

PROPOSED GORE DISTRICT PLAN SECTION 32 REPORT

ECOSYSTEMS AND INDIGENOUS BIODIVERSITY



Table of Contents

1. Executive Summary	3
2. Overview and Purpose	4
2.1 Introduction to the resource management issue(s)	5
2.2 Purpose of the report.....	5
3. Statutory and Policy Context	5
3.1 Resource Management Act.....	5
3.2 National Policy Statements.....	6
3.3 National Environmental Standards.....	7
3.4 National Planning Standards.....	8
3.5 Regional Policy Statement	8
3.6 Regional Plans	8
3.7 Iwi Environmental Management Plan(s)	9
3.8 Climate Change.....	9
4. Resource Management Issue Analysis	10
4.1 Background.....	10
4.2 Operative Plan Approach	11
4.3 Effectiveness of Operative Plan	11
4.4 Technical Reports and Research	12
4.5 Analysis of Best Practice	15
5. Scale and Significance	16
5.1 Scale and Significance Evaluation	16
5.2 Evaluation Summary	17
6. Consultation	17
6.1 Overview.....	17
7. Proposed Plan Provisions.....	19
7.1 Strategic Direction.....	19
7.2 Objectives and Policies.....	19
7.3 Rules.....	20
7.4 Definitions	21
8. Evaluation of Objectives	25
9. Evaluation of Options to Achieve the Objectives.....	27
9.1 Evaluation	27

List of 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	RPS
National Policy Statements	NPS
National Policy Statement for Indigenous Biodiversity 2023	NPS-IB
National Policy Statement on Renewable Energy Generation 2011	NPS-REG
National Environmental Standards	NES
National Environmental Standard for Electricity Transmission Activities 2009	NES-ETA
National Environmental Standard for Freshwater 2020	NES-F
National Environmental Standards for Plantation Forestry 2017	NES-PF
National Environmental Standards for Telecommunications Facilities 2016	NES-TF

1. Executive Summary

Section 32 of the Act requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Resource Management Act 1991 ('the Act' or 'the RMA'), and the policies and methods of those proposals to be examined for their costs, benefits, efficiency, effectiveness, and risk in achieving the objectives. The analysis set out in this report is to fulfil the obligations of the Council under s32 of the Act.

This section 32 evaluation report relates to the Ecosystems and Indigenous Biodiversity Chapter. Biological diversity is defined in the RMA to mean the variability among living organisms, and the ecological complexes of which they are a part, including with diversity within species, between species, and of organisms. Regional and District Councils have a function to maintain indigenous biological diversity (biodiversity) and to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna or Significant Natural Areas (SNA's).

This Ecosystems and Indigenous Biodiversity Chapter seeks to maintain indigenous biodiversity and protect SNAs for the benefit of current and future generations. The National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB) defines SNAs as areas meeting the criteria outlined in the NPS or already included in District Plans. While the Council has not yet comprehensively mapped SNAs, there is a clear desire to protect areas meeting NPS-IB criteria as well as maintaining wider indigenous biodiversity areas in the immediate term and mapping SNAs in the short-term in conjunction with key stakeholders and mana whenua.

The preferred option assessed within this section 32 evaluation report addresses the identified resource management issues. This includes the need to better protect SNAs and indigenous biodiversity, meet RMA obligations to Māori, and enable and restrict the right types of activities. The proposed approach recognises the need to establish an appropriate balance between providing for economic, social and cultural opportunities for the community whilst maintaining indigenous biodiversity and protecting SNAs. The provisions also seek to give effect to the NPS-IB.

The key changes from the Operative Gore District Plan (ODP) are:

- Providing clear policy direction regarding wider indigenous biodiversity maintenance and SNA protection;
- A Biodiversity Stakeholder Group will be established to guide a mapping variation and associated plan provisions, non-regulatory support, and consultation associated with the variation;
- Recognition of mana whenua values and taonga species has been included;
- Provision has been made for covenants and management plans;
- The effects management hierarchy outlined in the NPS-IB has been included;
- Provision has been made for harvesting of plantation forestry and works necessary to address high risks to public health and safety; and
- There are controls around maintenance of improved pasture.

The Ecosystems and Indigenous Biodiversity (District Wide) Chapter will assist the Council to fulfil its statutory functions and responsibilities as required by the Act through the proposed objectives, policies and rules as summarised below.

Objectives seek to:

- Maintain indigenous biodiversity generally and protect and identify SNAs by working in partnership with mana whenua and stakeholders/landowners;
- Recognise and provide for the relationship of mana whenua and their customs and traditions with SNAs; and
- Provide for subdivision, use and development where SNA values can be maintained and enhanced.

Policies re-enforce the objectives by:

- Requiring identification of SNAs
- Enabling a managing a range of activities and introducing the effects management hierarchy anticipated in the NPS-IB
- Protecting, enhancing and restoring SNAs by minimising loss, promoting connections, enabling mana whenua customary rights and responsibilities, and supporting community/landowner initiatives
- Considering a range of matters when assessing resource consents within SNA's including the necessity for critical infrastructure, formal protection mechanisms, recognition of cultural values, cumulative effects, weed and pest management, and off-setting/compensation
- Providing for biodiversity off-sets and compensation to manage residual adverse effects (ECO-P11); and
- Avoiding the planting of exotic weed species and the intentional release or farming of animal pests within SNA's.

Rules provide for indigenous vegetation clearance and land disturbance for a range of matters relating to lawfully established activities, infrastructure maintenance, cultural activities, removal of weeds and pests and activities in accordance with covenants and management plans.

Resource consent is required for works not meeting permitted standards and are discretionary for Indigenous biodiversity areas and non-complying within SNAs.

Discretionary activity consent is also required in other chapters in the plan where subdivision is in a SNA (SUB-R11) and new infrastructure, hazardous substances, or roads are established in a SNA (Refer INFR-R9, HAZS-R1, and TRANS-R1).

2. Overview and Purpose

This s32 evaluation report should be read in conjunction with the s32 'Overview and Urban Form and Development Report', which also includes an overview of the s32 legislative requirements, the methodology and approach to the s32 evaluations and the process that the Council has undertaken to date through its District Plan Review, including consultation and engagement.

2.1 Introduction to the resource management issue(s)

The evaluation of the Ecosystems and Indigenous Biodiversity Chapter has been based on the following key issues:

Issue 1 - Indigenous biological diversity has not been maintained and SNAs are not comprehensively identified and protected.

Land use change data and mapping suggests that there are other SNA's in the district and a reduction in overall indigenous vegetation has occurred across the district since 2008.

Issue 2 - Activities are not enabled or restricted in accordance with national and regional direction or current best practice.

The ODP provides for limited permitted activities within SNAs while the NPS-IB anticipates a wider range of activities including mahinga kai and other cultural practices, works in accordance with covenants and conservation, parks and forestry management plans, and the maintenance of improved pasture.

Issue 3 - The ODP provisions do not meet RMA obligations to Māori.

ODP provisions do not enable mahinga kai and other activities for cultural purposes and recognise Ngāi Tahu rights and interests and role as kaitiaki.

2.2 Purpose of the report

This report sets out the statutory and policy context for ecosystems and indigenous biodiversity, the key resource management issues, specific consultation undertaken and the approach to evaluation on this topic to decide on the proposed provisions. The report also includes a review of the existing plan provisions and an evaluation of alternative methods to achieve the purpose of the Resource Management Act (RMA) in relation to Ecosystems and Indigenous Biodiversity topic.

3. Statutory and Policy Context

3.1 Resource Management Act

In carrying out a s32 analysis, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA.

Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources.

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.*

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 s7 and take into account the principles of the Treaty of Waitangi referred to in s8.

Section 6

The s6 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; and
- (g) the protection of protected customary rights.

Section 7

The s7 matters that are relevant to this topic are:

- (a) Kaitiakitanga;
- (aa) the ethic of stewardship;
- (d) intrinsic values of ecosystems;
- (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; and
- (j) the benefits to be derived from the use and development of renewable energy.

