

NOTES FOR HEARING

ECO

Frida Inta S553 Buller Conservation Group S552

10 November 2024

Representing myself and Buller Conservation Group, I acknowledge the s42A report of Lois Easton.

General comment:

1 I feel that this ECO chapter will not stem the erosion of indigenous value in the region.

The evolution of this chapter favours development over protection of indigenous value, for instance, the S42A report (S42A@32) quotes only 2 clauses of the NPS-IB objective, one of which suits development, the other recognising people as stewards, but moreso it is the way in which S42A paragraph 32 is worded that favours development.

BCG original submission said;

'The little pockets where remnant species survive, some common now, will become uncommon if degradation is not curtailed, and this plan is deficit in protecting those pockets that may not be significant right now. We do not have confidence that ECO will maintain and enhance the region's indigenous biodiversity.'

The NPS-IB's requirement at s3.4 for an integrated approach is not reflected in the ECO chapter. In particular the ECO chapter does not recognise fully the interconnectedness of the whole environment, as required by 3.4(1)(a), but moreso takes a piecemeal, reductionist view of our West Coast's rich remnant Gondwana heritage.

2 There needs to be better linkage between the ECO chapter and the Coastal Environment chapter, and there needs to be more reference to the coastal environment in the ECO chapter, in the objectives, policies and rules.

3. There needs to be better linkage between ECO and the Natural Character chapter.

Indigenous vegetation clearance

S42A@73

S552, S553.025

No planner comment.

Although it was my recommendation that indigenous vegetation clearance be a definition, and it has been instated, the definition is however still lacking.

means the clearing, or removal, damage or destruction of indigenous vegetation by any means, including cutting, crushing, smothering¹⁰, mobstocking¹¹ cultivation, irrigation, chemical application, drainage, stopbanking, overplanting, or burning but excluding the clearance of indigenous vegetation forming an under storey within an exotic plantation forest

Original BCG submission said (p25)

'There needs to be some explanation as to what stage of growth the rules around indigenous vegetation clearance are triggered - is it 2yr old coprosma, punga and hebe?

If I pull out a few native plants along the highway, is that classed as IVC?

If I mow down 0.5ha of native trees coming up in my paddock which are 1.5 - 2 metres tall is that IVC? Or does it incorporate mature trees, and if so what girth is a mature tree, and what species? Should it be as with manuka - 15 years for common forest ecosystems?

But rarer forest ecosystems may take longer to mature and may need more protection. If this is not clarified in this Plan then it could create a headache in any proposal for development that is challenged or publicly notified.

Should the fragile coastal environment have higher constraints on identifying what is indigenous vegetation? For instance flax and toitoi grow fast in the coastal environment but are important sand binders as well as ecosystem support.

The Quality Planning website says:

Where such rules (indigenous vegetation clearance) apply the plan contains a definition of indigenous forest or vegetation. Such definitions vary between plans. In some cases, a vegetation clearance rule uses a minimum vegetation height above which consent must be obtained. The specified minimum height may either be in the rule itself or in some cases in the definition of indigenous vegetation.'

The 'Indigenous vegetation' definition is of little help here.

Title Page of the Natural Environment Section

S42A@138

I note that DOC has proposed an amendment to this. My concern is that the ECO chapter covers the coastal environment but there is scant reference to that environment in the chapter, with no reference to the coastal environment in this title page.

BCG original submission, at bottom of P21, said,

' Note: Wording and reference around coastal environment needs to be pulled together.

Note: RMA s6(a) includes both riparian margins and coastal environment.'

Although that statement is general it should be within scope to include 'coastal environment' in this title page.

Overview

Paragraph 9

syntax

In the Grey District, an evaluation process ~~has been underway for a~~ was undertaken a number of years ago.

