

Notes for Ecosystems and Biodiversity Hearing: Suzanne Hills, 21st November 2024

Key issues:

1. Protection of potential SNAs between now and June 2027 when the SNA assessment and identification process will be complete.
2. Damage/destruction of identified SNAs from stock access and developments such as mineral extraction.
3. Protection of indigenous biodiversity outside of SNAs.
4. Continued cumulative indigenous biodiversity losses over time; the less the minor effects cumulate in significant effects.
5. Rules that are not always clear and measurable, and written in straightforward plain language and form to enable understanding and therefore compliance; misinterpretation of the rules risks damage and losses to indigenous biodiversity.
6. General vegetation clearance rules that are too permissive and vague, and will not halt cumulative losses over time, especially the remnant indigenous vegetation on lowlands.
7. Lack of focus on climate breakdown.

Definitions

8. Support the Indigenous Vegetation Clearance definition expanded to include clearing/damage by any means including mob stocking. There are examples on the Barrytown Flats of unfenced SNAs adjacent to pasture areas that are accessible to stock and incremental damage and losses are occurring. Whether or not it is “mob grazing”, it is “damage or destruction”. Compliance requires SNAs accessible to stock to be fenced.
9. Support the proposed definition of SNA’s by F&B, where SNA definition covers both the NPSIB definition and the WCRPS definition. This is critical because the WCRPS definition captures **areas that meet the criteria but have not yet been assessed** – which applies in Buller and Westland, and to a lesser degree in Grey. The NPSIB does not capture areas that meet the SNA criteria but are yet to be assessed. The way the definition is currently written, unidentified SNAs are at risk and do not have the same protection as those that have been assessed, mapped and listed in Sch 4.

Objectives

10. ECO-O2 is very permissive by providing for development in SNAs. Agree with F&B wording: **To only consider provide provision for appropriate subdivision, use and development within areas of significant indigenous vegetation and significant habitats of indigenous fauna where the values of the area can be maintained or enhanced and the area is protected.** Inclusion of the word “enhanced” potentially

leads to a compensation/offset scenario, i.e. if the area is enhanced in some way e.g. by native plantings or pest control, the development can be provided for.

Policies

ECO P1 - SNA Identification

11. Pleasing to see a process for identifying SNAs which will be introduced by a plan change by Aug 2028, with assessment and identification in all 3 districts undertaken by June 2027. Plus, regionally Significant Wetlands will be confirmed as meeting the NPSIB criteria by the end of 2025.
12. I do not agree that a general vegetation clearance rule should apply across all three districts until the SNAs have been identified and mapped. To protect potential SNAs it should be a restrictive rule applying until the assessment and identification process is complete. Only then should the less restrictive rule apply to indigenous vegetation that is outside of any identified SNA. I support the recommended addition by F&B

B. Prior to a Plan Change being notified to identify Significant Natural Areas under A above, protect significant natural areas meeting the criteria in Appendix 1 of the WCRPS by:

1. enabling indigenous vegetation clearance necessary for the operation and maintenance of lawfully established buildings, structures and infrastructure where adverse effects are no more than minor; and

2. for other indigenous vegetation clearance requiring an assessment in accordance with Appendix 1 of the WCRPS or the NPSIB to ensure that adverse effects can be appropriately avoided, remedied or mitigated to protect significant values and otherwise maintain indigenous biodiversity.

ECO P2 - Activities in SNAs

13. Support the wording change from *allow* to *provide for*, activities have no more than minor effects & better protections around lawfully established activities
14. P2 only partly incorporates NPSIB Clause 3.11 (1) (a) (ii) *Mineral extraction that provides significant national public benefit **that could not otherwise be achieved using resources within New Zealand**, and (iii) Aggregate extraction that provides significant national or regional public benefit **that could not otherwise be achieved using resources within New Zealand***

P2 d ii & iii has dropped the critical (high bar) part of ***that could not otherwise be achieved using resources within New Zealand*** and only refers to the benefits

ii. Mineral extraction that provides significant national benefit; or

iii. Aggregate extraction that provides significant national or regional benefit;