Section 8

There is a requirement to take into account the principles of the [Treaty of Waitangi](#) (Te Tiriti o Waitangi) when managing the use and development of natural and physical resources. The key principles 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.

Other matters

Council also has broader functions to maintain indigenous biological diversity pursuant to RMA s31(b)(iii) and the SNA rules have immediate legal effect pursuant to RMA s86B(3).

3.2 National Policy Statements

The Section 32 - Overview and Urban Form and Development Evaluation Report includes details and a brief assessment of all National Policy Statements (NPS).

The following NPS are relevant to Indigenous biodiversity:

- NPS for Renewable Electricity Generation 2011 (NPS-REG)

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 the needs for renewable energy generation can conflict with areas of significant vegetation and significant habitats of indigenous fauna. The PDP provisions will need to be cognisant of the NPS-REG requirements whilst still prioritising the protection of biodiversity values.

- NPS for Indigenous Biodiversity 2023 (NPS-IB)

The NPS-IB requires the maintenance of indigenous biodiversity and the identification and protection of SNAs. This will be achieved by:

- Working with key stakeholders and mana whenua to map and protect SNAs meeting relevant criteria by 2028 and aligning district plans by 2031 or as part of the 10 yearly review.
- Recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity and protecting taonga species;
- Recognising people and communities, including landowners, as stewards;
- Protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and
- Providing for social, economic, and cultural wellbeing of people and communities now and in the future;
- Providing for existing activities such as improved pasture within and outside SNAs;
- Providing 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; and
- District plans incorporating a range of relevant definitions.

Of note, The NPSIB does not cover renewable electricity generation assets and activities and transmission networks.

3.3 National Environmental Standards

The Section 32 - Overview and Urban Form and Development Evaluation Report includes details and a brief assessment of all National Environmental Standards (NES).

The following NES are relevant to indigenous biodiversity:

- NES for Electricity Transmission Activities 2009

The NES for Electricity Transmission Activities (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 Landscape provisions are not constrained by the NES-ET

- NES for Plantation Forestry 2017

The National Environmental Standards for Plantation Forestry (NES-PF) enables local authorities to provide for the recognition and protection of SNAs from inappropriate use and development in relation to plantation forestry. The NES-PF outlines activity status for forestry within these areas whilst allowing a district plan to apply more stringent rules in order to protect SNAs. Therefore, District Plan biodiversity provisions are not constrained by the NES-PF.

- NES for Freshwater 2020

The Freshwater NES sets requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. Standards are designed to protect wetlands, streams from infilling, fish passage, manage feedlots and stockholding areas, winter

grazing practices, restrict agricultural intensification, limit fertiliser discharges. The legislation and consenting are managed by regional councils.

- NES for Telecommunication Facilities 2016

The NES for Telecommunication Facilities 2016 (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 habitats for indigenous vegetation. Therefore, district plan SNA provisions are not constrained by the NES-TF.

3.4 National Planning Standards

The National Planning Standards 2019 (PS) requires a more bespoke approach to planning provisions than the ODP. The PS also provides the structure and form for the Plan content along with definitions and mapping criteria.

The National Planning Standards:

- Require that ecosystems and indigenous biodiversity provisions be included in part 2 District Wide Matters of the District Plan;
- State that any schedules of items must be located within the relevant chapter or there may be a cross reference to an appendix; and
- Have a list of set definitions which must be used within district plans where relevant. For ecosystems and indigenous biodiversity this includes the definition of 'functional' and 'operational' need.

3.5 Regional Policy Statement

The Southland Regional Policy Statement 2017 (RPS) sets out the framework and priorities for resource management in the region. The RPS 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). The PDP is required to give effect to the regional policy statement as required by section 75(3) of the RMA.

Like the NPS-IB the RPS requires identification (using criteria) and protection of SNA's along with maintenance of wider indigenous biodiversity values and the need to work with tangata whenua. The RPS also signals a need to promote biodiversity initiatives, active weed and pest management, monitoring, and biodiversity offsets along with recognising the role of landowners in biodiversity protection.

3.6 Regional Plans

Environment Southland has prepared a number of regional plans, these include:

- Regional Air Plan 2016
- Effluent Land Application Plan 1998
- Regional Water Plan 2010

Environment Southland's proposed Southland Water and Land Plan was made partially operative following a council meeting in January 2021.

These plans are not relevant to the ecosystems and indigenous biodiversity provisions of the PDP given the different functions of the regional council.

3.7 Iwi Environmental Management Plan(s)

'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 general terms, there is a desire to:

- 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.
- Protect sites of significance and indigenous biodiversity areas along with appropriate management of water.
- Limit impacts of industrial activity and subdivision by involving iwi in decision making processes and managing land use, building and water issues
- Providing appropriate infrastructure management.

In relation to ecosystems and indigenous biodiversity, the plan also includes the need to 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.

Te Kawa o Te Taiao also 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.

3.8 Climate Change

The effects of climate change have been added to other matters decision makers should have particular regard to (RMA s7(i)).

In accordance with 2020 RMA amendments, District Plans also need to have regard to not only the effects of climate change (adaptation) but also climate change mitigation and national adaptation and emission reduction plans prepared under the Climate Change Response act 2002.

A compact urban form that takes account of the changing nature of natural hazards with most activities located around good transport connections and away from indigenous biodiversity areas will help achieve these requirements. It will also be more critical to maintain indigenous biodiversity to act as carbon sinks and stabilise land while also recognising that biodiversity itself is susceptible to changes in climate.

'Te Tāhū o Te Whāriki', the Ngāi Tahu Climate Change Strategy, identifies a need to assess future commercial risks, protect wahi tapu, mahinga kai and other taonga, prepare plans to relocate Marae and Runānga facilities threatened by increasing hazards, as well as influence agencies to develop climate change responses.

4. Resource Management Issue Analysis

4.1 Background

Section 2.1 of this report identifies three resource management issues which the PDP Ecosystems and Indigenous Biodiversity chapter provisions should address:

Issue 1 - Indigenous biological diversity has not been maintained and SNAs are not comprehensively identified and protected.

Issue 2 - Activities are not enabled or restricted in accordance with national and regional direction or current best practice.

Issue 3 - The ODP provisions do not meet RMA obligations to Māori.

The Gore District Plan Review Efficiency and Effectiveness Report 2022 report highlights that the Operative District Plan has been partially effective at protecting identified Significant Natural Areas (SNA's), however a district wide reduction in indigenous vegetation suggests further protection needs to be afforded to biodiversity within the district. The report also noted that there is a gap in current identified SNA's that will need to be addressed pending the gazettal of the National Policy Statement Indigenous Biodiversity (NPS-IB).

Feedback from key stakeholders and iwi partners on the Draft District Plan also highlighted a number of issues including:

- The need for greater alignment with regional and national direction/best practice; and
- The need to maintain indigenous biodiversity as well as protect SNA's.

A review of the NPS-IB (August 2023) indicates a number of other key changes that are required to the ODP including:

- Mapping of SNA's utilising NPS-IB criteria to be completed by August 2028 and the provisions of the NPSIB to be included in the plan via plan change by 2031 or as part of the 10 yearly review of the District Plan;
- Plan provisions shall include conservation land and existing SNA's;
- Adverse effects on indigenous biodiversity and SNA's shall be managed using the effects management hierarchy (Avoid, minimise, remediate, and compensate);
- Provision for Covenant or Kawenata (QEII, Reserves Act, or Conservation Act);
- Exclusions such as:
 - Renewable Electricity Generation assets and activities and transmission networks
 - Dwellings where no building site is available outside an SNA
 - Harvesting in accordance with a Forestry Management plan
 - Works on specified Māori land

The PDP seeks to address these issues by updating the ODP to reflect the NPS-IB including:

- Incorporating SNA's currently mapped in the ODP;

- Commencing additional SNA mapping to be introduced by variation and guided by a Biodiversity Working Group;
- Expanding the scope of the chapter to include indigenous biodiversity maintenance and SNA protection;
- Expanding policies to include the effects management hierarchy, provision for activities associated with cultural purposes and lawfully established activities, reference to Threatened or At Risk species, provision of critical infrastructure and works in accordance with covenants, Forestry, Reserve, and Conservation Act management plans.
- Establishing permitted controls to provide for a broader range of matters including works to address high risks to public health and safety, mahinga kai and cultural purpose activities, maintenance of improved pasture, and works in accordance with covenants, Reserve Act, Conservation Act or Forests Act management plans.