Paragraph 10

syntax

In the Buller and Westland Districts, where Significant Natural Areas have not yet been mapped, and in Grey District for areas outside of mapped Significant Natural Areas included in Schedule Four, Te Tai o Poutini Plan has general vegetation clearance rules,

with an expectation that an assessment against the regionally consistent significance criteria will be undertaken at the time of any resource consent application

Indigenous vegetation clearance in the Coastal Environment or adjacent to waterbodies

syntax

This chapter includes provisions for protection of significant indigenous diversity within the coastal environment

Strategic Objectives and Policies

syntax - needs clarification

Proposed more explanatory wording:

Part 2: District-Wide Matters:

Strategic Direction is ~~*The Strategic Objectives and Policies*~~ *are relevant when assessing matters under the Ecosystems and Indigenous Biodiversity Chapter. The Natural Environment, Poutini Ngāi Tahu, Mineral Extraction and Connections and Resilience Strategic objectives and policies are particularly relevant.*

Other relevant Te Tai o Poutini Plan provisions

Coastal Environment- the Coastal Environment Chapter includes additional provisions relating to activities within the coastal environment overlay - including buildings and structures and earthworks

This is out of the New Plymouth District Council ECO overview, where it says:.

The Coastal Environment Chapter includes additional provisions relating to coastal indigenous biodiversity

As the TTPP statement stands it is exclusive of the ECO chapter covering the coastal environment.

Ecosystem services:

S42A@164 S552, S553.063

I requested a new objective to recognise the ecosystem services that intact SNAs provide for the resilience of both human and indigenous habitat.

The planner, besides saying it would be better placed as a policy, says:

'While ecosystem services are important they are not the driver of the ecosystems and indigenous biodiversity provisions – the requirements of the RMA, WCRPS and NPSIB (where within the scope of submissions) are.'

The NPS-IB requires acknowledgement in resource consent applications of the ecosystem services nature provides, requiring identification of any ecosystem services at the site (s3.24(2)(d)).

It is high time the concept of ecosystem services was introduced in our district plans. This would aid in the understanding of the concept, leading to placing a value on those essential services underpinning our existence.

A Landcare Research paper said:

' it is estimated that in 2012 New Zealand's **land-based** ecosystem services contributed \$57 billion to human welfare (this is equivalent to 27% of New Zealand's GDP)'

(Total economic value' of New Zealand's land-based

ecosystems and their services; Murray G. Patterson, Anthony O. Cole)

https://www.landcareresearch.co.nz/assets/Publications/Ecosystem-services-in-New-Zealand/3_2_Patterson.pdf

Auckland University's Professor of Ecology, Margaret Stanley, says,

'Biodiversity and healthy ecosystems provide critical services that prop up human populations. They regulate the climate, prevent erosion, cycle nutrients, filter air particles and water, and mitigate floods.

They also provide recreational opportunities, spiritual and cultural connections, and physical and mental benefits for people.

Ecosystem processes, such as pollination and soil formation, underpin primary production and provide pest and disease resilience. They contributed an estimated NZ\$57 billion

(27% of the country's GDP) to human welfare in 2012.

Failing to recognise the value of New Zealand's natural capital - which has previously often been regarded as value-less economically – risks leaving future generations with even less to support their economy, health and wellbeing.

Degraded ecosystems are less resilient to disturbance and are vulnerable to invasive species'

<https://theconversation.com/5-reasons-why-the-fast-track-approvals-bill-threatens-nzs-already-fragile-ecosystems-227888>

Ecosystem services could be mentioned as a sub-clause of ECO - P7, concerning resource consents e.g.

ECO - P7

k. the ecosystem services associated with indigenous biodiversity at the site

ECO Objectives:

O1 S42@169 s552, S553.064

My original submission suggested:

O1 To identify and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and to recognise their importance to the character and quality of the natural and physical environment and to the wellbeing of the people and communities on the West Coast/Te Tai o Poutini

I think it is important to convey why O1 exists.

The New Plymouth proposed district plan has a much sounder set of objectives for its ECO chapter, where, 'subdivision, use and development', is not even broached. Whereas the word, 'enhance' is used in only 1 of the 4 TTPP ECO objectives, and then inappropriately, it is used in 2 of the 3 New Plymouth ECO objectives - this is a serious omission in the TTPP ECO objectives.

ECO-O1 *Areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected, and where appropriate, enhanced.*

ECO-02 *Indigenous biodiversity is maintained and, where appropriate, enhanced.*

ECO-03 *The relationship of tangata whenua and their culture and traditions with indigenous vegetation and fauna is recognised and provided for.*

ECO - 02

syntax - clarity

To provide for appropriate subdivision, use and development within areas of significant indigenous vegetation and significant habitats of indigenous fauna where the values of those areas can be ~~maintained~~ protected or enhanced.

