these properties. New ECO-R2 has also been informed by the comprehensive assessment of biodiversity and landscape values by both the landowners and Councils technical experts. Recommended ECO-R2:
- a. Distinguishes between SIVAs (Area C and D in recommended PDP Appendix 7 and Appendix 1 of this report) and IVAs (Area A and B in recommended PDP Appendix 7 and Appendix 1 of this report) on the Stoney Creek and Wantwood stations,
 - b. Provides for maintenance of improved pasture (shown in PDP Appendix 7),
 - c. Provides for the maintenance of existing fences and tracks without limits,
 - d. Provides for construction of new fences, tracks, and activities essential for existing farming operations within IVAs(Area A&B) meeting agreed 5 year clearance limits,
 - e. Provides for construction of new fences within SIVAs(Area C&D) meeting agreed 5 year clearance limits,
 - f. Includes other matters generally provided for in ECO-R1 and not addressed above,
 - g. Has a restricted discretionary activity setting for activities in IVA not meeting permitted standards along with relevant matters of discretion.
613. Agreement between the Hokonui Hills landowners and Council planners could not be reached about the default setting where consent is required within SIVAs. Stoney Creek believe the default setting should be a discretionary activity while I believe the default setting should be non-complying for the following reasons:

- a. NPS-IB 3.7 requires a precautionary approach be taken where effects on indigenous biodiversity are uncertain and could cause irreversible damage particularly given Council's Ecologist has not been able to undertake a detailed inventory of SIVAs;
- b. The default setting across the PDP is non-complying as outlined in the HS1 s42A report¹²¹ and right of reply¹²² particularly where policies seek to avoid certain activities or effects, and it is appropriate to consider the gateway test under RMA s104(d) in accordance with best practice and caselaw;
- c. ECO-P3 requires the avoidance of adverse effects on an SNA that impact a range of values that have not been able to be considered by site inspection to date;
- d. 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));
- e. RMA s6(c) requires the outright protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (SIVAs) rather than protection from inappropriate subdivision use and development like other s6 matters; and
- f. While the requirement for mapping of SNAs has been deferred by recent RMA amendments there is still a requirement to give effect to the RMA, SRPS and policies of the NPS-IB.

614. I therefore recommended a new rule to cover the Hokonui Hills area as outlined in Appendix A and PDP Appendix 7. Some minor consequential changes to permitted standards and matters of discretion are also recommended to align with amendments recommended to ECO-R1 and policies above should the panel agree to delete ECO-P8 and ECO-P9 and include ECO-P13. Another consequential amendment is necessary to include a definition of Hokonui Hills Area as follows:

Hokonui Hills Area includes the land depicted in Appendix 7

615. The inclusion of a new rule ECO-R2 relating to the Hokonui Hills also addresses a number of outstanding submission points from Hearing Stream 3 and Hearing Stream 9 that are discussed in Appendix H. These submission points are accepted, accepted in part, or rejected as outlined in Appendix B.

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

¹²¹ HS1 S42A report paragraphs 168 to 178 on pages 44 and 45

¹²² Hearing Stream 1 Right of Reply of Matt Heale on behalf of Gore District Council Date: 27 June 2024 - Paragraphs 22-23 and Appendix 3

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 provides for biodiversity management plans outside SNAs as a restricted discretionary activity¹²³. 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.

617. The submission point by Fulton Hogan s122.006 seeking to ensure ECO-R1 is not conjunctive, the erroneous reference to ECO-R1(2) is removed and the default rule is restricted discretionary particularly for the maintenance of network utilities is accepted in part.

618. The provisions of ECO-R1 are not meant to be conjunctive in that you do not need to meet all the sub-clauses to be permitted. To clarify this I recommend that the chapeau of the rule is amended as follows:

Activity status: Permitted

Where:

1. It is necessary for any of the following purposes:

619. The default rules are set at Discretionary for IVAs (i.e. areas outside SNA/SIVAs) and non-complying for SIVAs to align with the manage direction in the NPS-IB and SRPS for areas outside SNAs/SIVAs and avoid direction for values inside SNAs/SIVAs particularly given the need to take a precautionary approach where effects are uncertain as mapping has been undertaken remotely. It is also noted that maintenance of network utilities, roads, and critical infrastructure is permitted (subject to limits) and will not generally require resource consent.

620. References to ECO-R1 (2) have been amended to clarify the rule cascade as notified.

621. Submission points by Federated Farmers et al are accepted or rejected as follows.

622. Adding a definition of lawfully established is rejected as this matter has already been addressed in HS1 and rejected on the basis of common understanding and references within the NPS-IB and the National Planning Standards¹²⁴. It is therefore recommended to remove the italics as this was an error.

623. Adding “upgrade” to ECO-R1(1)(a) is appropriate as outlined in the discussion earlier relating to infrastructure should the recommended clearance limits be appropriately amended.