4.2 Operative Plan Approach

The Operative District Plan (ODP) identifies two substantial significant indigenous vegetation and habitats of indigenous fauna (SNAs) in the Waterfall Range (Croydon Bush) and the Pukerau Red Tussock Reserve. Other areas are noted, such as along roadsides and gully bottoms, but do not warrant protection as they do not provide a sustainable habitat given their small size and location.

Resource management issues highlight that areas of significant indigenous vegetation and habitats of indigenous fauna can be adversely affected by land use activities and that other (smaller) areas can be protected by education and advocacy.

Objectives seek to protect areas and manage adverse effects of land use activities. Policies seek to protect biodiversity, educate and advocate for areas not protected in the plan, and control adverse effects of land use activities of areas shown in the plan.

The rules in the ODP require a discretionary activity resource consent for the felling or removal of indigenous vegetation, the planting of shelterbelts, woodlots or commercial forestry, earthworks (apart from forming of pedestrian tracks), and the erection of buildings and other structures.

4.3 Effectiveness of Operative Plan

Issue	Comment	Response
The ODP does not seek to maintain biological diversity or comprehensively identify SNAs.	This does not meet the purpose of the RMA, Councils functions under s31, or the requirements of the NPS-IB and RPS. This is also out of step with national best practice.	Objectives and policies seek to maintain indigenous biodiversity and protect SNAs in accordance with national and regional direction and best practice. ECO-P1 indicates that SNAs will be mapped as a variation to the PDP.
The ODP does not enable or restrict	This does not meet the purpose of the RMA,	Rules enable a range of activities anticipated in the NPS-IB within

activities in accordance with the NPS-IB.	Councils functions under s31, district plan requirements S75(3) or the requirements of the NPS-IB and RPS. The ODP is also out of step with national best practice.	identified SNAs, areas meeting the SNA criteria, or areas defined as indigenous biodiversity.
The ODP does not meet obligations to Māori.	Misalignment with RMA s6(e), 7(a), and 8 requirements.	Provisions enable mahinga kai and other activities for cultural purposes and recognise Ngāi Tahu rights and interests and role as kaitiaki.

The ODP has been partially effective as it has protected SNA's that are identified in the ODP but it has not protected other SNA's or maintained indigenous biodiversity. There is also no recognition of obligations to Māori and it has not given effects to the NPS-IB and RPS which post-date the ODP provisions.

4.4 Technical Reports and Research

Assessment of Potentially Significant Indigenous Vegetation and Habitats in Gore District – Wildland Consultants 2011

The report notes that a total of 169 potentially important ecological sites are present, with most occurring in Gore Ecological District (ED) and Waipahi ED, although the largest sites were in Hokonui ED. Seventy-five percent of sites are located on land environments classified as Acutely Threatened or Chronically Threatened.¹

The report provided an overview of potential SNA sites, threats and constraints as follows:

“In Gore District, important sites include the Mataura River and its margins, including habitat for threatened black-billed gulls, indigenous forest on the eastern margins of the Hokonui Range, oxbow lakes of the Mataura River and Waikaka Stream, and farm ponds and old workings ponds that provide waterfowl habitat. Indigenous forest, scrub, and grassland on the Waterfall Range northwest of Gore township include high value areas such as Croydon Bush and habitats for threatened and uncommon plants, reptiles, and invertebrates, and there are also red tussock/wire rush bogs at Pukerau and scattered throughout lowland areas elsewhere. The Dongwha MDF plant restoration plantings are also important because they are the only known area of indigenous forest on the alluvial plain landform in Gore District. Other important habitats include red tussock grassland on hillslopes, silver beech forest remnants and grey scrub in gullies on the foothills of the Black Umbrella Range, indigenous forest and scrub remnants on south-facing hillslopes of the Southland Syncline and alongside major waterways, and a swamp on the Waiarikiki Stream that contains flaxland.

¹ Assessment of Potentially Significant Indigenous Vegetation and Habitats in Gore District – Wildland Consultants 2011 – Executive Summary

Indigenous habitats within Gore District are threatened by drainage and nutrient enrichment (wetlands), vegetation clearance, lack of buffering, small size, pest plants, pest animals, land use change/ intensification, grazing, poor representation of particular habitat types, lack of knowledge of the values and importance of indigenous biodiversity, and lack of information on the extent of remaining biodiversity within the district.

Constraints to development are identified. Protected areas with high indigenous values (e.g. QEII covenants, the Mataura River, Croydon Bush, and Pukerau Red Tussock Reserve) and high value habitats on the Waterfall Range that lie outside protected areas but have similar values to and/or buffer significant sites are likely to preclude development. Other high value areas that are likely to constrain development include: wetlands - especially remaining red tussock fens, marshes, and swamps; indigenous forest - which is greatly reduced from its former extent; and waterways and their margins that provide habitat for important aquatic species such as inanga and Gollum galaxias, and support wetlands, or act as an important corridor or link between other habitats.”²

The report also highlighted the shortfalls in the ODP approach within the policy framework at the time as follows:

“The policy framework for protection of indigenous biodiversity within Gore District includes the Transitional Regional Plan for Southland (1991), the Southland Regional Policy Statement (1997), the New Zealand Biodiversity Strategy (2000), the Resource Management Act (1991), the National Priorities for Protection of Indigenous Biodiversity on Private Land (2007), Regional Water Plan for Southland (2010), and the Proposed National Policy Statement on Indigenous Biodiversity (2011). Currently, the Gore District Plan does not contain a schedule of significant sites or ecological significance criteria, or general rules relating to indigenous vegetation and habitats. Policies and rules for the protection of wetlands within the district are particularly lacking. The focus of the plan is to protect existing values rather than to improve biodiversity values within the district. In addition, protection of existing values is reliant on non-regulatory methods, which may not be sufficient given the continuing threats to indigenous vegetation and habitats.

Although the focus should remain on protection of existing vegetation and habitats for indigenous species, there is enormous potential to improve ecological values within Gore District. This can be achieved through mitigating and offsetting adverse effects that cannot be avoided, undertaking indigenous plantings using naturally occurring locally-sourced indigenous species, undertaking control of pest plants and animals, fencing, legal protection, and establishment of ecological linkages between remaining areas of indigenous vegetation, establishment of indigenous riparian vegetation to promote connectivity and enhance freshwater habitat, and establishment of buffers around existing habitats. A combination of regulatory and non regulatory incentives could be used to support and encourage landowners to make appropriate land management decisions.”³

² Assessment of Potentially Significant Indigenous Vegetation and Habitats In Gore District – Wildland Consultants 2011 – Executive Summary

³ Assessment of Potentially Significant Indigenous Vegetation and Habitats In Gore District – Wildland Consultants 2011 – Executive Summary

The Wildlands report also highlighted priorities for field survey which may also be relevant to guide future work as follows:

“Current priorities are the field survey of potentially significant indigenous habitats, followed by ecological significance assessments. Clearer identification of sites containing significant indigenous vegetation and significant habitats of indigenous fauna would help to clarify those activities which require resource consent. Mapping of these areas for inclusion in the Gore District Plan along with more robust plan provisions would help to clarify the Council’s approach to indigenous vegetation and habitats. High priority areas for ecological survey and assessment are Southland Plains ED and Gore ED (threatened by extractive industry), followed by Waipahi ED (few protected sites).”⁴

While this report pre-dates the NPS-IB, it provides a useful starting point for mapping that is required to implement the NPS-IB as well as an indication of the scale of potential SNAs across the Gore district. Additional work is also underway by Environment Southland to remotely map and do field surveys of SNA sites in accordance with RPS criteria which are similar to NPS-IB criteria.

