



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Hearing Commissioners - Te Tai o Poutini Plan

Prepared by: Lois Easton, Principal Planner

Date: 7 March 2025

Subject: s42A Author Right of Reply Ecosystems and Biodiversity

Purpose of Report

1. The purpose of this report is to respond to the questions raised by the Hearings Commissioners during Hearing 24: Ecosystems and Biodiversity, and for the Officer to propose any further amendments to the notified version of the Proposed District Plan above those recommended in the Officers s42a evidence reports.

Hearing Panel's Questions to the s42a Reporting Officer and their Response

2. The following questions were received from the Hearing Commissioners for the Ecosystems and Biodiversity topic which sat on 18-19 November 2024 and 21-22 November 2024.

Relationship with Planner Caucusing and Joint Witness Statement









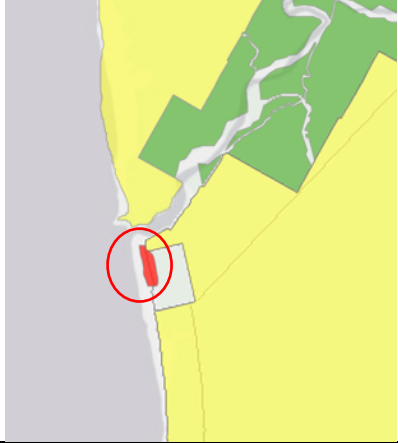
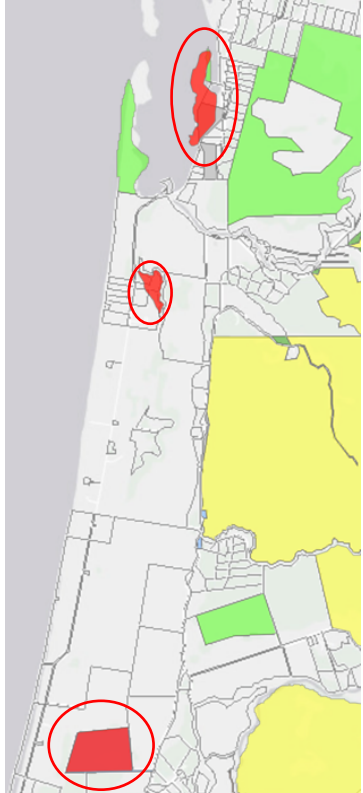
3. This Right of Reply has been drafted following completion of Planner Caucusing and the preparation of a Joint Witness Statement as required by Minute 52.
4. Following the Planner Caucusing I met with Te Tumu Paeroa and Ngāi Tahu and some additional amendments to the provisions were agreed and included within a joint statement to the commissioners.
5. The further recommended amendments in this Right of Reply have been drafted on the version produced from the Planner Caucusing which includes the agreed amendments from the Ngāi Tahu/Te Tumu Paeroa agreement.
- 6.

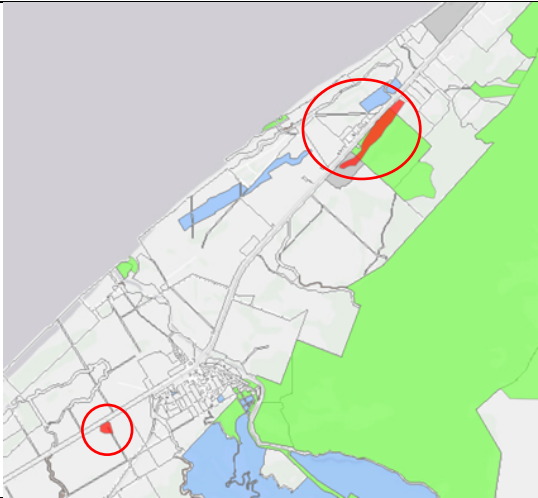
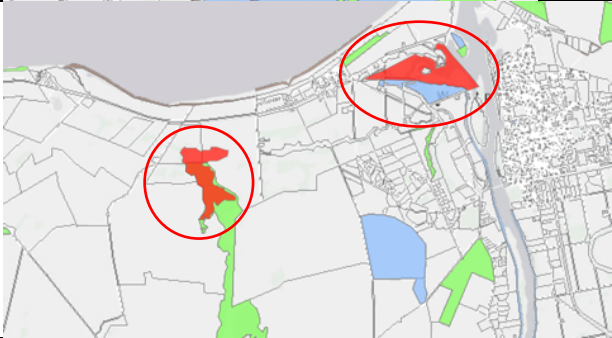