¹²³ [District Plan - Partially Operative Selwyn District Plan \(Appeals Version\)](#)

¹²⁴ HS1 s42A report Para 181-184

624. Permitting farm fences and farm tracks is considered redundant as the definition of fence was amended by HS3¹²⁵ and now includes post and wire fences and while farm track is defined¹²⁶ a track would logically include this.
625. Including a definition of lawfully established, allowing fences, farm fences, and farm tracks, removing clearance limits generally, and clarifying that improved pasture has not become a 'mapped SNA'¹²⁷ are rejected for the reasons outlined above in relation to ECO-R1 and SNA definitions.
626. Removal of clearance limits associated with ECO-R1(1)(a) is not considered appropriate however the limits have been amended to allow reasonable farming activities as outlined by Councils Ecologist and Economist and provided for within the Hokonui Hills area as outlined above.
627. I do not consider ECO-R1(1)(e) relating to maintenance of improved pasture should refer to "mapped" SNAs because SNAs will not be mapped for some time given the changes to NPS-IB via the RM (Freshwater and Other Matters) Amendment Act. Landowners are likely to want to clarify areas of improved pasture to confirm what is permitted in the short term. The definition of SNA in the PDP includes areas meeting the criteria outlined in Appendix 4 as well as those identified at resource consent stage, as part of a CABMP, or as part of a Biodiversity Covenant. While the Council has mapped SIVAs and IVAs these maps are only indicative for guidance purposes and do not include improved pasture areas. Any detailed mapping of SNAs/SIVAs and improved pasture areas would need to be undertaken in conjunction with landowners as has been the case with the Hokonui Hills area. For clarity purposes the definition of SNA should be amended to reflect the process outlined above. This is discussed earlier in this report in the definition section.
628. DoC's duplicate submission points s109.065 and S109.143 seeking to retain the rules but amend to clarify that maintenance but not extension of the national grid is allowed and include a matter of discretion requiring the management of effects via a Council authorised biodiversity management plan are rejected.
629. ECO-R1(1)(d) provides for clearance and land disturbance 'for the safe operation or *maintenance of the National Grid*' in order to implement NPS-IB 3.15 that allows for the maintenance, operation, and upgrade of established activities within SNAs. NPS-IB 3.11(1)(a)(i) requires that construction or upgrade of specified infrastructure (which would include the national grid) within SNAs must be managed using the effects management hierarchy where this is not an established activity. There is therefore an expectation that to be permitted the works must be of no greater intensity and scale or character and would not

¹²⁵ Refer HS3 Appendix A – Interpretation chapter – Fences - Means any structure, intended to be a permanent division, screen or barrier, ~~but shall not include a post and wire fence or a temporary fence such as an electric fence or construction hoarding.~~

¹²⁶ Means vehicle access tracks associated with agriculture, pastoral and horticultural activities

¹²⁷ Federated Farmers et al (s126.094, S68.215, S60.097, S148.107, S143.106, S115.095) and further submissions (FS5.39, FS5.41, and FS25.067)

compromise the integrity of an SNA to meet NPS-IB 3.15. Using the term maintenance rather than upgrade achieves this purpose. Therefore I do not recommended any amendments.

630. Adding a matter of discretion requiring the management of effects via a Council Authorised Biodiversity Management Plan¹²⁸ (CABMP) is rejected as this term is to be added to the definition of SNA as a method of identifying the extent of an SNA and will be added as a permitted activity so that works in accordance with the CABMP will not require a resource consent. Furthermore, the matters of discretion only relate to restricted discretionary activities which cover fences and firebreaks which are unlikely to require a management plan approach.
631. DoC's submission (s109.066) seeking to retain the default consent thresholds, reference to inside and outside SNA's regardless of mapping and identified fauna and threatened species is accepted in part.
632. Removal of reference to ECO-R1(2) in discretionary and non-complying activities is accepted in part and numbering will be altered to address this as noted earlier. It is not considered necessary to reference inside and outside SNAs in the header given that this is referenced in the rule itself. Reference to "unmapped SNA that has been assessed as significant against criteria in Appendix 4" to the non-complying activity rule is unnecessary as this is already covered in the definition of SNA which states "SNA also includes areas meeting the criteria outlined in Appendix 4". Reference to "any area identified as a highly mobile fauna area or any area containing threatened or at risk (declining) species as listed in Appendix X" in the non-complying activity rule is accepted in part as highly mobile fauna areas have not yet been identified by the Environment Southland in the SRPS in accordance with NPS-IB 3.20. Councils' Ecologist is also concerned about the accuracy associated with the information and mapping of these features. NPS-IB 3.10 indicates that threatened or at risk (declining) species should be identified and managed within SNAs and NPS-IB 3.17 indicates that the maintenance of improved pasture should not adversely affect these species. Threatened or at risk (declining) species are included in the FAQ's relating to indigenous biodiversity that were posted on Councils website at PDP notification and are attached at Appendix S. Consequently, I consider reference to Threatened or At-risk (declining) species is appropriate as recommended by Mr Wells.
633. Submission points from Peters Farm Ltd et al seeking to allow for practicalities by removing width restrictions and clarify whether the rule applies to occasional vegetation or native bush

