

Before the Independent Hearings Panel at Gore District Council

Under Schedule 1 of the Resource Management Act 1991

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

Minute 41 Supplementary Evidence of Matt Heale on behalf of Gore District Council

Date: 3 April 2025

Introduction:

1. My full name is Matthew Cecil Heale. My Hearing Stream 1 Section 42A report sets out my qualifications and experience as an expert in planning.
2. I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's practice Note 2023, as applicable to this independent hearing panel.
3. I have prepared this statement of evidence to provide a response to evidence by the Department of Conservation and Stoney Creek Station Limited to my initial supplementary evidence (21 March 2025) relating to Panel Minute 41.
4. A full copy of amendments I now recommend are included at Appendix A.

Response to DoC Supplementary Evidence

5. Ms Zammit-Ross:
 - a. Sought clarification regarding the formulation to determine that permitted vegetation clearance limits would ensure no significant adverse effects on SIVA values.
 - b. Raised concerns about impacts on lizards and lizard habitat and indicated a need for lizard surveys.
 - c. Outlined the need for additional mapping of Desert broom, Kowhai, and rocky outcrops .
 - d. Raised concerns about the need for no permitted clearance within the Land Management Agreement Area due to the presence of Threatened and At-risk species.
6. Ms Williams:
 - a. Highlights the gaps in ecological evidence raised by Ms Zammit-Ross above.
 - b. Expresses a preference for the generic Approach in ECO-R1 rather than the bespoke approach in ECO-R2.
 - c. Notes that ECO-R2 is not consistent with the SRPS as objective BIO.2 and policy BIO.2 seek protection of SIVAs and require assessment against a range of ecological matters.
 - d. Indicates that ECO-R2 is not consistent with ECO-P3 and ECO-P7 that seek new development shall avoid adverse effects on a SNA/SIVA that result in effects including loss of ecosystem representation and extent, fragmentation or the loss of buffers, a reduction in the function of SNA/SIVA and a reduction in the population size or occupancy of Threatened or At Risk (declining) species along with the protection of SIVA.

- e. Seeks that ECO-R1 (m) is deleted based on advice of Mr Wells stating it may be prudent to restrict permitted vegetation to lawfully established existing activities only within SIVA outside the Hokonui Hills area.
 - f. Requests that ECO-R2(1)(a), relating to the maintenance of improved pasture, should reference Threatened and At-Risk species as lizards may be located there.
 - g. Indicates that the Land Management Agreement Area and rocky outcrops should be specifically referenced in ECO-R2 as reference to Threatened and At-Risk species is too generic and that breaches should be non-complying.
 - h. Notes that the colours of Appendix 7 should be altered to provide greater clarity.
7. In his evidence of 3 April 2025, Mr Wells has outlined the methodology used to determine a level of permitted clearance that would ensure no significant adverse ecological effects, so that some level of new fence construction could occur in the Hokonui Hills without the need for a resource consent. This included consideration of factors listed in SRPS Policy BIO.2. The permitted clearance levels were set accordingly to ensure that the key ecological values giving significance to the areas would be well maintained by permitted clearance, with no more than minor effects.
8. Mr wells also notes that:
- a. clearance without prior lizard survey and management may result in incidental loss of individual lizards but that this would likely represent a minor effect on lizard populations due to small permitted clearance limits, the large extent of habitat available and the avoidance of high-quality lizard habitat proposed¹.
 - b. the maintenance of improved pasture in the Hokonui Hills will not adversely affect populations of Threatened or At Risk lizards².
 - c. desert broom (At Risk declining), Kōwhai (locally rare), and broadleaved species/Coprosma shrubland associated with rocky outcrops are present and mapped on Wantwood station. While mapping should be revised so that rocky areas are clearly identified³.

¹ Paragraph 16

² Paragraph 19

³ Paragraph 20 and 21

- d. no permitted clearance for **new** activities should be permitted in the DoC agreement area but that clearance for existing activities such as fence maintenance is appropriate⁴.
 - e. the DoC management area and rocky habitats should be mapped (see Mr Wells indicative maps) and exempted from the permitted clearance rules for **new** activities⁵.
 - f. ECO-R2(j) and (k) should be updated to include Threatened and At-Risk species and Rocky habitat due to the impracticality of identifying lizards prior to permitted clearance⁶.
 - g. updating the FAQ's to include ecological information⁷. (Note - A draft of this is included at Appendix B of this evidence).
 - h. "protection" is best considered at a macro ecological framework (population of species and habitats) rather than 'micro' ecological framework (individuals and plants/animals)⁸
 - i. Residual clearance by gorse spraying associated with pest plant management would likely result in no more than minor adverse effects in the Hokonui Hills⁹
9. Based on the advice of Mr Wells and my previous advice on alignment with the NPS-IB and SRPS (particularly a macro interpretation of protection), I propose to change the rules and maps as follows:

ECO-R2 - Indigenous vegetation clearance

Activity Status: Permitted

1. Where it is necessary for the following:....

J. It is located in the Hokonui Indigenous Vegetation Area A or B as shown in Appendix 7 it avoids Threatened and At-risk species and Rocky Habitats and is necessary for the construction of new fences or tracks, or any other activity

⁴ Paragraph 24

⁵ Paragraph 27

⁶ Paragraphs 28 to 32

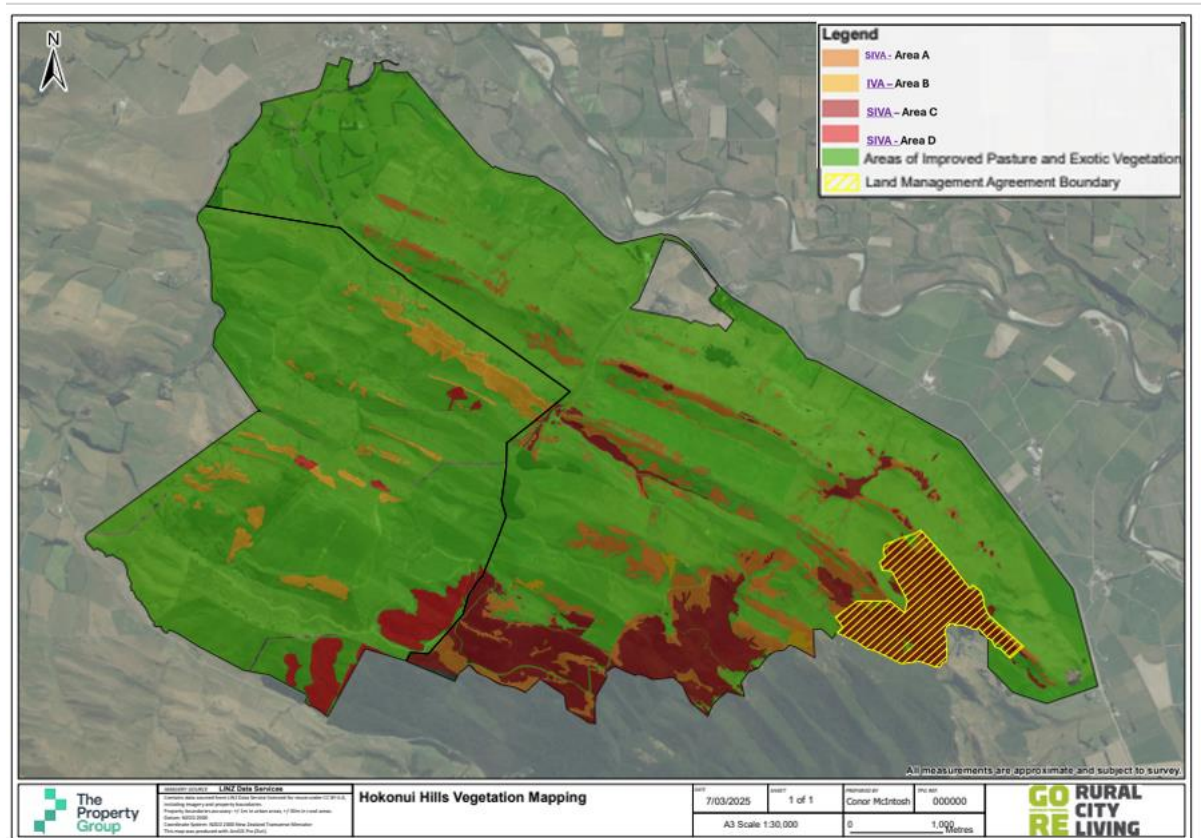
⁷ Paragraph 33

⁸ Paragraph 34

⁹ Paragraphs 36 to 39

essential for existing farming operations covering an area of less than 3,750m² per 5 years in Area A and 900m² per 5 years in Area B.

K. It is located in the Hokonui Indigenous Vegetation Area C or D as shown in Appendix 7, it avoids *Threatened and At-risk species*, *Rocky Habitats* and the *Land Management Agreement Area* and is necessary for the construction of new fences covering an area of less than 1,250m² per 5 years in Area C and 50m² per 5 years in Area D.



The Colours of Appendix 7 should be amended to add clarity.

FAQ's should be amended in accordance with Appendix B to provide additional information relating to Hokonui Hills values (including mapping of rocky habitat outlined in Appendix 1 of Mr Wells evidence) and align with the decision version of the PDP.