General

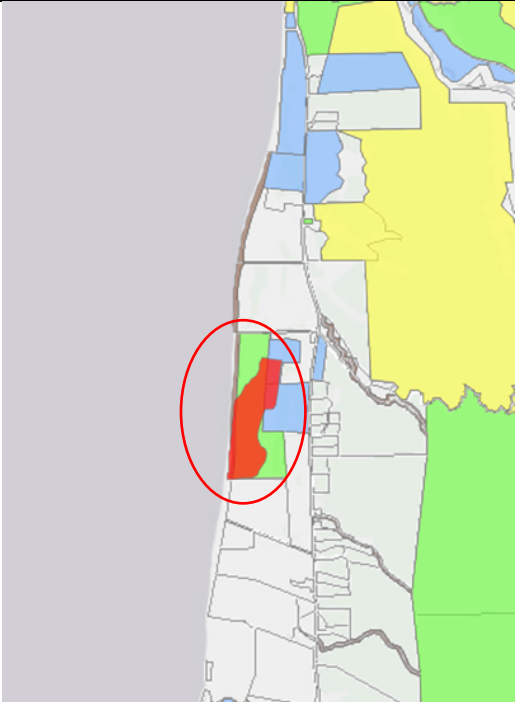
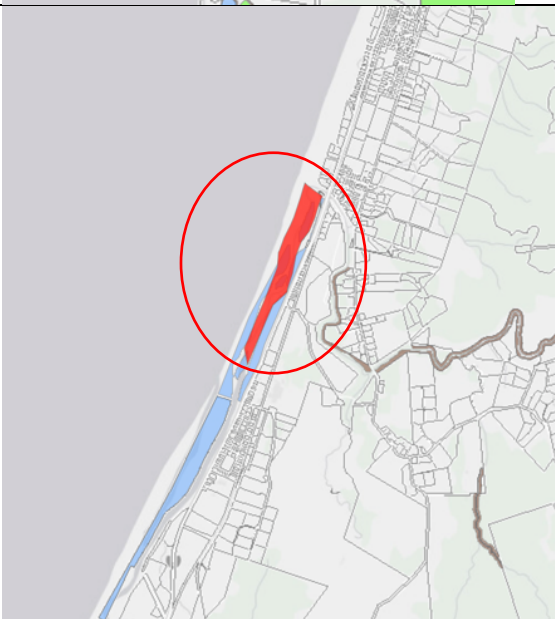
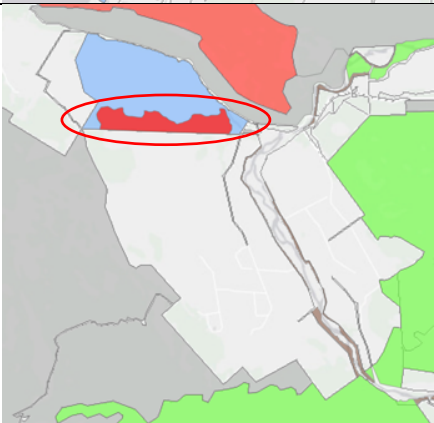
[1] Can I provide more information and a map of the Regionally Significant Wetlands