The Gore District Plan Review Efficiency and Effectiveness Report 2022

This report assesses a range of technical information including:

- Resource Consent and Building Consent data
- Comparative analysis between 1980s and 2022 aerial photography
- Comparative analysis between 2001 and 2018 Manaaki Whenua Landcare Research land use maps
- Comparative analysis between 1996 and 2018 Manaaki Whenua Landcare research Maps for the Maitake River Catchment
- Landcover database analysis showing Indigenous Forest Cover and SNAs
- Department of Conservation Ecological Values Assessment of the Gore District 2022

The above analysis indicates that the ODP has been relatively successful at protecting SNA’s identified in the plan as there have been limited consents and no significant change in indigenous vegetation coverage in these areas. Land use change data and mapping suggests that there are other SNA’s in the district and a reduction in overall indigenous vegetation has occurred across the district.

NPS-IB Cost Benefit Analysis - Market Economics Consulting (December 2022)

The report identifies costs to Central Government, Local Authorities, participants, and private landowners along with benefits to landowners and the wider public. Market Economics conclude (at Page 10) that:

- *“the anticipated long-term social, economic, cultural and bio-physical benefits (including non-market values) of implementing the NPSIB will outweigh the anticipated, primarily economic and social, short-term costs;*

⁴ Ibid

- *The NPSIB is expected to generate long-term cultural, social and economic wellbeing net benefits for tangata whenua;*
- *The NPSIB is also expected to instil long-term changes in community awareness of the indigenous biodiversity in New Zealand and its contribution to our economic, social, cultural and environmental wellbeing; and*
- *the provisions of the NPSIB, as a bundle, are an efficient way to achieve the objective of the NPSIB. While there has not been sufficient data to allow all costs and benefits to be placed on the ground, quantified, or monetised in aggregate for New Zealand, there is a high degree of certainty on the processes through which effects will arise and the nature of the costs and benefits that will and will not be attributable to the NPSIB. There is also high-level information on the relative scale and significance (and broad order of magnitude) of those costs and benefits in the short and long-term and this helps inform a net benefit conclusion. “*

Of note, the report also indicates that:

“This CBA does not conclude in a national level Benefit Cost Ratio (BCR) as set out in the Treasury guidance to inform Cabinet decision making. This is due to the unique nature of the cost and benefits arising from the NPSIB which do not lend themselves to practicable or robust quantification in monetary terms.” (Page 4)

4.5 Analysis of Best Practice

A review of approaches in contemporary plans including Auckland, New Plymouth, Nelson and Hurunui indicates that a combination of regulatory and non-regulatory approaches works best to protect SNAs and maintain indigenous biodiversity.

A range of activities are generally permitted in District Plans including vegetation clearance associated with the operation, maintenance and repair of existing pastures, trapping lines, tracks, fences, drains, structures, infrastructure, and gathering of plants in accordance with Māori custom. Some plans also incentivise protection of SNAs by allowing for a greater density of subdivision where SNAs are permanently protected and allow for clearance for house sites where it is not possible to locate these outside SNAs.

Non-regulatory support from regional and district Councils includes a range of matters such as rates relief for the proportion of land covered by SNAs, financial support for weed and pest management and fencing, and free assessments and advice. There are also broader opportunities for funding from central government, philanthropists, non-government organisations, businesses, science and research organisations and community groups through initiatives such as Predator Free 2050 and regional Council funding for research such as Envirolink.

While the ODP identifies two substantial SNAs in the Waterfall Range and the Pukerau Red Tussock Reserve a report by Wildlands Consultants indicates there are a significant number of other potential SNA sites in Gore but the indicative mapping shows that only small proportions of private land have SNAs.

Locally, the Invercargill City District Plan has, since 1999, identified areas of Significant Indigenous Biodiversity, arising from a detailed study undertaken at that time. Much of the indigenous vegetation within the Otatara area is included in this category. While trimming of such vegetation along entrances, and removal of diseased and dead vegetation, is allowed,

consent is required to remove vegetation, either as a discretionary or non-complying activity, depending on the purpose and area. These latter provisions also apply to rural areas, although there is an exemption for fencing. A similar approach applies in the Southland District.

It should be noted that none of these plans have implemented the NPS-IB due to its recent release.

5. Scale and Significance

5.1 Scale and Significance Evaluation

Section 32(1)(c) of the RMA requires that this report contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

	Comments	Assessment		
		Low	Medium	High
Degree of change from the Operative Plan	Covers indigenous biodiversity generally not just SNA's on public land. Wider range of permitted activities in accordance with the NPS-IB. Potential for wider areas across the district to be identified in accordance with NPS-IB criteria.		X	
Scale of effects – geographically (local, district wide, regional, national).	District wide as covers indigenous biodiversity and SNA's that are spread across the district but in discrete pockets.		X	
Effects on matters of national importance (s6 RMA)	Implements s6(c) and s31(b)(iii)			X
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?).	There are approximately 100 landowners affected with potential SNA's although this will need to be verified by Mapping variation. A wider range of landowners will be potentially affected by general indigenous vegetation clearance controls.		X	
Scale of effects on those with specific interests, e.g., Tangata Whenua	Ngāi Tahu cultural purposes, rights and interests, and role as Kaitiaki are recognised and provided for. The provisions enable mahinga kai activities and activities for other cultural purposes and recognise taonga species. Mana whenua access to areas of indigenous biodiversity is also encouraged.		X	
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?	The provisions have been designed to give effect to the NPS-IB and the Southland Regional Policy Statement. Other district plans have been reviewed for consistency, but the NPS-IB has only recently been gazetted.		X	
Likelihood of increased costs or restrictions on individuals, communities, or businesses.	There will be increased restrictions on private land when compared to the Operative Plan although restrictions on public land will be less given the greater number of permitted activities.		X	

5.2 Evaluation Summary

Overall, the scale of significance is considered to be medium. While the protection of SNA's is a matter of national importance under the RMA, the degree of change is considered moderate given the low number of landowners potentially affected and the fact the PDP provisions are more enabling than the ODP. Consequently, the level of detail provided within this evaluation is commensurate with the scale and significance of the environmental, economic, and cultural effects that are anticipated from the implementation of the provisions.

6. Consultation

6.1 Overview

The Section 32 – Overview Evaluation Report provides an overview of the consultation undertaken to date in respect of the PDP. The PDP has been prepared in partnership with Hokonui Rūnanga who have reviewed and provided feedback on the Ecosystems and Indigenous Biodiversity Chapter to ensure consistency with the Mana Whenua Chapter and that cultural values are appropriately integrated throughout the proposed provisions.

Engagement with the community on the draft District Plan was undertaken 10th August 2022 to 30th September 2022. The feedback received is summarised below:

Initial Feedback

Feedback was provided from iwi authorities, a number of Government agencies (Waka Kotahi and Department of Conservation) and interest groups (Federated Farmers and Forest and Bird) seeking an opportunity to see the draft provisions as a place holder was inserted advising that the chapter will be drafted once the National Policy Statement for Indigenous Biodiversity (NPSIB) is released. Other feedback sought:

- Alignment with the NPSIB exposure draft provisions such as definitions, provisions and criteria;
- Recognition of Ecological values identified in the Gore District and the Southland Murihiku Conservation Management Strategy that identifies the importance of the Croydon Bush Reserve/Hokonui Hills and Pukerau Red Tussock lands;
- Recognition of the General character and ecological districts within Gore;
- The need to meet s6 RMA and s30/31 functions and requirements even if the NPS-IB is not gazetted;
- Acknowledgement that there are a number of biodiversity areas that are not identified in the Operative Plan along with the ongoing requirements to resource enforcement and monitoring;
- The need for a policy that provides for the management of adverse effects on indigenous fish, mahika kai species and significant natural areas; and
- Provision for essential infrastructure like state highways.