ECO - 04

To maintain, restore and enhance the range and diversity of ecosystems and indigenous species found on the West Coast/Te Tai o Poutini.

We are not only required to maintain but also to restore and enhance, according to NPS-IB, objective 1(iii), with 3.21 - Restoration, a specific requirement.

NPS-IB

3.21 Restoration

(1) Local authorities must include objectives, policies, and methods in their policy statements and plans to promote the restoration of indigenous biodiversity, including through reconstruction of areas

3.22 Increasing indigenous vegetation cover

(4) Local authorities must promote the increase of indigenous vegetation cover in their regions and districts through objectives, policies, and methods in their policy statements and plans:

Admittedly it is only 'maintenance' which is required by the WC-RPS: Ch 7: Ecosystems and indigenous biodiversity: Policy 8. However, the NPS-IB requires more than what the WC-RPS's Ch 7, Policy 8, requires.

The ECO **policies** do reflect the NPS-IB S3.21 and s3.22 to some extent but I feel that the policies could be made stronger with respect to restoring degraded IB in the region, especially considering 3.21(2)(b) where it says:

(prioritize for restoration) *'threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems.'*

There is nothing in the objectives or policies to the ECO chapter reflecting the NPS-IB s3.16 requirement, nor is there anything in the SUB chapter.

NPS-IB s3.16 Indigenous biodiversity outside SNAs.

(1) *If a new subdivision, use, or development is outside an SNA and not on specified Māori land, any significant adverse effects of the new subdivision, use, or development on indigenous biodiversity outside the SNA must be managed by applying the effects management hierarchy*

The closest is **P6**, which hedges around s3.16, and **P3.g** : *Supporting any other measures to protect, enhance and restore biodiversity*

P3.g should be a stand-alone policy.

ECO - P1

syntax

1. The criteria and process set out in the National Policy Statement for Indigenous Biodiversity Appendix 1 will be used to identify and map Significant Natural Areas;

P2

syntax

d. *The adverse effects of the activity on the significant indigenous vegetation or fauna habitat are managed in accordance with the effects management hierarchy and the activity has a functional or operational need to be located in the area*

P2.d

Needs to state the full NPS-IB statement concerning mineral, aggregate and coal extraction.

P3

S42A@268 S552, S553.067

My concern is that there is no stand-alone policy which will maintain, restore and enhance IB which is not considered significant. Another problem with Policy 3 is that surely an SNA will not require protection or restoration because of its very nature as being a significant natural area; if it is at all recognised then it **must** be protected surely. Nevertheless Policy 3 is now a vast improvement on its original format.

P4

S42A@272 S552, S553.068

My concern with eco-tourism is the cycle trails being cut through significant natural areas. These trails are a source of weed infiltration and a great highway for pests to increase their genetic diversity, they also increase the edge effect, all cumulatively degrading these important areas. I consider that putting cycle trails in SNA areas needs more scrutiny than that of a permissive policy or permitted activity.

P7

When assessing resource consents in areas where significant indigenous ~~vegetation and significant habitats of indigenous fauna biodiversity~~, may be impacted consider the following matters:

Surely P7 is referring to activities around (and also within) SNAs but the leading statement can be read to mean only **within** SNAs, and it is the **impacts** on SNAs that needs to be considered.

a. The necessity for the activity to provide for ~~critical~~ regionally significant infrastructure or renewable electricity generation;

b. The functional needs or operational needs of regionally significant infrastructure, mineral extraction of significant national public benefit or aggregate extraction of significant regional or national benefit 57;

(a) and (b) are essentially the same, and, 'renewable electricity generation', could easily be added in to P7.b with no loss of information:

b. The functional needs or operational needs of regionally significant infrastructure, mineral extraction of significant national public benefit, renewable electricity generation, or aggregate extraction of significant regional or national benefit 57:

P7(g)

S42A@319 S552,S553.070

g. The cumulative adverse effects of activities on biodiversity within ~~or adjacent to~~ any area of significant indigenous vegetation or habitat; **and the cumulative effects within the catchment/ district;**

The planner says:

I consider these are addressed in the policy already.

I do not agree. Cumulative effects in any SNA is not the same as cumulative effects across the region. P7(g) is a reductionist view whereas the NPS-IB requires a holistic view.