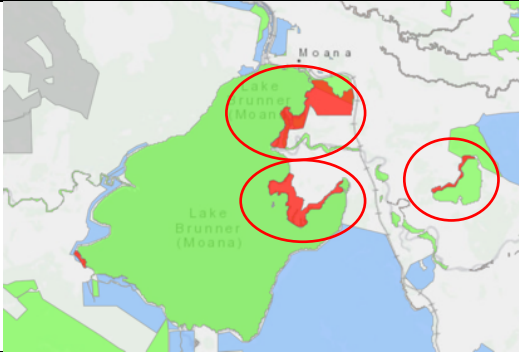
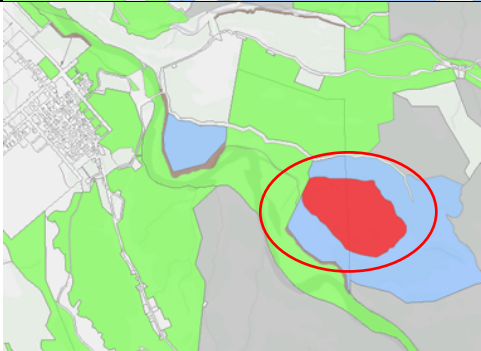

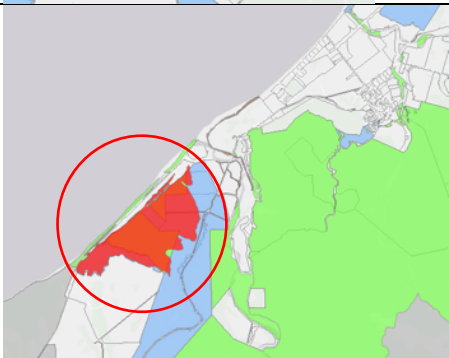
7. There are two types of wetlands scheduled in the Regional Land and Water Plan – Schedule 1 wetlands which have been assessed as significant, and Schedule 2 wetlands which may be significant and where a significance assessment is required as part of any resource consent.
8. The following table outlines the Schedule 1 wetlands and shows where these are located

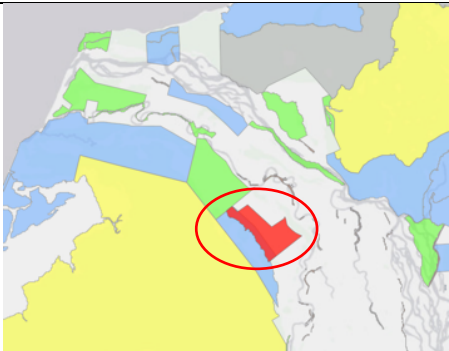
Schedule 1 Wetlands

Wetland Name	Reference	Map Legend WCRC Wetlands Schedule 1  DOC Public Conservation Land  National Park  Conservation Park  Specially Protected Area  Reserve  Stewardship Area  Marginal Strip  Wildlife Management Area
Heaphy River	HEAP001	
Otumahana Estuary	KAMP001	
Kongahu Swamp North	KAMP002a	
Kongahu South	KAMP003	

Birchfield Swamp	FOUP004	
Waimangaroa Swamp	FOUP009	
Buller River Mouth Saltmarsh	FOUP007	
Bradshaws Lagoon	FOUP006	
Palmers Road (Springs Junction)	REEP011	

Barrytown Flats, Maher Swamp	PUNP001	 <p>A map showing a coastal area with various colored regions: grey (water), yellow (land), green (land), and blue (land). A red highlighted area is circled in red, located near the coastline.</p>
Saltwater Creek	GREP005	 <p>A map showing a coastal area with various colored regions: grey (water), light green (land), and blue (land). A red highlighted area is circled in red, located near the coastline.</p>
Lake Haupiri	HOCP005	 <p>A map showing a coastal area with various colored regions: grey (water), red (land), blue (land), and green (land). A red highlighted area is circled in red, located near the coastline.</p>

Kangaroo Lake	BRUP004		
Lake Brunner Mitchells	BRUP005		
Te Kinga, Ruru	BRUP006		
Te Kinga, Iveagh Bay	BRUP007		
Paynes Gully	HOKP011		
Mahinapua 1	HOKP020a, HOKP020b, HOKP020c		
Mahinapua 2	HOKP020a, HOKP020b, HOKP020c		
Shearer Swamp	HARP009		

Waitangiroto River	HARP014	
Quinlin Creek	WAIP007	
Sandfly Beach	WAIP008	

[2] Is the inclusion of Regionally Significant Wetlands in the TTPP a double up with Regional Provisions?