¹²⁸ With recommended changes - Council Authorised Biodiversity Management Plan" is defined as "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 suitably qualified and experienced Council endorsed ecologist. This plan will ensure that SIVA and IVA are identified Significant Natural Area and taonga species and biodiversity values are protected by setting appropriate vegetation and land disturbance limits.

are accepted in part. Clarification about occasional vegetation and native bush are partially addressed as ECO-R1 already permits the maintenance of improved pasture and deliberately planted indigenous vegetation. Indicative mapping attached at Appendix G will also be useful for understanding where SIVAs and IVAs of sufficient density are located to help provide clarity. Mr Wells has recommended adding reference to vegetation under 15 years old to provide greater clarity on this matter (refer Appendix C). Consequently, ECO-R1 should include reference to this as outlined above. As noted earlier, complete removal of width restrictions will not achieve national and regional direction to protect SIVAs and maintain indigenous biodiversity however adjustments to these limits are appropriate in accordance with Mr Wells ecological advice and Ms Hampson's economic evidence. It is also noted that despite concerns about not meeting FENZ standards for firebreaks FENZ have supported the 1.5m clearance for firebreaks via submission point s124.024.

634. The submission point s144.008 from Contact that seeks that clearance within SNAs associated with large scale electricity generation is a discretionary rather than non-complying activity is rejected. As noted earlier in response to Transpower submission point (s101.053), while the NPS-IB 1.3 (3) states that nothing in the NPS-IB applies to the development, operation, maintenance or upgrade of renewable electricity generation assets or activities and that these are not specified infrastructure, these matters still need management in accordance with the RMA and SRPS. Furthermore, the NPSREG notes that the benefits of renewable electricity generation can compete with SNAs and provides little guidance on how to balance these issues. Furthermore, a non-complying activity default has been set across the PDP and is appropriate for SNAs/SIVAs for the reasons outlined in response to Stoney Creek et al (see s3.013) above. This matter was also addressed in the supplementary evidence of Ms Banhidi for Hearing Stream 7 which confirmed that ENRG-P1 should avoid large scale renewable electricity generation within SNAs.¹²⁹
635. It is also noted that ECO-R1 permits critical infrastructure and network utilities and the safe operation of the national grid. Critical infrastructure includes "national, regional, and local renewable electricity generation activities of any scale". Network utilities includes "transmission and distribution" of electricity and the national grid includes "the network of high voltage electricity...operated by Transpower... including transmission lines and substations". I therefore consider that ECO-R1 is enabling enough when it comes to the generation and distribution of renewable electricity generating activities.
636. Greenbriar's submission point s128.030 seeking a restricted discretionary activity outside SNAs and highly mobile fauna areas and activities referenced in ECO-P4 a discretionary activity is rejected. Given the uncertainty about mapping of SNAs and highly mobile fauna areas and national and regional direction about protection/maintenance and a precautionary approach, a discretionary activity setting is considered appropriate for Indigenous vegetation clearance outside SNAs/SIVAs and a non-complying activity within SNAs/SIVAs. While

¹²⁹ Supplementary Evidence of MS Banhidi for HS7 page 4 and 5.

matters covered in ECO-P4 such as mineral and aggregate extraction necessitate the application of the effects management hierarchy, the starting point for this is avoidance.

637. NZTA's submission point s112.069 seeking clearance associated with critical infrastructure to be a discretionary activity is rejected for the same reasons outlined in response to Greenbriar and Stoney Creek et al above. While support for the 1m clearance limit for maintenance of lawfully established activities and vegetation causing imminent danger to structures is acknowledged it is considered that a non-complying activity status for new infrastructure within SNAs aligns with the policy direction set in ECO-P2, P3, and P4. While ECO-P3 has an exception for matters such as specified infrastructure there is some uncertainty about the location of values identified in clauses 1-5. Similarly ECO-P4 also requires a manage approach to specified infrastructure rather than an avoid approach which would suggest that a discretionary activity setting is appropriate for these activities even though the effects management hierarchy in the NPS-IB starts with avoid.
638. Transpower's submission point s101.056 to make non-compliance with ECO-R1(d) a restricted discretionary activity with the matters of discretion recognising the benefits of the National Grid to more closely align with regulation 32 of NESETA is rejected for the reasons outlined above and below. NESTA 32 states that trimming, felling or removing any tree or vegetation (including in a natural area), **in relation to an existing transmission line** is a restricted discretionary activity. Natural area includes SIVAs and the matters of discretion are:
- (a) replanting; and
 - (b) disposal of trees and vegetation; and
 - (c) control of erosion and sediment; and
 - (d) visual, landscape, and ecological effects; and
 - (e) the effects on drainage, flooding, and overland flow paths
639. ECO-R1 (1)(d) provides for indigenous vegetation clearance associated with the safe operation or maintenance of the National Grid and does not apply a limit to the extent of vegetation clearance. ECO-R1(1)(a) also permits clearance for maintenance and repair within 1.5m of critical infrastructure and network utilities. This is consistent with NESTA 32 which relates specifically to an existing transmission line not a new transmission line. NESTA does not cover new infrastructure but regulates activities relating to existing infrastructure.
640. Mercury's support for ECO-R1 (s130.061) is acknowledged subject to the changes outlined above and recommended below.