The NPS-IB Policies (2.2), Policy 5 requires that

Indigenous biodiversity is managed in an integrated way, within and across administrative boundaries.

There is nothing I can find in the ECO chapter that reflects NPS-IB, Policy 5.

The cumulative effects at a district and regional level need to be addressed.

P7(g)

S42A@316 Manawa Energy (S438.079) and Westpower Limited (S547.0502)

g. The cumulative adverse effects of activities on biodiversity⁶¹ within ~~or adjacent to~~ any area of significant indigenous vegetation or habitat;

The S42A report says

Manawa Energy (S438.079) and Westpower Limited (S547.0502) seek deletion to the reference to “adjacent to” in relation to item c. I support this submission. When considering adjacent effects the WCRPS provides direction to consider this only in relation to ONLs.

I object to this deletion.

A district plan does not need to adhere solely to the WC-RPS, surely it can be more restrictive when it chooses?

Also, perhaps the wording of P7(g) is wrong. It could say;

g. The cumulative adverse effects on the biodiversity ~~or adjacent to~~ of any area of significant indigenous vegetation or habitat, of activities within or adjacent to those areas; and the cumulative effects within the catchment/ district;

ECO - P8

P8(a)

S42A@327 S552, S553.071

P8(a) Maintaining, and where appropriate enhancing or restoring indigenous biodiversity, including the functioning of ecological corridors, linkages, dunes, and indigenous coastal vegetation and wetlands;

The planner does not give a reason for not accepting this request for amendment.

The policy as it stands takes a reductionist view once again. It needs to state that it is indigenous biodiversity that needs to be protected, which would then reflect better NPS-IB's Policy 13:

'Restoration of indigenous biodiversity is promoted and provided for. '

It is also does not acknowledge NPS-IB 3.21:Restoration, which states emphatically that it is **indigenous biodiversity** that requires addressing.

An alternative amendment could be in the leading statement to the policy:

Maintain indigenous habitats and ecosystems across the West Coast/Te Tai o Poutini including those not identified as significant natural areas by

My suggested amendment, 'not identified as significant natural areas', is copied from the New Plymouth District Plan's ECO - P2. I regard this as important because the TTPP ECO chapter concentrates on SNAs almost to the exclusion of non-SNA IB.

The NPDC ECO chapter has not only 1 policy on non-significant IB but 2 policies on the matter, whereas the TTPP is lukewarm on the matter at best.

NPDC ECO - P2 also includes:

'minimising fragmentation or reduction in the extent of indigenous vegetation and habitats

of indigenous fauna;'

Which I consider important but is not in the TTPP

P8.e

Delete, 'and'.

P8.e. ~~f~~ ~~Recognising the benefits of~~ Encouraging and enabling active conservation management of indigenous biodiversity, including animal and plant pest and stock control and/or formal legal protection;

Surely each policy is a stand-alone policy. If 'and' is required then the next statement should be part of the policy which includes that word.

Also I fail to see how P9 could lead on from P8. Surely offsetting would lead on from some kind of reference to avoid, remedy, mitigate?

There is no need for the word, 'voluntary'.

P9

S42A@342 - 350 S552, S553.072

I agree with the amendment.

There is a lot of support for the NPS-IB throughout submitters' submissions so that I consider that the NPS-IB, appendices 3 and 4 can be adopted.

ECO - R1

Indigenous vegetation clearance and disturbance within the Buller and Westland Districts7 and outside of the coastal environment
Activity Status Permitted

Under Rule 1 I had a query on how to identify indigenous vegetation for the purpose of clearance. As iterated above the definition is not clear enough.

Where:

1. It is on a site where an SNA assessment has been undertaken by a suitably qualified ecologist in accordance with the criteria in the NPSIB and is outside of:

i. an scheduled identified Significant Natural Area as identified including those in Schedule Four;

and

ii. An Outstanding Natural Landscape identified in Schedule 5; and

This will allow carte blanche removal of any vegetation not identified as SNA. This breaches NPS-IB requirement for protection, restoration and enhancement of IB, in particular its objective, being, 'to maintain indigenous biodiversity across Aotearoa', and also breaches several of the policies, and also s3.16: IB outside SNAs, where it, 'must be managed by applying the effects management hierarchy.'