9. The NPSIB and the WCRPS both set out criteria for the identification of SNAs. Undoubtedly the Schedule 1 Regionally Significant Wetlands would meet many of these criteria.
10. Schedule 1 wetlands are subject to significant controls under the WCRPS and (like all wetlands) also the NESFW. These are outlined in the table below:

WCRPS	NESFW
<p>The following activities are Non-complying Activities in Schedule 1 wetlands</p> <ul style="list-style-type: none"> • Humping and hollowing, flipping or v-blading; • Vegetation disturbance outside of a riparian margin; • Vegetation disturbance within a riparian margin • Grazing within, and livestock access to, riparian margins within a Schedule 1 wetland • Earthworks, including the excavation of any new drain or the deepening of any existing drain below its depth as at 15 October 2005 • The planting of exotic trees 	<p>Regulates natural inland wetlands</p> <ul style="list-style-type: none"> • Earthworks in or within 10m of a wetland • Vegetation clearance in or within 10m of wetland • Take and use of water from or within 100m of a wetland • Discharges to or within 100m of a wetland <p>Outside of very specific purposes, most of these activities are either a Discretionary or Non-complying Activity.</p>

11. In terms of direction from the NPSIB, Section 1.3 outlines the application of that instrument. It does provide for natural inland wetlands to be covered by aspects of the provisions – with clause (2) (e) stating that if an SNA contains a natural inland wetland, the wetland may be treated as part of the SNA it is located in.
12. Section 1.4 of the NPSIB outlines the relationship with other statutory instruments with clause 1.4 (3) stating that if there is a conflict between the NPSIB and the NPSFM or NESFW then those instruments prevail.
13. In some instances, it does not appear to me that there is a conflict between these instruments. However, the NPSIB does make significant provision for Specified Māori Land, and the range of exceptions for some activities are different between the two instruments.
14. The activities where exceptions in stringency are provided for within the two instruments are shown in the table below:

NPSIB –	NPSFW -
<p>Exceptions to clause 3.10 in relation to managing adverse effects on SNAs of new subdivision, use and development:</p> <ul style="list-style-type: none"> • Construction or upgrade of specified infrastructure (excludes renewable electricity generation and electricity transmission) • Mineral extraction of significant national benefit • Aggregate extraction of significant national or regional benefit <p>Must be a functional or operational need for these activities to be in that location and be no practicable alternative</p>	<p>Exceptions to Clause 3.22 requiring the avoidance of loss of extent of natural inland wetlands and protection of their values:</p> <ul style="list-style-type: none"> • Customary harvest of food and resources • Wetland maintenance restoration or biosecurity • Scientific research • Sustainable harvest of sphagnum moss • Construction or maintenance of wetland utility structures • Maintenance of specified infrastructure • Natural hazard works • Urban development with significant national, regional or district benefits • Quarrying activities, mineral extraction or a landfill/cleanfill with significant national or regional benefits with a functional need to be done in that location
Specific provisions in clause 3.17 for maintenance of improved pasture where this is not on a depositional landform and has not become an SNA	
Specific provisions in clause 3.18 for specified Māori land	

15. I note that alongside the Schedule 1 Regionally Significant Wetlands, several of the Grey District Council SNAs in Schedule 4 include wetlands. This is because until the NESFW wetland provisions came into effect in 2020, wetlands were traditionally assessed using standard indigenous biodiversity criteria and included across the country in SNA provisions.
16. Given all of the above, while I agree it could be considered a “double up” to continue to include Schedule 1 Regionally Significant Wetlands within the TTPP, the regional and district

instruments are managing different aspects of the wetland ecosystem. The biodiversity approach has a significant focus on fauna and the significance of the vegetation in the wetland – which is absent in the NPSFW and NESFW provisions, and the NPSFW and NESFW have a substantial focus on earthworks, drainage and management of the hydrology of wetlands which is absent from the NPSIB.