641. Preliminary discussion on submissions from Hearing Stream 9¹³⁰ that cross reference NFL-R6 to ECO-R1 and proposed ECO-R2 and seek tree diameter controls are included in Appendix H. Ms Banhidi in her S42A report indicates that rules relating to indigenous vegetation clearance are required in the NFL chapter as this focuses on the landscape impacts of vegetation clearance. I concur with these comments and the proposed changes recommended to NFL-R6. Matters relating to gorse and broom are best suited to the NFL chapter particularly where these effects impact on landscape values. Nigel Cowburn's submission (s152.009) seeking a specific tree diameter for clearance is rejected as Mr Wells has instead recommended the inclusion of age and area restrictions for vegetation clearance.

Recommendation

642. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B and ECO-R1 is amended and a new ECO-R2 is added as indicated in Appendix A

Section 32AA Assessment

643. Refer Appendix F.

Rule ECO-R2

Matters Raised by Submitters

644. Submissions to ECO-R2 seek reference to "the" Southland Regional Pest Management Plan rather than "a"¹³¹, while DoC (S109.067) seek that ECO-R3 applies to all areas not just SNAs and they support the non-complying activity status, Greenbriar (S128.071) seek that the consent category be amended to restricted discretionary activity, and Hokonui Rūnanga (S139.037) seek the rule is deleted as this is managed via regional strategies. DoC's submission is opposed by Port Blakely Limited (FS10.003) and Hamish Weir (FS5.42).
645. DoC support ECO-R2 (S109.068). An amendment is also sought with reference to all areas not just SNAs (s109.067).
646. ES (S85.033) seek change to "planting of exotic plant species unless allowed for by ECO-P2".

Assessment

¹³⁰NFL-R6 (s115.109, s143.120, s148.121, s60.111, s68.229,s126.108, FS5.64, FS25.108, s152.009, FS25.107) and tree diameter (s152.009).

¹³¹ Federated Farmers et al (S126.095, S68.216, S60.098, S148.108, S143.107, S115.096) and further submission (FS11.050)

647. ECO-R2 as notified outlines that planting of exotic weed species identified in a Southland Regional Pest Management Plan is non-complying where (1) the activity is undertaken within a Significant Natural Area.
648. If the Panel accepts the recommendation to delete Policy ECO-P12 and Rules ECO-R2 and ECO-R3 in response to the Hokonui Rūnanga submissions then the other submissions fall away. If the Panel does not accept that recommendation then the other submissions must be considered, and following is my analysis of them.
649. As noted above in discussion on ECO-P12 and in Appendix N, the Regional Pest Management Plan is the primary document for managing weed and animal pest species in Southland. In addition, the Biosecurity Act gives Environment Southland extensive powers to manage the spread of pest species, and the ability to prepare one or more regional pest management plans. For this reason, I reject the submissions seeking changes to ECO-R2 and recommend deletion instead.
650. Reference to the Southland Regional Pest Management Plan is appropriate as this manages biosecurity within the region.
651. Expanding the rule to encompass the entire District is unnecessary as it is already managed through the Biosecurity Act. It is also my view that it is unnecessary to reference the Policy in the rule as the non-complying status means that objectives and policies must be considered in consent applications.¹³²
652. I reject the submission by Greenbriar Ltd. Areas have been identified as SNAs because of their indigenous biodiversity values which warrant a non-complying activity status. Introduction of another rule for activities included in Policy ECO-P4 is unnecessary as the Plan is permissive through Rule ECO-R1. It is not clear how the rule is considered deficient, and the submitter may wish to address this in more detail in the Hearing.
653. If ECO-R2 is to be retained, then consequential changes would be needed to reflect the changes to the proposed new ECO-R2 relating to the Hokonui Hills Area as follows:

ECO-R3	Planting of exotic weed species identified in a Southland Regional Pest Management Plan.
Significant Natural Areas, <u>SIVA and Hokonui Hills Area C or D</u>	Activity status: Non-complying Where: 1. The activity is undertaken within a Significant Natural Area, <u>SIVA, or Hokonui Area C or D.</u>

¹³² Section 104 and 104D of the RMA requires consideration of objectives and policies of the District Plan in determining whether a non-complying activity should be granted.