WC-RPS

'...criteria in the NPSIB...' The criteria in the WC-RPS is also important and is complementary to the criteria in the NPS-IB. There needs to be at least some reference somewhere in this chapter to the criteria in the WC-RPS. It could be referred to in the advice notes for this rule, saying it should be referred to as support for the criteria in the NPS-IB (as well as in R5), or else it should be in the chapter overview, or in P7.

Site:

S42A@431 S552, S553.076

No explanation for rejection from planner.

Use of the word, '**site**'. Sometimes there are a suite of 1/4 acre sections, and each would allow all vegetation within removed, thus a forest could be removed, based on this rule, which happened in Seddonville in early 2000s - the last lowland remnant kahikatea forest in the area. Rule 1 (and any other applicable rule) needs to state: site, or spatial area (need to quantify), depending on which is larger.

Just because national planning standards use, 'site', does not mean that term can not be improved on when shown to be inadequate.

R1.2. Within the Riparian Margin of a River, Lake or Coastal Wetland the~~it is clearance is permitted by the Natural Character and the Margins of Waterbodies Rule NC - R1ECO - RXXX80~~; or

There is no need for, 'and', at the end of sub-clause R1.1.ii , nor the word, 'or' at the end of R1.2 because they confuse the rule. R1.2 needs to be a stand-alone clause

R1.3 is an improvement on the Buller District Plan.

1.4 It is on a site where no SNA assessment has been undertaken including within an Outstanding Natural Landscape⁸² and is a maximum area of 5000m² per site over any continuous 3-year period; and it is necessary for one of the following purposes:

- '5000m² **per site**' is unacceptable in 2024, a point long past the time when it was realized the devastating consequences of the loss of indigenous cover on land. As per my comment above this permitted rule will not protect the region against ecological degradation. including: the wording of 1.4 is wrong, my suggested amendment clarifies it

R1.4.i: Windthrown timber:

S42A@431 S552, S553.075

Without a legal MPI sustainable harvest permit such timber could only be used as firewood. Such timber has many times more value, including carbon sequestration, if left to regenerate the forest, However, because it would be a specialized industry the permitted spatial area should be much smaller than R1 would allow.

R1.4.vi.

S42A @431 S552.209 S553.075

For the construction of new fences and traplines associated with Conservation Activities or to exclude stock or pest animals from indigenous vegetation or the margins of waterbodies, or the coast

Surely keeping stock out would occur at the forest boundary? I am perplexed as to why fencelines are allowed **within** indigenous vegetation in order to keep livestock out of indigenous vegetation - is this not an oxymoron? It is hardly conceivable that 5000m² would be required to put fencelines in per site.

The same applies to Rule 2.5.iv

R1; 4; vii.

S42A@431 S552.210

To upgrade or create new public walking or cycling tracks up to 1.5m in width undertaken by the Council or its approved contractor, provided mature trees (greater than 30cm diameter) are avoided.

My R1.4.vii suggested amendments are based on an extract for a resource consent for a bike road in the Mokihinui/ Lyell area called, 'The Old Ghost Road'. This is surely a reasonable request? There is no conceivable way a bike road needs to be anything wider than 1.5 metres. 3 metres is over-generous for a walking or cycling track.

The same applies to Rule 2.5.iii,

R1.4.xiii. It is for the purpose of maintenance of improved pasture for farming and involves the removal or clearance of manuka, kānuka and bracken only that is not part of any wetland and which is under 15 years old⁹²; or

BCG would like to see '15 years' reduced to 10 years. 15 years is a mature manuka, with established moss ecosystems and regenerating forest starting to gain hold.

This should be applied to Rule 2.5.viii also.

R1.3 vs R1.4

There is no reason for R1.4, R1.3 is sufficient. Any activity that cannot be contained within R1.3 should at minimum be controlled. This comment applies to Rule 1A also.

Rules 1A and 1B do not adhere to the NPS-IB in that it will not maintain or enhance the biodiversity of the region but by allowing 5000m² every 3 years will allow continuing degradation. 5000m² may include a stand of mature podocarps in a remnant intact ecosystem, and if that stand was matai then a great loss would occur. From my viewpoint it cannot be argued that by allowing such removal it will not be allowing continued degradation of indigenous value on the West Coast.