17. I do consider however that clarifying that Land and Water Plan Schedule 1 wetlands are those which are considered to be SNAs would be both useful and is in scope of submissions (e.g. Susan Hall and Kevin Dunn S218.002).

18. I therefore recommend the following amendment to the definition of Significant Natural Area:

SIGNIFICANT NATURAL AREA

means

~~a. areas that have been assessed as an area of significant indigenous vegetation or significant habitat of indigenous fauna in accordance with the criteria set out in the West Coast Regional Policy Statement; or~~

areas that have been identified as Significant Natural Areas in any West Coast Regional or District Plan. For the avoidance of doubt, only the wetlands identified in Schedule 1 of the West Coast Regional Land and Water Plan are considered to be Significant Natural Areas.

[3] Where do other Regional Policy Statements/Regional Plans sit on direction around fauna?

19. I have reviewed the provisions in relation to fauna in the regional policy statements and plans as outlined in the table below.

Policy Statement/Plan	Provisions for Habitats of Fauna	Provisions for the Fauna Themselves
Canterbury Regional Policy Statement 2013	Yes	Yes – specific methods
Otago Regional Policy Statement 2021	Yes	Yes – includes provisions for highly mobile fauna, rare species and coastal fauna
Auckland Regional Policy Statement 2016	Yes	Yes – included within policy, specific methods
Northland Regional Policy Statement 2016	Yes	No

[4] To what extent can we address Taonga Species in the provisions?

20. There are no submissions that seek the inclusion of taonga species. I have specifically reviewed the Ngāi Tahu submission and cannot see that there is any reference to, or scope, to address taonga species in the provisions. I have also discussed this matter with the Ngāi Tahu planner and she agrees that is the case, the only scope being provided in a submission point seeking that the TTPP be consistent with the Ngāi Tahu Claims Settlement Act.

[5] Which should be used - Poutini Ngāi Tahu Values or Poutini Ngāi Tahu Values as set out in the Tangata Whenua Chapter.

21. In most instances in the various s42A reports I have drafted I have recommended the use of the term “Poutini Ngāi Tahu Values” and I consider that is sufficient.

[6] What aspects of the NPSIB is there scope to specifically address? What aspects do I consider there is not scope?

NPSIB Aspect	Submission Providing Scope to Address
Objective 2.1 – maintain indigenous biodiversity across NZ so no overall loss after the commencement date	Katherine Gilbert s473.009 The RPS already provides a direction of maintaining indigenous biodiversity which is incorporated in the notified provisions.
Policy 1 – give effect to the decision making principles and take into account the principles of the Treaty of Waitangi	No specific submission. The RPS already provides a direction of giving effect to the principles of the Treaty which is incorporated in the notified provisions.
Policy 2 – tangata whenua exercise kaitiakitanga for indigenous biodiversity in their rohe by: <ul style="list-style-type: none"> Managing indigenous biodiversity on their land Identifying and protecting taonga species Actively participating in other decision making about indigenous biodiversity 	No specific submission The RPS already provides a direction of enabling Poutini Ngāi Tahu to exercise kaitiakitanga which is incorporated in the notified provisions
Policy 3 – Precautionary approach	No specific submission The RMA already provides a direction of taking a precautionary approach which is incorporated in the notified provisions.
Policy 4 – Manage biodiversity to promote resilience to climate change	Lynley Hargreaves S481.026 Forest and Bird S560.192 Manawa Energy S438.077
Policy 5 – Integrated management	No specific submission The RPS already provides a direction of ensuring integrated management which is incorporated in the notified provisions
Policy 6 – Identify SNAs using a consistent approach	Department of Conservation S602.016, S602.067, Forest and Bird S560.192, S560.196, S5460.415 Federated Farmers S524.021, Katherine Gilbert S473.015 West Coast Penguin Trust S275.001
Policy 7 – protect SNAs by avoiding or managing adverse effects	Forest and Bird S560.198
Policy 8 – Recognise and provide for importance of maintaining biodiversity outside of SNAs	Katherine Gilbert s473.009 The RPS already provides a direction of maintaining indigenous biodiversity which is incorporated in the notified provisions
Policy 9 – Provide for certain established activities within and outside SNAs	Department of Conservation S602.068 Grey District Council S608.055 Aggregate and Quarry Association S521.007