Recommendation

654. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B and ECO-R2 is deleted as indicated in Appendix A

Section 32AA Assessment

655. Refer Appendix F.

Rule ECO-R3

Matters Raised by Submitters

656. ECO-R3 submissions seek reference to “the” Southland Regional Pest Management Plan rather than “a”¹³³, while DoC (S109.069) seek that ECO-R3 applies to all areas not just SNAs, Environment Southland (S85.034) want a change to domesticated/invasive animals unless allowed by ECO-P2, and Hokonui Rūnanga (S139.038) seek the rule is deleted as this is managed via regional strategies.

Assessment

657. ECO-R3 as notified indicates that the intentional release or farming of animal pests identified in a Southland Regional Pest Management Plan is non-complying where (1) the activity is undertaken within a Significant Natural Area.
658. If the Panel accepts the recommendation to delete Policy ECO-P12 and Rules ECO-R2 and ECO-R3 then the other submissions fall away. If the Panel do not accept that recommendation then the other submissions must be considered, and following is my analysis of them.
659. As noted above and in Appendix H, the Regional Pest Management Plan is the primary document for managing weed and animal pest species in Southland. The Biosecurity Act gives Environment Southland extensive powers to manage the spread of pest species, and the ability to prepare one or more regional pest management plans. For this reason, I reject the submissions that seek to reference to the Southland Regional Pest Management Plan as more than one plan may be prepared at one time.
660. Expanding the rule to encompass the entire District is unnecessary as it is already managed through the Biosecurity Act. The reference to a Southland Regional Pest Management Plan is appropriate in my view and should be retained. It is also my view that it is unnecessary to reference the Policy in the rule as the non-complying status means that objectives and policies must be considered in consent applications.¹³⁴

¹³³ Federated Farmers et al (S126.096, S115.097, S143.108, S148.109, S60.099, S68.217)

¹³⁴ Section 104 and 104D of the RMA requires consideration of objectives and policies of the District Plan in determining whether a non-complying activity should be granted.

661. Providing a definition for animal pests is unhelpful as pest species change over time as new species cross borders and/or enter the Southland region. The rule references the RPMP which in turn identifies the animal pests to be managed. I reject the submission.
662. If ECO-R3 is to be retained, then consequential changes would be needed to reflect the changes to the proposed new ECO-R2 relating to the Hokonui Hills Area as follows:

ECO-R4	The intentional release or farming of animal pests identified in a Southland Regional Pest Management Plan.
Significant Natural Areas, <u>SIVA and Hokonui Hills Area C or D</u>	Activity status: Non-complying Where: 1. The activity is undertaken within a Significant Natural Area, <u>SIVA, or Hokonui Area C or D.</u>

Recommendation

663. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B and ECO-R3 is deleted as indicated in Appendix A.
664. However, my overall recommendation is to delete ECO-R2 for the reasons outlined above and elsewhere in this report.

Section 32AA Assessment

665. Refer Appendix F.

New Rules in ECO Chapter

Matters Raised by Submitters

666. Stoney Creek et al seek to add new Rules ECO-R1(2)(2)¹³⁵ and ECO-R1(3)¹³⁶ to enable clearance outside and inside SNAs for regenerating indigenous vegetation.
667. Federated Farmers et al want a new rule providing for Indigenous vegetation clearance to be permitted for a purpose not covered in ECO – R1 (1) or (3).¹³⁷

¹³⁵ Stoney Creek et al (S3.014, S117.014, S68.018, S24.016, S20.016, S19.016, S18.016, S127.050, S118.014, S116.014, S113.014) and Further submissions (FS20.034, FS31.014, FS17.044)

¹³⁶ Stoney Creek et al (S3.015, S117.015, S68.019, S24.017, S20.017, S19.017, S18.017, S127.051, S118.015, S116.015, S113.015) and further submission (FS31.020)

¹³⁷ Federated Farmers et al (S126.097, S68.218, S60.100, S148.110, S143.109, S115.098) and further submissions (FS5.47, FS20.027, FS31.015, FS25.072, FS11.051)

668. Forest and Bird sought to add a new rule ECO-R4 to make livestock grazing in a SNA a restricted discretionary activity¹³⁸. This submission was opposed by a number of submitters.¹³⁹
669. Ian Davidson-Watts wanted clarification of, and new, rules protecting highly mobile fauna and threatened (at risk) species.¹⁴⁰