15. The reference to effects management hierarchy in *d. The adverse effects of the activity on the significant indigenous vegetation or fauna habitat are managed in accordance with the effects management hierarchy,*
Effects management hierarchy does not just apply to the activities listed in d. It applies to all activities, including for example *b. It is for a Poutini Ngāi Tahu Activities*

ECO P3 - Protection, Enhancement and Restoration

16. Support word change from allowing to providing for.

ECO P6 - Assessment of Resource Consents – Activities to Avoid

17. Support the changes to: *c. Result in a ~~reasonably measurable~~ reduction in the ~~local~~ population size or occupancy of Threatened or At Risk (Declining) species ~~of threatened taxa in the Department of Conservation Threat Categories 1 – 3a – nationally critical, nationally endangered and nationally vulnerable~~ or in the population size or occupancy of locally endemic species.*

ECO P7 - Assessment of Resource Consents in SNAs

18. This may happen before SNAs are assessed and identified. Therefore, P7 should include a policy point on assessing areas against the WCRPS SNA criteria.
19. Changed: *a. ~~critical~~ to regionally significant infrastructure or renewable electricity generation.* “Regionally significant” not in definitions.
20. Added: *b. The functional needs or operational needs of regionally significant infrastructure, or mineral and aggregate extraction of significant national public benefit; as for P2 mineral extraction does not include NPSIB wording **that could not otherwise be achieved using resources within New Zealand.***
21. Weakened: *f. The cumulative adverse effects of activities on biodiversity within ~~or adjacent to~~ any area of significant indigenous vegetation or habitat;* removed buffer of “adjacent to”. An example is the airspace used by the Westland petrel above the Barrytown Flats. The airspace is adjacent to areas of significant indigenous vegetation or habitat.

ECO P8 - Values outside of SNAs

22. Removed: *c. ~~Restricting the modification or disturbance of coastal indigenous vegetation, dunes, estuaries and wetlands;~~* Not clear why deleted. Is it because

covered by P10? Para 334 states: *In relation to coastal indigenous vegetation the NZCPS requires that significant adverse effects are avoided and that other adverse effects are avoided, remedied or mitigated. I therefore consider that “restricting” is an appropriate term – as it reflects that need for assessment and careful management to give effect to the NZCPS.*

ECO P9 - Offsetting and Compensation

23. Support F&B points on this.

ECO P10 Indigenous Vegetation in the Coastal Environment

24. Support F&B points on this.

ECO Rules

25. Until SNAs are assessed and identified by June 2027, the risk of losses to IB remains. Yet to be identified SNAs need to be protected. The vegetation clearance rule applying to SNAs should also apply to yet to be identified SNAs. Clearance should only be permitted for specific purposes and within limits.

ECO R1B (new rule) – indigenous vegetation clearance within a SNA

26. Not clear if the 50m² per individual SNA applies annually or per specific activity?

27. The rule should apply to SNAs in sch 4 and also those SNAs assessed/identified.

28. Support F&B points on this.

ECO R1 - indigenous vegetation clearance Buller & Westland (outside of CE)

29. The rule is **PAINFUL** to read and attempt to understand – it should be written in a way that is unequivocal so people can read it once or twice and understand it; the multiple scenarios are very confusing for people who are not planners. Needs a decision tree or some other tool to aid understanding, otherwise risk of mis-interpretation and more IB losses.

30. On areas that are identified as not being SNAs or in a ONL, the way I read it, it allows for general vegetation clearance for any purpose and without limits (as long as permitted by the Natural Character and the Margins of Waterbodies Rule NC - R1, ECO - RXXX within the Riparian Margin of a River, Lake or Coastal Wetland). This puts IB outside of SNAs at risk; further losses will continue. There should be restrictive clearance rule of x m²/y ha/z time period and only for specific purposes.