Policy 10 – Recognise and provide for activities that contribute to NZ's social, economic, cultural and environmental wellbeing	Manawa Energy S438.077 Westpower S547.251
Policy 11 – protect geothermal SNAs	No scope
Policy 12 – provide for plantation forestry activities while managing biodiversity in plantation forests	Some scope provided in Forest and Bird S560.193, Frida Inta S553.025
Policy 13 – Provide for restoration	David Marshal S347.006 Department of Conservation S620.066 The RPS already provides a direction of providing for restoration which is incorporated in the notified provisions
Policy 14 – increase vegetation cover in urban and non-urban environments	No scope
Policy 15 – Highly mobile fauna	Limited scope provided in relation to seabirds from West Coast Penguin Trust S275.012
Policy 16 – Regional biodiversity strategies	No scope
Policy 17 – improved information and monitoring	No scope
Decision making principles (Clause 3.2)	No scope
Tangata whenua as partners (Clause 3.3)	No scope
Integrated approach (Clause 3.4)	No scope The RPS already provides a direction of ensuring integrated management which is incorporated in the notified provisions
Consider social, economic and cultural wellbeing (Clause 3.5)	Manawa Energy S438.077 West Coast Regional Council S488.022 Westpower S547.251
Resilience to climate change (Clause 3.6)	Lynley Hargreaves S481.026 Forest and Bird S560.192 Manawa Energy S438.077
Precautionary approach (Clause 3.7)	No specific submission. The RMA already provides a direction of taking a precautionary approach which is incorporated in the notified provisions.
Assessing SNAs (Clause 3.8)	Forest and Bird S560.010, S560.219, S560.269, S560.006 Inger Perkins S462.011 Paul Elwell – Sutton 144.002 Frida Inta S553.065 Buller Conservation Group S552.065
Identifying SNAs in District Plans (Clause 3.9)	DOC S602.067 Forest and Bird S560.196 Inger Perkins S462.012 Jacobus Wiskerke S95.003 Michael Snowden S492.011 Transpower S299.073 Waka Kotahi S450.082 Manawa Energy S438.076

Managing adverse effects on SNAs (Clause 3.10)	DOC S602.068 Forest and Bird S560.476 Frida Inta S553.066 Clare Backes S444.006
Avoiding specific effects on SNAs (Clause 3.10 (2))	DOC S602.068
Managing adverse effects on SNAs in accordance with the effects management hierarchy (Clause 3.10 (3))	DOC S602.068 Aggregate and Quarry Association S521.005
3.10 (4) Applying the effects management hierarchy including offsetting or compensation in SNAs	DOC 602.068 Aggregate and Quarry Association (S521.005), New Zealand Coal & Carbon Limited (S472.014) Te Mana Ora (S190.317)
3.10 (5) specified activities covered by a covenant in SNAs	No scope
3.10 (6) Activities where adverse effects on an SNA are not applied -public health or safety -sustainable customary use -work by the Crown within an area managed under the Conservation Act 1987 -work within Te Urewera -harvesting of indigenous tree species as part of a forest management plan or permit under the Forests Act	No scope for most items except Harvesting of indigenous tree species under the Forests Act Michael Orchard S583.002
3.11 (1) (i) Exceptions to Clause 3.10 (2) for specified infrastructure of national/regional public benefit	Westpower S547.272, S547.247, S547.0502, S547.0505 and others Buller District Council S538.261 Department of Conservation S602.071 Manawa Energy S438.079
3.11 (1) (ii) Exceptions to Clause 3.10 (2) for mineral extraction of national public benefit	Rocky Mining Limited S474.032 Papahaua Resources Limited (S500.021) Bathurst Resources Limited and BT Mining Limited (S491.012) Peter Langford S615.046 and many others with a similar submissions Rocky Mining Limited S474.005
3.11 (1) (iii) Exceptions to Clause 3.10 (2) for aggregate extraction of national or regional public benefit	Aggregate and Quarry Association S521.015 (submission in Strategic Directions topic)
3.11 (2) Exceptions to Clause 3.10 (2) for a single residential dwelling on an existing allotment	Forest and Bird S560.493 Buller District Council S538.207
3.11 (3) Exceptions to Clause 3.10 (2) for maintaining or restoring an SNA	No scope
3.11 (4) Exceptions to Clause 3.10 (2) on SNAs for indigenous vegetation established and managed for a purpose other than the maintenance or restoration of indigenous biodiversity	Westpower Limited S547.0503 and S547.0506