Additional Feedback

A further feedback process was provided to iwi authorities and key stakeholders identified above given their interest in providing feedback on a draft chapter ahead of the formal notification process. Below is a summary of key themes provided in that feedback:

- The need to reflect the key principles of the RMA, Draft NPS-IB, Southland RPS, and Iwi Management Plans including:
 - maintaining indigenous biodiversity as well as protecting SNA's including addressing the removal of indigenous vegetation more generally;
 - broadening and better defining tangata whenua values (such as taonga species) and interests;
 - Focussing on district rather than regional council functions;
 - Using definitions from the Draft NPS-IB;
- Improving policies to:
 - Provide greater clarity on customary use and access;
 - Ensure adverse effects **within** SNA's are avoided including aligning consent status to non-complying;
 - Have more targeted direction on biodiversity offsets;
 - Enhance the link between policies and rules by rationalising terms such as critical infrastructure and other types of infrastructure;
- Having more targeted permitted standards including:
 - Provision for clearance associated with covenants and farm management plans;
 - A focus on enabling lawfully established structures and existing farming activities to be maintained and developed;
 - Better defining improved pasture, indigenous vegetation and indigenous vegetation clearance;
- A need to map SNA's as soon as possible, including at resource consent stage, to provide greater certainty;
- A need to recognise non-regulatory options to support landowners to protect indigenous biodiversity;
- The need for a Biodiversity Stakeholder Group to inform plan development, non-regulatory support, and consultation;
- Alignment with best practice in other councils; and
- A clearer focus on regional pest management plans rather than providing for grazing to manage weeds.

Amendments were made to the Draft chapter to address the points raised above. The NPS-IB was released two days later which has required a number of key changes. Of note:

- the chapter has been broadened to cover indigenous vegetation clearance and land disturbance associated with indigenous biodiversity as well as SNA's;
- a Biodiversity Stakeholder Group will be established to guide the mapping variation and associated plan provisions, non-regulatory support, and consultation;
- recognition of mana whenua values and taonga species have been enhanced;
- Provision has been made for covenants;
- The effects management hierarchy has been included;
- Provision has been made for harvesting of plantation forestry and works necessary to address high risks to public health and safety; and
- Clearer controls around maintenance of improved pasture.

Response

The Ecosystems and Indigenous Biodiversity Chapter has been updated to address the feedback received and the NPS-IB 2023.

7. Proposed Plan Provisions

7.1 Strategic Direction

The PDP includes a number of strategic objectives which have been tested in terms of s32(1)(a) in their relevant s32 reports. However, the other chapters of the plan should align with these strategic objectives to ensure vertical integration within the PDP.

In terms of the Ecosystems and Indigenous Biodiversity Chapter, objective UFD-O1 and UFD-O7 are the most relevant. These objectives seek that the district develops in a way that minimises adverse effects on natural and cultural values and recognises the relationship of Māori with their culture, traditions, lands, waterbodies, sites, areas and landscapes and other taonga of significance.

The mana whenua chapter articulates mana whenua and Te Taiao values. The values of most relevance to ecosystems and indigenous biodiversity include the provision of Kotahitanga, wairua, ki uta ki tai, and consideration of whenua and mahinga kai. Biodiversity values are integrated into the environment and mana whenua have a Kaitiaki role in protecting indigenous biodiversity and a right to access resources for harvesting in accordance with tikanga.

7.2 Objectives and Policies

The biodiversity objectives seek to maintain indigenous biodiversity generally and protect and identify SNAs by working in partnership with mana whenua and stakeholders/landowners. The relationship of mana whenua and their customs and traditions with SNAs is to be recognised and provided for and subdivision, use and development is provided where SNA values can be maintained and enhanced. These objectives help address the resource management issues as this approach will align with regional and national direction/best practice and expand the scope of the ODP to maintain indigenous biodiversity as well as protect a wider range of SNA's.

The PDP policies re-enforce the objectives by:

- Requiring the identification of SNA's and specified highly mobile fauna areas (ECO-P1);
- Only allowing a limited range of activities that may impact SNA values (ECO-P2);
- Ensuring any new subdivision, use or development avoids adverse effects on an SNA that will result in loss of critical values unless it is an activity provided for in the NPS-IB (ECO-P3);
- Applying the effects management hierarchy to a range of matters in accordance with the NPS-IB (ECO-P4);
- Managing Plantation Forest activities within SNAs in accordance with NPS-IB requirements (ECO-P5);
- Promoting the restoration of indigenous biodiversity by prioritising valued areas in accordance with regional and national priorities (ECO-P6);

- Protecting, enhancing and restoring SNAs by minimising loss, promoting connections, enabling mana whenua customary rights and responsibilities, and supporting community/landowner initiatives (ECO-P7);
- Avoiding effects which will degrade indigenous biodiversity values and threatened taxa and discourage mana whenua access (ECO-P8);
- Considering a range of matters when assessing resource consents within SNA's including the necessity for critical infrastructure, formal protection mechanisms, recognition of cultural values, cumulative effects, weed and pest management, and off-setting/compensation (ECO-P9);
- Maintaining indigenous biodiversity by applying the effects management hierarchy, managing effects on highly mobile fauna areas, maintain and enhancing linkages, encouraging mana whenua access and a range of other non-regulatory support and recognition (ECO-P10);
- Providing for biodiversity off-sets and compensation to manage residual adverse effects (ECO-P11); and
- Avoiding the planting of exotic weed species and the intentional release or farming of animal pests within SNA's.

7.3 Rules

ECO-R1(1) provides for Indigenous vegetation clearance and land disturbance for a range of activities in accordance with the NPS-IB and best practice including:

- The maintenance, repair or replacement of existing lawfully established types of infrastructure and firebreaks where clearance widths are met;
- Where vegetation is causing health and safety risk;
- Mahinga kai and other cultural purposes;
- Operation of the national grid;
- Maintenance of improved pasture;
- Works are in accordance with forestry, reserve and conservation management plans;
- The maintenance and repair of existing buildings and structures where clearance widths are met;
- The removal of exotic species and weeds and pests;
- Works in accordance with a biodiversity covenant;
- Works associated with a domestic garden or screening/shelter belt purposes (such as hedgerows).

ECO-R1(2) requires restricted discretionary consent for vegetation clearance and land disturbance associated with the maintenance, repair or replacement of existing lawfully established fences and firebreaks not meeting the 1.5m clearance width.

ECO-R1(3) requires discretionary activity where indigenous vegetation clearance and land disturbance takes place outside an SNA.

ECO-R1(4), ECO-R2, and ECO-R3 requires non-complying activity consent where indigenous vegetation clearance and land disturbance, planting of exotic weed species or release or farming of animal pests takes place inside an SNA.

Discretionary activity consent is also required in other chapters in the plan where subdivision is in a SNA (SUB-R11) and new infrastructure, hazardous substances, or roads are established in a SNA (Refer INFR-R9, HAZS-R1, and TRANS-R1).

7.4 Definitions

Key definitions which are particularly relevant to the chapter include:

Biodiversity Covenant

Has the same meaning as the definition of Covenant or Kawenata from the NPSIB –

means a covenant or kawenata that is:

(a) registered against the record of title or lease agreement (as relevant), under any of the following:

(i) section 22 of the Queen Elizabeth the Second National Trust Act 1977:

(ii) Section 27 or section 27A of the Conservation Act 1987:

(iii) Section 76 and 77 of the Reserves Act 1977; and

(b) is identified, with the agreement of the relevant landowner or lessee and the prior written consent of the covenantee, by the relevant local authority as a specified covenant or kawenata.