Assessment

670. Submissions seeking new rules by Stoney Creek et al to enable clearance outside and inside SNAs for regenerating indigenous vegetation are accepted in part given that ECO-R1(1)(e) already provides for the maintenance of improved pasture. Mr Wells has indicated that it is appropriate to also provide for clearance of vegetation less than 15 years old which would also partially address this point.
671. Submissions by Federated Farmers et al seeking a new rule to permit indigenous vegetation clearance for a purpose not covered in ECO-R1 is accepted in part to provide for works to implement a Council Authorised Biodiversity Management Plan or in an area outside an SNA/SIV grown within a plantation forestry area, as outlined above. Mr Wells has also indicated that limited clearance is also appropriate where this relates to non-forest vegetation and where vegetation is no less than 15 years old and incidental clearance (less than 50m²). These changes have been accepted while broader changes are not accepted given that the rules have been framed to give effect to the NPS-IB which clearly states which activities should be enabled, managed and avoided.
672. The Forest and Bird submission s110.034 seeking a new rule to make livestock grazing in a SNA a restricted discretionary activity is unnecessary given that vegetation clearance in an SNA, other than for permitted activities such as for the maintenance of improved pasture is a non-complying activity.
673. As noted earlier, changes to include rules relating to the protection of highly mobile fauna are premature at this stage given that these have not been specifically mapped in the SRPS in accordance with NPS-IB 3.20. According to Mr Wells, areas that are currently reliably known have been included in the indicative mapping of SIVAs and IVAs. Policies promote prioritising rare and threatened species generally (ECO-P6 and ECO-P10) and within SNAs/SIVAs (ECO-P7) when consent is required under ECO-R1. Consequently, the submission point s69.006 by Ian Davidson-Watts is accepted in part.

Recommendation

¹³⁸ Forest & Bird (S110.034)

¹³⁹ Hamish Weir (FS5.44), Hokonui Runanga (FS20.01), Federated Farmers (FS17.045), and Stoney Creek (FS25.070).

¹⁴⁰ Ian Davidson-Watts (S69.006) and further submissions (FS31.018, FS25.073), Greenbriar Ltd. (S128.072) and further submission (FS25.113)

674. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B and in addition to earlier changes to ECO-R1 the following changes are recommended as indicated in Appendix A

Activity status: Permitted

Where:

(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.

(n) Where vegetation is no older than 15 years.

Section 32AA Assessment

675. Refer Appendix F.

676.

Subdivision Rules

Matters Raised by Submitters

677. A range of submissions seek the deletion of SUB-R4¹⁴¹ and SUB-R1 condition 6 relating to SNA's and Outstanding Natural Landscapes(ONLs) ¹⁴²,
678. Amendments to SUB-R11 to exclude subdivision provided by SUB-R1 and R4¹⁴³ and amendments to SUB-R1 to focus on the new boundary bisecting the SNA or ONL ¹⁴⁴ are also sought.
679. DoC supports SUB-R11 as notified (S109.097), seek that SUB-R4 is amended to also include highly mobile fauna areas or threatened or at risk species (S109.096), and want SUB-R1 to include unmapped SNAs and highly mobile fauna areas, or areas containing threatened or at risk (declining)species (S109.095). DoC's submission (S109.095) is opposed by Hamish Weir (FS5.88) and NZTA (FS14.012). DoC's submission (S109.096) is opposed by Hamish Weir (FS5.93).

Assessment

¹⁴¹ Stoney Creek et al (S3.031, S113.031, S116.031, S118.031, S127.067, S18.033, S19.033, S20.033, S24.033, S68.035, S117.031) and further submissions (FS5.96 & FS17.056)

¹⁴² Trudy Bokser et al (S113.030, S116.030, S118.030, S127.066, S18.032, S19.032, S20.032, S24.032, S68.034, S117.030,

¹⁴³Stoney Creek et al (S3.032, S113.032, S116.032, S118.032, S127.068, S18.034, S19.034, S20.034, S24.034, S68.036, S117.032) and further submissions (FS5.110 & FS17.057)

¹⁴⁴ Hamish Weir (S74.014) and further submission (FS22.013)

680. As outlined in Appendix H, a number of similar matters have already been considered in Hearing Stream 6 relating to Subdivision. In her s42A assessment Ms Skuse rejected submissions to delete condition 6 from SUB-R1 relating to boundary adjustments affecting SNAs and ONLs due to the potential for significant implications for land use and the relationship between different land uses and noted that discretionary activity status is proportionate to the significance of RMA section 6 matters. Ms Skuse also noted that subdivision (including boundary adjustments) of land including ONLs, ONFs and SNAs, require assessment to ensure they do not result in adverse effects on the ecological values, visual integrity, or biodiversity of these areas. Ms Skuse notes that the Council should consider whether the subdivision could compromise or undermine the conservation or protective measures, result in the loss of values, or degrade the quality of the area. Furthermore, the matters of control listed in SUB-R1 do not extend to cover these considerations.
681. I concur with Ms Skuse' assessment but also note that the submission point by Trudy Bokser et al to delete SUB-R1 condition 6 relating to SNAs and ONL's should be rejected on additional grounds as the NPS-IB 3.10 requires that adverse effects of new subdivision must be avoided, anticipating a higher consent threshold than controlled activity generally provided for in SUB-R1. This is also reinforced by RMA S6c and SRPS policies requiring the protection of SIVAs/SNAs.
682. Ms Skuse also rejected submission points seeking changes to SUB-R4 clause 6 relating to ONLs and SNAs for the reasons outlined above in relation to SUB-R1. I concur with this assessment as well.
683. DoC's support for SUB-R11 is acknowledged, while the inclusion of unmapped SNAs and highly mobile fauna areas in SUB-R1 is rejected as the definition of SNAs already includes unmapped areas and highly mobile fauna areas have not yet been mapped and identified in the SRPS by Environment Southland. Likewise, the submission point seeking inclusion of highly mobile fauna areas in SUB-R4 is rejected while threatened and at risk (declining) species reference is accepted as outlined below.
684. I recommend amending SUB-R4 (6) as follows:
6. The site does not contain a SNA/SIVA, threatened or at risk (declining) species or outstanding natural landscape or feature.