BCG original submission said,

'The 5000m²/ per site permission needs to be updated to reflect the fact that this is 2024, not the 1950's where a gunho attitude towards environmental protection was common, and that ecological protection has been implemented to protect remaining

*indigenous value in the face of continuing degradation, especially considering the fact that around 10,000ha of forest has been cleared illegally on the WC in recent years. This permitted rule needs to be tightened, not relaxed so that **any** indigenous removal can be questioned. R1.4 is old ruling and it is nigh time it was upgraded to reflect proper conservation of remaining indigenous biodiversity in accord with RMA s31.'*

Rules 1A, IB breach the WC-RPS, Ch7, policy 7:

7. Provide for subdivision, use or development within land areas or water bodies containing indigenous biological diversity that does not meet any of the significance criteria in Appendix 1 or 2, by:

- a) Allowing activities with no more than minor adverse effects;*
- b) Avoiding, remedying or mitigating more than minor adverse effects;*

Clearance of 5000m² every 3 years I would consider to be more than minor adverse effects on IB, and how can the effects of clearance of IB be avoided? It can be remedied or mitigated by planting it out again but that would defeat the purpose of clearing.

The following requires attention to IB outside SNAs, and in particular, NPS-IB, S3.16 does:

NPS-IB 2.1 Objective

(1) The objective of this National Policy Statement is:

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

2.2 Policies

Policy 3: *A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.*

Policy 4: *Indigenous biodiversity is managed to promote resilience to the effects of climate change.*

Policy 8: *The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.*

Policy 13: *Restoration of indigenous biodiversity is promoted and provided for.*

Policy 14: *Increased indigenous vegetation cover is promoted in both urban and non-urban environments.*

Policy 16: *Regional biodiversity strategies are developed and implemented to maintain and restore indigenous biodiversity at a landscape scale.*

1.7 Maintaining indigenous biodiversity

(1) *Maintaining indigenous biodiversity requires:*

- (a) *the maintenance and at least no overall reduction of all the following:*
 - (i) *the size of populations of indigenous species:*
 - (ii) *indigenous species occupancy across their natural range:*
 - (iii) *the properties and function of ecosystems and habitats used or occupied by indigenous biodiversity:*
 - (iv) *the full range and extent of ecosystems and habitats used or occupied by indigenous biodiversity:*
 - (v) *connectivity between, and buffering around, ecosystems used or occupied by indigenous biodiversity:*
 - (vi) *the resilience and adaptability of ecosystems; and*
- (b) *where necessary, the restoration and enhancement of ecosystems and habitats.*

3.16 Indigenous biodiversity outside SNAs

(1) *If a new subdivision, use, or development is outside an SNA and not on specified Māori land, any significant adverse effects of the new subdivision, use, or development on indigenous biodiversity outside the SNA must be managed by applying the effects management hierarchy.*

3.7 Precautionary approach

(1) *Local authorities must adopt a precautionary approach toward proposed activities where:*

- (a) *the effects on indigenous biodiversity are uncertain, unknown, or little understood; but*
- (b) *those effects could cause significant or irreversible damage to indigenous biodiversity.*

NPS-IB, Policy 16, (Regional biodiversity strategies are developed and implemented to maintain and restore indigenous biodiversity at a landscape scale.) will not be able to be implemented properly with ECO Rule 1 as it stands, instead there will be continuing degradation of biodiversity in the region.

ECO - RXXX

This is confusing. ECO - R1 refers to ECO - RXXX as referring to the margins of waterbodies, and also refers to standards in relation to RXXX, but what or where are the standards, and what chapter do the standards relate to?.

Then at S42A@401 it says that RXXX is the clearance of indigenous vegetation with an SNA, being ECO R1B - so is it RXXX or R1B?

Why isn't RXXX in the amended version of ECO?

ECO - R2

S42A@444, 445 S553.077

R2.5.iii

3 metres is over-generous for a walking or cycling track. A swathe 3 metres wide could wipe out an entire ecosystem running along the coastline.

R2.5.iv

As for 1.4.vi

R2.5.viii

As for 1.4.xiii

[R5

(For my reference only)

S42A@542 S560.500 Forest and Bird.