3.11 (3) Exceptions to Clause 3.10 (2) for activities associated with harvest of indigenous tree species from an SNA under a Forests Act permit (eg track clearance)	Michael Orchard S583.002
3.12 (1) SNAs on specified Māori Land – managed as per Clause 3.13 where is a geothermal SNA	No scope
3.13 Geothermal SNAs	No scope
3.14 Plantation Forestry Activities	Some scope provided in Forest and Bird S560.193, Frida Inta S553.025
3.15 Established activities in SNAs	Department of Conservation S602.068 Grey District Council S608.055 Aggregate and Quarry Association S521.007
3.16 Indigenous biodiversity outside of SNAs	Forest and Bird S560.215 Katherine Gilbert S473.003 Department of Conservation (S602.075)
3.17 Maintenance of improved pasture for farming	Federated Farmers 524.058
3.18 Specified Māori Land	Very limited scope. I consider submission S440.023 gives the ability to identify that Poutini Ngāi Tahu Land is specified Māori Land.
3.19 Acknowledged and identified taonga	No scope
3.20 Specified highly mobile fauna	No scope – regional function
3.21 Restoration	David Marshal S347.006 Department of Conservation S620.066
3.22 Increasing indigenous vegetation cover	No scope – regional function
3.23 Regional biodiversity strategies	No scope – regional function
3.24 Information requirements for resource consents	Forest and Bird S560.503
3.25 Monitoring by regional councils	No scope – regional function

[7] Can I provide some analysis on the extent of the different natural environment overlays (including the coastal environment) and the area of private land this affects.

22. The West Coast Region is 23,246 km² (2,324,600ha). Approximately 84% of the region is publicly owned land (1,952,664 ha) leaving approximately 371,936 ha as private land.

23. I have reviewed the existing GIS analysis available to identify the extent of Significant Natural Areas, Outstanding Natural Landscapes and Outstanding Coastal Natural Character across private land on the West Coast. This is shown in the table below.