Depositional landform

Has the same meaning as the NPSIB -

means a landform that is alluvial (matter deposited by water, (eg, fans, river flats, and terraces), colluvial (matter deposited by gravity at the base of hillslopes, (eg, talus), or glacial (matter deposited by glaciers, (eg, moraines and outwash).

Effects management hierarchy

Has the same meaning as the NPSIB –

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

(a) adverse effects are avoided where practicable; then

(b) where adverse effects cannot be avoided, they are minimised where practicable; then

(c) where adverse effects cannot be minimised, they are remedied where practicable; then

(d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where possible; then

(e) where biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided; then

(f) if biodiversity compensation is not appropriate, the activity itself is avoided.

Exotic Pasture Species

has the same meaning as the NPSIB –

means a pasture species identified in the National List of Exotic Pasture Species [National list of exotic pasture species | Ministry for the Environment](#)

Functional need

Has the same meaning as per the National Planning Standards -

means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.

Improved pasture

Has the same meaning as the NPSIB –

means an area of land where exotic pasture species have been deliberately sown or maintained for the purpose of pasture production, and species composition and growth has been modified and is being managed for livestock grazing.

Indigenous vegetation

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.

Indigenous vegetation clearance

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.

Maintenance of improved pasture

Has the same meaning as the NPSIB –

includes the removal of indigenous vegetation for the purpose of maintaining the improved pasture, whether the removal is by way of cutting, crushing, applying chemicals, draining, burning, cultivating, over-planting, applying seed of exotic pasture species, mob stocking, or making changes to soils, hydrology, or landforms.

Mana whenua cultural purpose

Means those matters covered in MW – 2.3

Mahinga Kai

Means the same as outlined in MW – 2.3.3.3 and is an all-inclusive term that refers to the ability to access resources for harvesting, the site where gathering of these resources occurs,

the act of gathering and using the resource, and the good health of the resource. As a result of this practical focus, mahinga kai is considered by Hokonui Rūnanga to be, in today's language, the principal 'environmental indicator' in natural systems. If mahinga kai is not present, or is unsafe to harvest, then that natural system is under stress and requires remedial action. Mahinga kai was and is central to the Ngāi Tahu and Hokonui way of life. The collection and processing of mahinga kai is an important social, cultural, environmental, and economic activity contributing to the overall well-being of Ngāi Tahu whānui.

Mahinga kai practices rely on thriving and abundant biodiversity, safe and aesthetically pleasing places to practice, and the active transfer of knowledge between people. These attributes are dependent on the sustainable management of many other natural resources in the takiwā, especially waterbodies and the management of stormwater. Hokonui Rūnanga expect to be able to practice mahinga kai in our takiwā at multiple locations that are deliberately selected for the quality of the resource and its ability to sustain itself.

Operational need

Has the same meaning as per the National Planning Standards –

means 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.

Significant Natural Area or SNA

Has the same meaning as per the National Policy Statement for Indigenous Biodiversity and means:

(a) Areas identified as SNA-1 (Waterfall Range) and SNA-2 (Pukerau Red Tussock Reserve) on the planning maps until a suitably qualified ecologist engaged by Gore District Council determines that it is not an SNA

(b) any area that is notified or included in a district plan as an SNA following an assessment of the area in accordance with Appendix 4

SNA also includes areas meeting the criteria outlined in Appendix 4 including those identified at resource consent stage or as part of a Farm Environment Plan assessment or as part of a Biodiversity Covenant.

Specified highly mobile fauna

Has the same meaning as the NPSIB –

means the Threatened or At Risk species of highly mobile fauna that are identified in Appendix 2 of the NPSIB.

Specified infrastructure

Has the same meaning as the NPSIB –

means any of the following:

1. infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002):

2. regionally or nationally significant infrastructure identified as such in a National Policy Statement, the New Zealand Coastal Policy Statement, or a regional policy statement or plan:

3. infrastructure that is necessary to support housing development, that is included in a proposed or operative plan or identified for development in any relevant strategy document (including a future development strategy or spatial strategy) adopted by a local authority, in an urban environment (as defined in the National Policy Statement on Urban Development 2020):

4. any public flood control, flood protection, or drainage works carried out:

(a) by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941; or

(b) for the purpose of drainage, by drainage districts under the Land Drainage Act 1908:

5. defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990.

Taonga Species

means those species identified in Te Tangi A Tauria – The Cry of the People Ngāi Tahu Claims Settlement Act 1998 – Schedule 97 – Taonga Species Appendix.

Threatened or At Risk, and Threatened or At Risk (declining)

Has the same meaning as the NPS-IB –

have, at any time, the meanings given in the New Zealand Threat Classification System Manual (Andrew J Townsend, Peter J de Lange, Clinton A J Duffy, Colin Miskelly, Janice Molloy and David A Norton, 2008. Science & Technical Publishing, Department of Conservation, Wellington), available at:

<https://www.doc.govt.nz/globalassets/documents/science-andtechnical/sap244.pdf>, or its current successor publication.

8. Evaluation of Objectives

This section of the report evaluates the proposed objectives as to whether they are the most appropriate to achieve the purpose of the Act.

Existing Objective	Appropriateness to achieve the purpose of the Act
2.3.3 - Objective (1) To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and to manage the adverse effects of land use activities.	This objective provides high level guidance to decision makers of the need to protect SNAs and in this respect it is broadly consistent with RMA Section 5(2)(b) and (c). In achieving the purpose of the RMA all persons exercising their functions and powers must, as a matter of national importance, protect SNAs and recognise and provide for the relationship of Māori with ancestral land and taonga (s6(c) and (e)) as well as having particular regard to kaitiakitanga (s7(a)) and take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)(s8). Councils functions also include the maintenance of indigenous biological diversity (s31(b)(iii)). Relevance and usefulness (s)The objective has limited relevance and usefulness due to its broad nature. The objective does not cover Councils broader obligations of maintaining indigenous biodiversity, obligations to Māori, or recognise the need to provide for peoples social, economic and cultural wellbeing as well as protecting SNAs. The objective does not articulate the need to comprehensively identify SNAs or align with the requirements of the NPS-IB or RPS as the objective pre-dates this national and regional direction. In this regard the objective provides limited direction for decision makers. While the objective provides a general sense of the outcome in relation to SNAs it does not articulate outcomes relating to the broader role of Council required by the RMA outlined above. Reasonableness: Given its broad nature, the objective has the potential to result in unnecessary costs to the community as there is a lack of clarity about what needs to be protected within SNA areas and where SNA areas are. This approach increases the level of uncertainty for the community. Achievability: The objective is within the scope of some of Councils responsibilities however it may be difficult to achieve given its vagueness. The objective is also not consistent with tangata whenua outcomes and regional direction which seek a wider focus of also maintaining indigenous biodiversity and cultural values, rights and responsibilities.