Recommendation

685. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B and SUB-R4 is amended as indicated in Appendix A

Section 32AA Assessment

686. Refer Appendix F.

Appendix 4 SNA Criteria

Matters Raised by Submitters

687. A number of submissions are relevant to Appendix 4 - SNA Criteria¹⁴⁵.
688. Nigel Cowburn (s152.015) requested changes to clarify the expertise of geothermal ecologists, while Alistair & Bernadette Hunt (s148.009) seek that SNAs that are not mapped should not have restrictions. ES (s85.008) and DoC (s109.070) support Appendix 4 as this is consistent with the NPS-IB.

Assessment

689. The support of ES (s85.008) and DoC (s109.070) is acknowledged and accepted.
690. Nigel Cowburn's submission point (s152.015). is accepted in part. The submission seeks to amend the wording in clause 3 (2) on Page 2 of Appendix 4 to clarify that geothermal experts are limited. Council's Ecologist has indicated that there are no geothermal ecosystems in the Gore District so therefore I recommend that this part of clause 2 can be deleted as follows:

3. Manner and form of assessment

(1) Every assessment must include at least: (a) a map of the area; and (b) a general description of its significant attributes, with reference to relevant criteria (as specified below); and (c) a general description of the indigenous vegetation, indigenous fauna, habitat, and ecosystems present; and (d) additional information, such as the key threats, pressures, and management requirements; and (e) for SNAs in areas of Crown-owned land referred to in clause 3.8(8), the conservation management strategy or plan or national park management plan that applies to the area.

(2) An assessment under this appendix must be conducted by a suitably qualified ecologist ~~(which, in the case of an assessment of a geothermal ecosystem, requires an ecologist with geothermal expertise).~~

691. Alistair & Bernadette Hunt (s148.009) oppose Appendix 4 as, If an SNA is not mapped, it cannot and should not have any restrictions on it. SNAs must be mapped by the Council in collaboration with landowners before being included in any definition or rules. Requiring farmers to map these themselves via farm environment plans is Council "passing the buck". This will be costly work and does not belong in a document which is supposed to be a farm management tool that farmers can develop and maintain themselves.
692. This submission is supported by Transpower (FS30.003) and Clark Fortune McDonald & Associates (FS22.069).
693. As outlined above under "SNA Mapping", preliminary mapping has been undertaken and the expectation is that detailed mapping will be done over time in consultation with landowners and this mapping will remain guidance only at this stage. There is the potential that

¹⁴⁵ Nigel Cowburn (S152.015), ES (S85.008), Alistair & Bernadette Hunt (S148.009). Transpower (FS30.003) and Clark Fortune McDonald & Associates (FS22.069), DoC (S109.070)

ecological assessments will be funded by Environment Southland until mid-2025 so the cost of assessments will not fall on landowners. This submission point is therefore rejected.

Recommendations

694. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B and changes are recommended as indicated in Appendix A

Other Matters

695. As outlined in the summary of submissions section of this report, a number of submission points were partially considered in earlier Hearing Streams and referred to Hearing Stream 10 for further consideration. Some of these submission points have been addressed in earlier sections of this report. Those that have not include setbacks from SNAs and discussion of TRANS-R1. These matters are discussed below.

Matters Raised by Submitters

696. Setbacks from SNAs were partially considered in Hearing Stream 2, 3, and 7 as outlined below and copied into Appendix H.
- Hearing Stream 2 (s110.070 and FS31.021),
 - HS3 (s110.049 and FS5.170, FS5.166, FS17.090, FS17.091, FS17.087, FS25.135),
 - HS4 (s110.065, 110.058, FS5.182, FS5.176, s110.086), and
 - HS7 (s110.019, FS30.069, FS21.066, FS24.023).
697. Whether TRANS-R1 should include reference to unmapped SNAs (s109.042, FS14.0010, and FS24.024) was considered in Hearing Stream 10 as copied into Appendix H.