Forest and Bird did not ask for Advice note 1 to be deleted, which it has been, it asked for it to be more explanatory. S42A says:

'I support the amendment to Advice Note 1 as it provides clarity.'

Then at amendment 126 of R5, the planner says:

'A recommendation of the Natural Character of Waterbodies s42A report is that the indigenous vegetation

clearance rule is brought from this chapter into the ECO chapter so this advice note is no longer required as a consequential amendment.'

If the planner had provided the specific reference within the waterbodies (NC) chapter S42A report it would have been helpful; finally found as S42A@54 and Forest and Bird 560.508, with the S42A report saying:

'I support the idea that the vegetation clearance provisions should all be contained within the Ecosystems and Biodiversity (ECO) Chapter with cross references from this chapter.'

and subsequently NC - R1 was amended.]]

ECO - R5

R5.1.b and c

b and c are essentially the same and need to be amalgamated.

ECO - R7

R7.1 needs to include reference to NPS-IB Appendix 1 and also WC-RPS Appendix 1

It could say:

An ecological assessment undertaken by a suitably qualified and experience ecologist identifies, using NPS-IB Appendix 1, supported by WC-RPS Appendix 1, that the clearance will not result in any of the following:

or (as in SUB - R9),

An assessment of the site against the significance criteria in the NPSIBis undertaken by a suitably qualified or experienced ecologist

SUB

Overview

“Other relevant Te Tai o Poutini Plan provisions”

Noted that the ECO chapter is not in the overview for the SUB chapter, nor recommended to be, as far as I can find.

The Subdivision chapter definitely needs reference to the ECO chapter as relevant to subdivision.

SUB - Rules

Buffering:

There needs to be some kind of buffering between an SNA and any subdivision, use and development, particularly concerning structures such as buildings or roads. A 20 metre buffer may be adequate.

NPS-IB

buffer refers to a defined space between core areas of ecological value and the wider landscape

1.7 Maintaining indigenous biodiversity

(1) Maintaining indigenous biodiversity requires:

(v) connectivity between, and buffering around, ecosystems used or occupied by indigenous biodiversity:

SUB - R9 **SUB** S42A@180

SUB S552, S553.118

BCG original submission on R9 (p37 in original submission)

'There should be a minimum distance/ buffer from SNA to buildings or other development such as access/ roads.'

Planner rejected saying that issue is better submitted on in the ECO chapter. However the planner confused this by attaching this BCG comment to SUB - P9 when in fact the comment related to SUB - R9.

I would like the issue of buffering around SNAs reconsidered.

SUB - R7

Surely SUB - R7 should have an advice note referencing to the rules in the ECO chapter?

SUB - R7 (i) The NPS-IB's Policy 8 and Clause 3.16 require that not just **significant** IB has the effects hierarchy applied. This needs to apply throughout the ECO and SUB chapters, such as SUB - R9 and SUB - R4(c).

SUB - R9

S42a@490 S552, S553.079

Accept planner's explanation for rejecting.

SUB - R15/ECO - R8

SUB - R15 needs to make reference in the Advice Note to NPS-IB s3.10: Managing adverse effects on SNAs of new subdivision, use, and development, and s3.11, being 3.10's exceptions.

Again the BCG sub said, for SUB - R15:

'Should be a mandatory buffer zone'

SUB - R15 has brought to my attention the use of the acronym, 'N/A'. There is no explanation of the acronym in the TTPP, nor is there anything relating to it in the TTPP at p14: Table 1; Classes of Activities.

Summary

The ECO chapter fails to uphold the policies of the WC-RPS in relation to IB outside SNAs. In particular the WC-RPS' policy 7 says:

7. Provide for subdivision, use or development within land areas or water bodies containing indigenous biological diversity that does not meet any of the significance criteria in Appendix 1 or 2, by:

- a) Allowing activities with no more than minor adverse effects;*
- b) Avoiding, remedying or mitigating more than minor adverse effects;*
- c) Where there are significant residual adverse effects, considering any proposal for indigenous biological diversity offsetting or compensation.*

And its explanation is:

Policy 7 sets out the management approach to adverse effects in locations which do not contain significant indigenous vegetation or significant habitats of indigenous fauna.