Proposed Objective(s)	Appropriateness to achieve the purpose of the Act
ECO-O1 Maintain Indigenous <i>biological diversity</i> in the Gore District and protect areas of significant <i>indigenous vegetation</i> and significant habitats of indigenous fauna (<i>Significant Natural Areas</i>). ECO-O2 Work in partnership with Local Authorities, Government agencies, <i>mana whenua</i>, stakeholders and landowners to identify and protect <i>Significant Natural Areas</i>. ECO-O3 Provide for appropriate <i>subdivision</i>, use and development within <i>Significant Natural Areas</i> where the values of the area can be maintained and enhanced. ECO-O4 The relationship of <i>mana whenua</i> and their customs and traditions with <i>Significant Natural Areas</i> is recognised and provided for including through:	The objectives are considered the most appropriate way to achieve the purpose of the Act because they give effect to the relevant sections of the RMA as outlined below: - Section 5(2) as maintaining indigenous biodiversity and protecting SNAs while providing for appropriate development and cultural values as well as working in partnership with the community will safeguard the life supporting capacity of ecosystems and provide for peoples social, economic and cultural wellbeing; - Section 6 (c) as the objectives seek the protection of SNAs; - Sections 6 (e), 7(a), and 8 as the objectives require working in partnership with mana whenua, protect SNAs, maintain indigenous biodiversity, and recognise the relationship of mana whenua and their customs and traditions including kaitiakitanga, mahinga kai, taonga species, and customary use; and - Section 31(b)(iii) as the objective recognise the broader role of maintaining indigenous biological diversity. Relevance and Usefulness: The objectives are relevant and useful as they address the identified resource management issues, are within scope of Councils functions, and give effect to higher order documents. The objectives provide a broader scope to include indigenous biodiversity rather than just SNAs, recognise mana

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.	whenua values, more clearly articulate regional and national direction (including the NPS-IB), and acknowledge the need to work with the community in identifying and protecting SNAs. The objectives will provide clearer guidance to decision makers as they articulate clear outcomes including the need to focus on the values of areas and identify which mana whenua values need to be recognised and provided for along with the need to identify SNAs. Reasonableness: In the short term (until mapping has been completed) the costs of identifying SNAs and indigenous biodiversity will fall to potentially affected landowners through the consent process. It is anticipated that the risk of landowners having to meet this cost is relatively small given low consenting numbers in Gore and this period will be relatively short as the Council has signalled that mapping will be done as a variation (within 12 months). Mapping of SNAs may be costly in the medium term (although some preliminary mapping has already occurred and funding may be available from Environment Southland) but this will be offset by the greater level of certainty that will be provided to the community and directly affected landowners. Mapping is also required by the NPS-IB so will need to be undertaken in the next five years. Focusing on the values of the SNA rather than the SNA as a whole, aligning with the NPS-IB, and working with the community to identify SNAs will also mean that rules can be more targeted and enabling to implement these objectives which should help address longer term costs. Having targeted objectives will also help reduce uncertainty and risk to SNAs and indigenous biodiversity and streamline the consenting process and associated costs. Achievability: The objectives are within the scope of Councils responsibilities and the clearer outcomes will help to improve achievability. Council will need to engage ecological expertise to help implement the objectives and provide clear guidance for consenting in the short term and mapping in the medium term. The objectives are consistent with tangata whenua outcomes and regional direction which seek a wider focus of also maintaining indigenous biodiversity and cultural values, rights and responsibilities.
--	---

Summary Overall, the proposed objectives provide greater clarity and certainty for plan users and decision makers whilst also achieving the purpose of the Act in a reasonable, useful, relevant and achievable manner. The Objectives will allow Council to fulfil their obligations under s31 of the Act, are consistent with identified tangata whenua outcomes and align with relevant regional and national direction. The proposed objectives are the preferred option to address the key resource management issues identified in sections 2 and 4 of this report.
--

9. Evaluation of Options to Achieve the Objectives

9.1 Evaluation

Section 32(1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must if practicable quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

For each potential approach an evaluation has been undertaken relating to the costs, benefits and the certainty and sufficiency of information (as informed by section 4 of this report) in order to determine the effectiveness and efficiency of the approach, and whether it is the most appropriate way to achieve the relevant objective(s). For the purpose of this evaluation, the Council has considered the following potential options:

- Option A - The proposed provisions
- Option B - The ‘status quo’ provisions.

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.

Based on the scale and significance of the proposed changes, specifically the degree of change from the ODP, level of policy risk and scale of effects, it is considered that quantifying costs and benefits is unnecessary. This approach aligns with the conclusion that Market Economics Consulting made in relation to the NPS-IB that a CBR analysis is not warranted “*due to the unique nature of the cost and benefits arising from the NPSIB which do not lend themselves to practicable or robust quantification in monetary terms.*”⁵

Therefore, exact quantification of the benefits and costs identified in this report was not considered necessary, beneficial or practicable. Rather, the table below generally identifies where there may be additional cost(s) and benefit(s).

Option A – Proposed Provisions
Objectives The biodiversity objectives seek to maintain indigenous biodiversity generally and protect and identify SNAs by working in partnership with mana whenua and stakeholders/landowners. The relationship of mana whenua and their customs and traditions with SNAs is to be recognised and provided for and subdivision, use and development is provided where SNA values can be maintained and enhanced. Policies The PDP policies re-enforce the objectives by: • Requiring the identification of SNA’s and specified highly mobile fauna areas (ECO-P1); • Only allowing a limited range of activities that may impact SNA values (ECO-P2); • Ensuring any new subdivision, use or development avoids adverse effects on an SNA that will result in loss of critical values unless it is an activity provided for in the NPS-IB (ECO-P3); • Applying the effects management hierarchy to a range of matters in accordance with the NPS-IB (ECO-P4); • Managing Plantation Forest activities within SNAs in accordance with NPS-IB requirements (ECO-P5); • Promoting the restoration of indigenous biodiversity by prioritising valued areas in accordance with regional and national priorities (ECO-P6); • Protecting, enhancing and restoring SNAs by minimising loss, promoting connections, enabling mana whenua customary rights and responsibilities, and supporting community/landowner initiatives (ECO-P7); • Avoiding effects which will degrade indigenous biodiversity values and threatened taxa and discourage mana whenua access (ECO-P8); • Considering a range of matters when assessing resource consents within SNA’s including the necessity for critical infrastructure, formal protection mechanisms, recognition of cultural values, cumulative effects, weed and pest management, and off-setting/compensation (ECO-P9); • Maintaining indigenous biodiversity by applying the effects management hierarchy, managing effects on highly mobile fauna areas, maintain and enhancing linkages, encouraging mana whenua access and a range of other non-regulatory support and recognition (ECO-P10);

⁵ NPS-IB Cost Benefit Analysis - Market Economics Consulting (December 2022) – Page 4

- Providing for biodiversity off-sets and compensation to manage residual adverse effects (ECO-P11); and
- Avoiding the planting of exotic weed species and the intentional release or farming of animal pests within SNA's.

Rules

ECO – R1 (1) provides for Indigenous vegetation clearance and land disturbance for a range of activities including:

- The maintenance, repair or replacement of existing lawfully established types of infrastructure and firebreaks where clearance widths are met;
- Where vegetation is causing health and safety risk;
- Mahinga kai and other cultural purposes;
- Operation of the national grid;
- Maintenance of improved pasture;
- Works are in accordance with forestry, reserve and conservation management plans;
- The maintenance and repair of existing buildings and structures where clearance widths are met;
- The removal of exotic species and weeds and pests;
- Works in accordance with a biodiversity covenant;
- Works associated with a domestic garden or screening/shelter belt purposes (such as hedgerows).

ECO – R1(2) requires restricted discretionary consent for vegetation clearance and land disturbance associated with the maintenance, repair or replacement of existing lawfully established fences and firebreaks not meeting the 1.5m clearance width.

ECO-R1(3) requires discretionary activity where indigenous vegetation clearance and land disturbance takes place outside an SNA.

ECO-R1(4), ECO-R2, and ECO-R3 requires non-complying activity consent where indigenous vegetation clearance and land disturbance, planting of exotic weed species or release or farming of animal pests takes place inside an SNA.

Discretionary activity consent is also required in other chapters in the plan where subdivision is in a SNA (SUB-R11) and new infrastructure, hazardous substances, or roads are established in a SNA (Refer INFR-R9, HAZS-R1, and TRANS-R1).