Note – Courtney Bennett has recommended changes to ECO-O4, ECO-P2, ECO-P7, and ECO-R1 relating to how Ngāi Tahu Cultural values are expressed. Please refer to Hearing Stream 12 Supplementary evidence (3 April) for further information on this.

10. I also note that ECO-R2 is consistent with ECO-P3 and ECO-P7 and the SRPS particularly given the macro approach to protection, low clearance thresholds for new activities and specific reference to avoidance of Threatened and At-risk species, the Land Management Area, and Rocky habitat.

11. Ms Williams seeks that breaches for new activities in the Land Management Area and Rocky outcrops are non-complying. This is the case with the revised ECO-R2 as the Land Management Area is in Area C which (along with Area D) defaults to a non-complying activity.
12. I also believe that general reference to Threatened and At-risk species is required in ECO-R2 (j) and (k) as rocky habitat and reference to the Land Management Area alone may not capture other relevant areas.
13. I have confirmed with Mr Wells that ECO-R1(1)(m) is appropriate to allow for any other minor (50m² over Five years) incidental clearance not already permitted particularly given the limit to existing farming activities in the rule.

Response to Stoney Creek Supplementary Evidence

14. At paragraphs 14 to 22 Ms Perkins raises concerns about the deletion of clause ECO-R2 (1)(h) relating to the removal of exotic species and pest plants and animals due to the potential need for residual clearance of indigenous vegetation. Ms Perkins seeks the following amendment to address this issue:

Rule ECO-R2 – Indigenous vegetation clearance

Activity Status: Permitted.

1. Where it is necessary for the following:

(h) The removal of exotic species generally and pest plants and pest animals in accordance with any Regional Pest Management Plan or the Biosecurity Act 1993, within areas that are primarily pest plants but may be located within areas mapped as SIVA in Appendix 7.

15. In my 21 March 2025 supplementary evidence responding to Minute 41 I recommended deleting ECO-R1(1)(h) and ECO-R2(1)(h) and instead noting the following in the ECO Overview¹⁰:

The removal of exotic species generally and pest plants and pest animals are enabled in the District Plan but not specifically addressed as this is managed by the Regional Pest Management Plan or the Biosecurity Act 1993.

¹⁰ See paragraph 40

16. This was on the basis that both ECO-R1 and ECO-R2 are about the removal of indigenous vegetation and clause (h) seeks to enable the removal of exotic plants and pest plants and animals – Not the indigenous vegetation surrounding or within these areas. ECO-R1 and ECO-R2 already provide for a wide range of clearance associated with existing activities as well as limited areas of clearance for new activities.
17. I agree that the definition of indigenous vegetation focuses on indigenous vegetation so ECO-R1 and ECO-R2 would enable the removal of exotic plants and pest plants and animals, however the removal of these exotic and pest plants may result in residual indigenous vegetation clearance. If pest plants are extensive then this residual clearance could also be extensive. Advice from Mr Wells and Mr Davis indicates that existing weed infestations within SIVA and IVA in the Hokonui Hills are small and that any residual clearance is likely to be minor. This being the case then this could be captured within the area limits in ECO-R2 (1) (j) and (k) as “any other activity essential for existing farming operations” in (j) and could be included as an amendment to (k) as follows:

It is located in the Hokonui Indigenous Vegetation Area C or D as shown in Appendix 7, it avoids Threatened and At-risk species and is necessary for the construction of new fences or the clearance of exotic vegetation or pest plants covering an area of less than 1,250m² per 5 years in Area C and 50m² per 5 years in Area D.

18. Alternatively, (h) could be amended as follows:

Any residual clearance associated with the removal of exotic species and pest plants in accordance with any Regional Pest Management Plan or the Biosecurity Act 1993

19. I am not sure how Ms Perkins proposed wording seeks to limit residual clearance of indigenous vegetation but am happy to consider this further.
20. I agree with Ms Perkins that ECO-R2 (1)(i) should be amended as follows to reflect the NPS-IB direction for existing activities and to be consistent with ECO-R1:

Rule ECO-R2 – Indigenous vegetation clearance

Activity Status: Permitted.

1. Where it is necessary for the following:

(i) The maintenance, repair, replacement or upgrade of existing fences and tracks.

S32AA

21. The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. Changes to the provisions will help with plan interpretation and administration.

22. The benefits of the amendments are that it is clear what is required in terms of PDP administration and that the PDP can be interpreted in a consistent manner. There are no significant costs with the amendments.
23. There is the potential for confusion with the interpretation of the PDP if the proposed amendments are not made.
24. The proposed amendments are considered to be a more appropriate way to achieve the objectives of the PDP.

Appendix A – ECO Chapter Amendments - Circulated separately

Appendix B – Draft FAQ's - Circulated Separately