The ECO chapter concentrates mainly on indigenous biodiversity that meets the criteria of Appendices 1 and 2 of the WC-RPS. As can be seen from the WC-RPS Ch 7 Policy 7, the ECO chapter needs to address properly subdivision, use and development in areas containing indigenous biodiversity that does not meet the criteria for significance.

Genetic Modification

S42A@133 S553.208

In my Overview of the TTPP in my original submission I broached the issue of genetic modification, and the need to address it in the plan.

The planner has decided to address my submission concerning GE in the ECO chapter, saying;

'Analysis of the resource management issues for the West Coast did not identify the introduction of genetically modified organisms as a significant resource management issue for the West Coast. I also note that national legislation (Hazardous Substances and New Organisms Act) is the principal mechanism to control the use of this technology which is currently very restricted.'

Firstly, the future cannot be predicted with any certainty and the TTPP needs robust guidance on GE, an agricultural technology in use in some countries for a long time now, including in restricted laboratory conditions in New Zealand. Our change in central government has brought this issue to the fore once again, with the use of this technology now proposed to be given more freedom. It is essential that regions decide where they stand on the issue, even if it is just to acknowledge it. Being a largely agricultural region, the West Coast could quickly be put under pressure to make decisions on GE, and it is best to have some ground rules now, within this plan. This is particularly important with respect to containment, and escape into the natural world.

The Far North District Council has devoted a whole chapter to the issue; see my Appendix 1 of my original submission.

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<https://www.legislation.govt.nz/bill/government/2024/0047/latest/LMS962922.html#LMS962921>

8 Time-limited modifications to NPSIB 2023

- (1) For the purposes of this section, the 3-year period means the period that—
 - (a) commences on the date of commencement of the Resource Management (Freshwater and Other Matters) Amendment Act 2024; and
 - (b) expires on the date that is 3 years after commencement.
- (2) The following provisions of the NPSIB 2023 do not apply during the 3-year period:

- (a) clause 2.2, Policy 6 (which requires a consistent approach in identifying significant indigenous vegetation and significant habitats of indigenous fauna as SNAs):
 - (b) clause 3.8(1), (6), and (8) (which requires a territorial authority to conduct assessments to identify areas of significant indigenous vegetation and significant habitats of indigenous fauna that qualify as SNAs):
 - (c) clause 3.9(1) (which requires a territorial authority to notify a plan or plan change to include areas identified as qualifying as SNAs):
 - (d) clause 3.9(3) (which requires that a local authority must, when doing its 10 yearly plan review, assess its district in accordance with clause 3.8(1) and (2) to determine whether changes are needed).
- (3) Clause 4.1 of the NPSIB 2023 (which requires a local authority to give effect to the NPSIB 2023 as soon as reasonably practicable)—
- (a) does not apply during the 3-year period in relation to the provisions of the NPSIB 2023 specified in subsection (2); but
 - (b) continues to apply in relation to the other provisions of the NPSIB 2023.
- (4) This section does not affect any function or requirement under other provisions of this Act relating to indigenous biological diversity, including in relation to areas of significant indigenous vegetation or significant habitats of indigenous fauna.
- (5) However, an area of significant indigenous vegetation or significant habitat of indigenous fauna that, after commencement, is included in a policy statement, proposed policy statement, plan, proposed plan, or change is not to be treated as an SNA regardless of how it is described in that document.
- (6) This section does not affect any SNAs that are included in a policy statement, proposed policy statement, plan, proposed plan, or change before commencement (see *also* clause 40 of Schedule 12).
- (7) The Minister for the Environment may amend the NPSIB 2023 to make any changes that the Minister is satisfied are required as a result of the enactment of the Resource Management (Freshwater and Other Matters) Amendment Act 2024 to—
- (a) remove an inconsistency or a potential inconsistency between the NPSIB 2023 and that Act; or
 - (b) clarify the relationship between the NPSIB 2023 and that Act.

The Geopreservation Inventory includes five sites in the Waipara River. These sites are

also recognised in the Hurunui District Plan as Significant Natural Areas (SNA). Section A7 of the District Plan sets out rules and standards for the protection of Significant Natural Areas. Rule A7.2.2 of the District Plan states that:

"No feature, tree, or vegetation in an area listed in the Schedule of Significant Natural Areas shall be damaged, removed or destroyed, except for exotic vegetation."