Benefits	Costs
Environmental • The provisions would protect a broader range of SNAs meeting the NPS-IB criteria and seek to maintain indigenous biodiversity resulting in greater environmental benefits • Policies promote indigenous biodiversity restoration via regulatory and non-regulatory means which should enhance biodiversity outcomes • Rules enable the removal of exotic species and weeds and pests which should improve indigenous biodiversity values • Amenity benefits from appreciation of biodiversity areas	Environmental • The provisions enable a greater range of permitted activities which may result in loss of some indigenous biodiversity values although these are typically tied to existing activities
Economic • The proposed rules allow for a wider range of activities than the ODP so consenting costs for public land (which the ODP covers) will be less and for private land would be less than if the ODP rules were adopted. • Taonga species have already been identified in Te Tangi A Tauria – The Cry of the People Ngāi Tahu Claims Settlement Act 1998 – Schedule 97 – Taonga Species Appendix so there is no cost to identify these species • Protection of SNAs and maintenance of Indigenous biodiversity provides a range of ecological services that would have economic benefits including support for food production due to shelter, biological control of	Economic • Perceived loss of development rights although less than 2% of private land in the Gore District is covered by potential SNA's⁷ and most properties with potential SNA's have less than 10% coverage⁸. • Costs associated with ecological advice for Councils and landowners at the resource consent stage. • Mapping and ground truthing costs to Council although some preliminary mapping has been undertaken.

⁷ NPS-IB Cost Benefit Analysis Market Economics Consulting - December 2022 – Page 187

⁸ GIS analysis of "Assessment of Potentially Significant Indigenous Vegetation and Habitats In Gore District – Wildland Consultants 2011"

pests and disease, pollination, stabilising slopes, improving air quality, noise reduction, human health, education, tourism, sense of identity, medical practices (rongoā), Māori knowledge (mātauranga Māori), and food and resource gathering (mahinga kai)⁶ Public benefits of private protection such as wider ecological services and amenity	- Above costs are estimated to be \$485,000-\$2,584,000 for each Territorial Authority⁹ although Gore will be on the lower side of this estimate given the comparative size of the district and potential SNA coverage. - Mapping Specified Highly Mobile Fauna Areas which will largely fall to the regional council. - Taonga species are extensive so cost of managing these areas could be widespread. - Costs to participants in the process such as the Biodiversity Stakeholder Group and associated liaison. - Given that public land would be managed via management plan there may be a cost of doing management plans where these do not already exist. - ECO-P10 promotes free ecological surveys, financial support to SNA landowners, rates relief for SNAs and advice and support. If the Council decides to pursue this there will be costs associated with that support.
Social - Ecological services provided by protecting SNAs and maintaining indigenous biodiversity include social benefits such as human health, education, and sense of identity. - Amenity benefits from appreciation of biodiversity areas. - Working in partnership to protect and identify SNAs using the Biodiversity Stakeholder Group and community groups may result in some social cohesion.	Social Landowner concern about the implications for land use may cause some community unrest.
Cultural Policies encourage mana whenua access to indigenous biodiversity for cultural purposes and recognition of cultural values and taonga while rules enable clearance for mahinga kai or cultural purposes.	Cultural There may be some loss of cultural values given the broader range of permitted activities than the ODP although there is a greater coverage of SNAs and indigenous biodiversity areas.
Efficiency	
There are a number of improved efficiency outcomes associated with the PDP provisions. These include: - Provision of a wide range of permitted activities. - Improved clarity through more directive objectives and policies which provides greater certainty for plan users and decision makers and will improve efficiency compared to the status quo option. Undertaking SNA mapping ahead of the notification of the PDP would provide greater certainty for plan users but delays may lead to a loss of indigenous biodiversity in the meantime. Overall, the environmental, economic and social benefits outweigh the economic cost associated with the proposed provisions which will generally provide more effectively for existing activities.	
Effectiveness	
The plan provisions will be effective at delivering on the PDP objectives over time as SNA mapping is progressed and the new approach is understood and implemented. The provisions give effect to the NPS-IB and align with the National Planning Standards and RPS The plan provisions will protect a wider range of SNAs and maintain indigenous biodiversity values as well as providing for mana whenua customs and traditions.	
Risk of acting or not acting	
The risk of not acting is that indigenous biodiversity will continue to decline, and the resource management issues will not be addressed including the need for national and regional alignment as well as recognition of cultural values, rights and responsibilities. The risk of acting is that there may be some perception about loss of property values and concerns about costs to implement the PDP provisions.	
Overall Evaluation	
The environmental, social and cultural benefits of the proposed provisions outweigh the cost. The provisions are considered an efficient and effective means of achieving the objectives and they give effect to higher order documents.	

⁶ NPS-IB Cost Benefit Analysis Market Economics Consulting - December 2022 - Page 153-156

⁹ NPS-IB Cost Benefit Analysis Market Economics Consulting - December 2022 - Page 78

Option B – Status Quo	
Objectives seek to protect areas and manage adverse effects of land use activities.	
Policies seek to protect biodiversity, educate, and advocate for areas not protected in the plan, and control adverse effects of land use activities of areas shown in the plan.	
The rules in the ODP require a discretionary activity resource consent for the felling or removal of indigenous vegetation, the planting of shelterbelts, woodlots or commercial forestry, earthworks (apart from forming of pedestrian tracks), and the erection of buildings and other structures.	
Benefits	Costs
Environmental - Two substantial areas of public land are protected as SNAs. - The provisions require consent for most work apart from earthworks associated with tracks.	Environmental SNA coverage is not comprehensive, so these areas remain unprotected and indigenous biodiversity has not been maintained more broadly.
Economic - There is no consenting cost or opportunity cost to private property owners as controls only relate to public land. - Increased certainty as it is clear which areas are protected as areas are currently mapped.	Economic - Consenting cost is uncertain as most activities require a discretionary activity consent where a wide range of effects can be considered. - There is regional and national inconsistency which may lead to uncertainty for key stakeholders such as regional and national infrastructure and safety providers as well as council and conservation agencies. - The economic benefits of ecological services will not be achieved across wider SNA and indigenous biodiversity areas.
Social Landowners are less likely to be concerned as ODP SNAs only cover public land and indigenous vegetation clearance control does not extend to wider indigenous biodiversity areas.	Social - Ecological services provided by protecting SNAs and maintaining indigenous biodiversity such as human health, education, and sense of identity will not be as great with limited areas identified. - Amenity benefits from appreciation of biodiversity areas will not be as extensive as the PDP.
Cultural Two substantial areas of public land are protected as SNAs.	Cultural - There is no recognition of mana whenua rights and responsibilities such as kaitiakitanga, and provision of mahinga kai. - Provisions do not encourage access to indigenous biodiversity for cultural purposes or recognise taonga species.
Efficiency	
The ODP provisions are not particularly efficient at maintaining indigenous biodiversity and wider SNA's as only two SNAs are currently identified. The ODP provisions also provide limited permitted activities and discretionary consents will consider a wide range of effects, so the provisions do not create consenting efficiencies. The limited extent of SNAs in the ODP will create consent efficiencies for private landowners but not to the extent of achieving the PDP objectives.	
Effectiveness	
The ODP provisions are not particularly effective at achieving the PDP objectives or addressing the current resource management issues as the ODP is narrowly focussed on two SNA's on public land. The ODP provisions also do not address wider indigenous biodiversity matters or identify SNAs in accordance with national and regional direction or provide for the relationship of mana whenua and their customs and traditions with SNAs and indigenous biodiversity.	
Risk of acting or not acting	
The risk of acting is that indigenous biodiversity will continue to decline, and the resource management issues will not be addressed including the need for national and regional alignment as well as recognition of cultural values, rights and responsibilities. The risk of not acting is that there will be greater loss of values but there may not be some perception about loss of property values or concerns about costs to implement the ODP provisions.	

Overall Evaluation

The environmental, economic, social and cultural costs of the ODP provisions outweigh the benefits. The provisions are not considered an efficient and effective means of achieving the objectives of the PDP or the current resource management issues and they do not give effect to higher order documents.

9.2 Summary of Preferred Options

Summary

Overall, the preferred option is the PDP which:

- Gives effect to higher order documents and achieve the purpose of the Act.
- Provides greater direction and certainty for plan users and decision makers.
- Ensures that indigenous biodiversity is maintained, and that SNA’s are protected while also providing for a range of appropriate activities to enable the communities social, economic, and cultural wellbeing.