Assessment

Setbacks to SNAs

698. Submission points seek 10m setback from SNAs in INFRA-S10 (s110.019), GRUZ-S10 (s110.049), LIZ-S11 (s110.058), GIZ-S11 (s110.065), and NOSZ-S6 (110.070). These matters were consistently rejected with the note that consequential changes may be required following the ECO hearing. For example, in response to s110.049 Ms Skuse notes¹⁴⁶ that:

“the PDP ECO chapter has appropriate provisions to protect SNAs from inappropriate disturbance or clearance through rules, matters of discretion and a policy framework. It may be argued that SNAs could be located on neighbouring sites and therefore the ECO Chapter would not reasonably be reviewed by a plan user, and therefore the standard should sit in this

¹⁴⁶ Rural s42A report paragraphs 217 to 219.

Chapter. In this regard I think it would be unreasonable for Plan users to be required to obtain an ecological assessment identifying an SNA that may potentially lie on a neighbouring site, in order to confirm compliance with the proposed standard. I do not consider this to be efficient or effective for Plan users or decision makers. Regardless, any building or structure must adhere to the proposed setbacks within the rural zone which is proportionate to the building and or activity scale, therefore any SNA on neighbouring sites would be afforded some protection on this basis."

699. I concur with this general position and note that ECO-R1 seeks to control indigenous vegetation clearance and that SNAs are a subset of indigenous vegetation and so are afforded some buffering already. I therefore recommend that the above submission points continue to be rejected and no consequential changes are needed to the setback standards.
700. Submission point s110.085 seeks to amend DEV2-O1 by adding a arm to the objective stating that ecological corridors remain intact and there are no adverse environmental effects.
701. The need for ecological corridors was originally considered in Hearing Stream 1 in response to the submission (s110.003) from Forest and Bird seeking a new definition of "ecological corridor". This submission point was rejected on the basis that the submitter provided no spatial information about the location of ecological corridors and corridors are likely included in stream setbacks or mapped as SIVAs or IVAs so are already protected. No further information has been provided that would change my position on this.
702. Ms Skuse addresses this point in relation to the DEV2-O1 as follows:
703. *"the management of indigenous vegetation and ecology is a District Wide matter. The ECO Chapter has appropriate provisions to protect it from inappropriate disturbance or clearance through rules, matters of discretion and a policy framework. It is unclear whether there are ecological corridors located across the Development Area as the submitter has not provided any maps showing the locations of proposed ecological corridors. It would be unreasonable for Plan users to be required to obtain an assessment of the impact on ecological corridors if it is unclear whether these apply to the subject site. Such an approach would require an ecological assessment with no guidance in the PDP of the matters to be considered. On this basis, I reject the submission point."*¹⁴⁷
704. For the reasons outlined above I concur with Ms Skuse and agree that no changes recommended to the ECO chapter would amend this position and that s110.085 should continue to be rejected

TRANS-R1

705. DoC submission (s109.042) seeks to include reference to unmapped SNAs in TRANS-R1.3(d). In response to this Ms Carlson-McColl notes the following:

¹⁴⁷ Residential s42A report paragraph 476

“As unmapped areas are already included in the Significant Natural Area definition, I consider it unnecessary to include the reference in the rule, and as the definition is consistent with the NPS-IB, I disagree with NZ Transport Agency Waka Kotahi (FS14.0010) and Contact Energy Ltd (FS24.024) that it should not apply to unmapped areas. However, it should be noted that this may need to be changed as a consequential amendment following Hearing Stream 10, as we are awaiting the outcome of the Resource Management (Freshwater and Other Matters) Amendment Bill relating to the SNA mapping requirements under the NPS-IB”.

706. I concur with Ms Carlson-McColl that the definition of SNA includes unmapped SNAs and that I am not recommending that this change. Consequently, I recommend that s109.042 continues to be rejected.

Recommendations

707. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix B.

7.0 Conclusions and Closing Recommendations

7.1 Conclusions

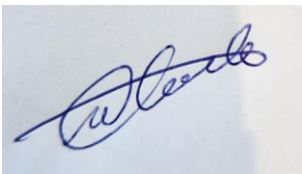
708. Submissions on the PDP include opposition, support and partial support. The submissions seek a wide range of outcomes – which are chiefly addressed in this report with respect to the chapters that form Hearing Stream 10. Appendix B includes specific recommendations on all submissions and further submissions that are not specifically identified or discussed in this report.
709. Having considered all submissions and further submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the PDP should be amended as set out in Appendix A of this report.
710. For the reasons set out in the Section 32AA evaluation included throughout this report and in Appendix F of this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate method to:
- a. Achieve the purpose of the RMA where it is necessary to revert to Part 2;
 - b. Give effect to all other relevant higher level statutory planning documents, in respect to the proposed objectives.

7.2 Closing Recommendation

711. The Hearing Panel accept, accept in part, or reject all submissions (and associated further submissions) as outlined in Appendix B of this report.

Signed:

Name and Title	Signature	Date
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Matthew Heale Consultant Planner		20.01.2025
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