31. On yet to be identified SNAs outside of ONL, this rule allows for general clearance outside of listed purposes up to 2000m²/cont 3 yr period, increasing to 5000m² for listed purposes. It threatens the viability of yet to be identified SNAs. The general clearance of 2000m² should not be a permitted activity on yet to be identified SNAs. A healthy native forest is typically 4000 trees/ha, 0.2ha is equivalent to 800 trees. 5000m² (0.5ha) is equivalent to 2000 trees. The restrictive vegetation clearance rule applying to SNAs should also apply to yet to be identified SNAs.
32. What does per site mean? Per property title? Multiple contingent property titles under the same ownership? Sites can vary from a few 100m² to 100s of hectares. The limit should be per hectare or m², with varying limits depending if a section/small lifestyle block or a multiple hectare block.
33. The vegetation status is not defined: is it forest with a closed canopy and leaf litter? is it the 800 native seedlings the previous owners planted 3 years ago? Is there a girth or height limit on trees? What about indigenous vegetation of wetlands? What is the justification for <15yr old is manuka and kanuka essentially having a lesser value than other indigenous vegetation? I have manuka and kanuka that I planted 6 yrs ago and it has started to form leaf litter and a closed canopy; and flowered for the past 4 years.
34. The listed purpose of: *For the construction of new fences ...or to exclude stock or pest animals from indigenous vegetation or the margins of waterbodies, or the coast;* makes little sense. Why is it necessary to remove indigenous vegetation to build a fence to protect the vegetation? Wouldn't you just build the fence outside of the vegetation so you don't unnecessarily destroy part of the thing you're trying to protect??

ECO R1A - indigenous vegetation clearance Grey (outside of CE)

35. As with R1, the rule is not clear and same comments as above apply. Why is a separate rule for Grey even necessary?

ECO R2 - Indigenous Vegetation Clearance in the Coastal Environment

36. Same comments as above in ECO R1 on site definition, vegetation status, manuka/kanuka and fencing.
37. Support F&Bs points on the listed purposes.

ECO R5 - Indigenous vegetation clearance not meeting Permitted or Controlled Activity Standards

38. This rule should include the requirement to assess areas that are yet to be assessed against the SNA criteria.

ECO R7 - Indigenous vegetation clearance not meeting ECO - R5

39. NPSIB clauses 3.11 (1) (a) & (b) have been stated but not (c): *there are no practicable alternative locations for the new subdivision, use or development.*

Specific SNAs

40. Pleasing to see a para in the officers s42a report commenting on opposition from land owners to identified SNAs. This is a proposed MINZ amongst rural zoned land on the Barrytown Flats.

579. GE and CJ Coates (S415.005) oppose the identification of PUN – 043 on their property. I do not support this submission. The SNA was identified in 2007 and has been subject to Grey District Council regulation since that time. I have reviewed the ecological report that was prepared by Boffa Miskell and from the information in the report it is clear that the site meets the Grey District Council criteria. In addition, TTPP planning staff contacted the submitter seeking permission to visit the property to check the SNA boundaries, however this permission was refused by the submitter. I consider that any reassessment of the site should be in accordance with the NPSIB criteria as is provided for within Policy ECO – P1 (2) to be undertaken by the end of 2025.

Climate Breakdown and s74(2) RMA

41. The ECO chapter devotes much focus to indigenous vegetation clearance, yet habitat loss is just one threat to IB. The impacts of climate breakdown on IB should also be the centre of attention, but it's not and consequently there are virtually no objectives, policies and rules throughout the Plan to minimise greenhouse gas emissions and likewise for maintaining or restoring our natural terrestrial systems, whether that be wetlands or forests, as healthy functioning carbon sinks.
42. Section 74(2) of the RMA requires that when preparing its district plan, the Council shall have regard to any emissions reduction plan made in accordance with s5ZI of the Climate Change Response Act 2002 (s74(2)(d)) and any national adaptation plan made in accordance with s5ZS of the Climate Change Response Act 2002 (s74(2)(e)).

Surely this requires a comprehensive review each of the emissions reduction and adaptation plans to identify objectives, policies and rules within the scope of TTPP.

Thank you for listening

Suzanne Hills

Concerned citizen of Te Tai Poutini