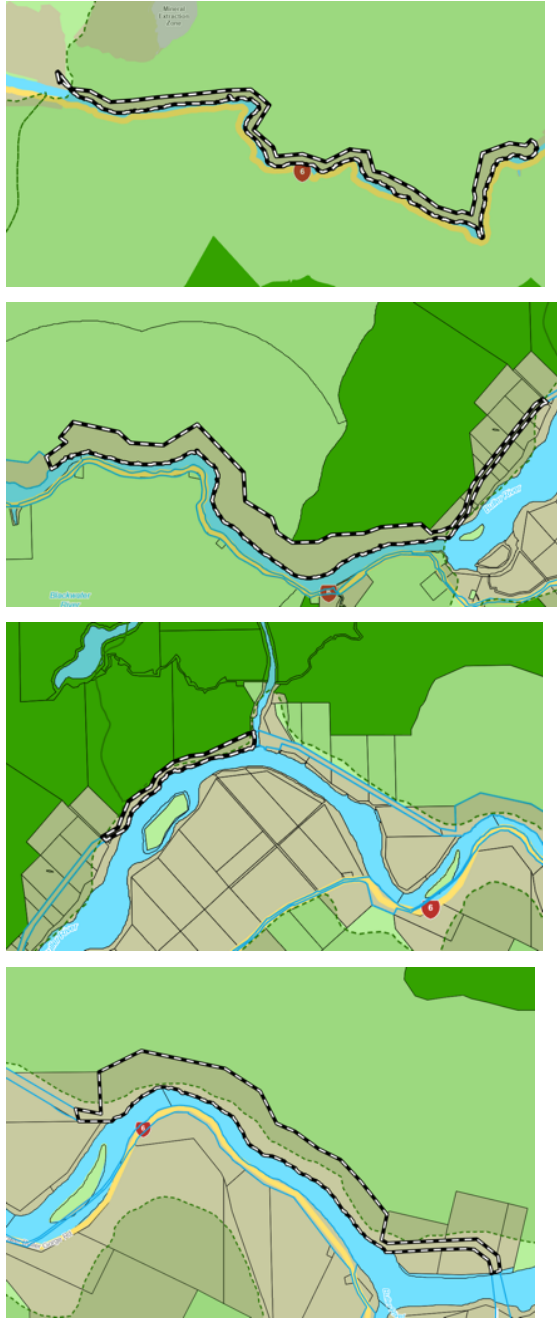


Natural Environment Overlay	Area of private land affected	Extent of other overlays on this land
Significant Natural Areas	2356ha (affecting 103 property titles – Grey District only)	The five SNAs at Barrytown are also within the coastal environment and some are within an area of high coastal natural character, no other SNAs have coastal environment

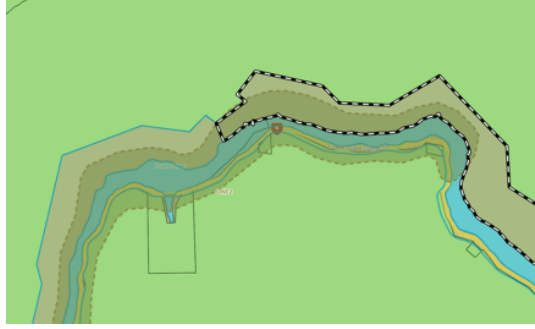
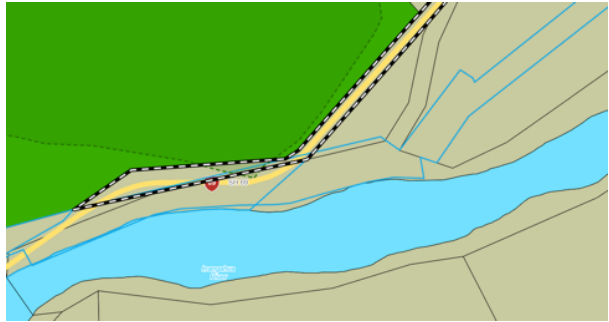

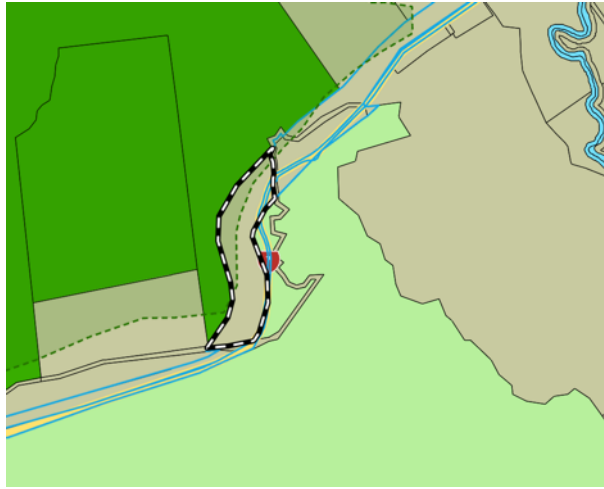

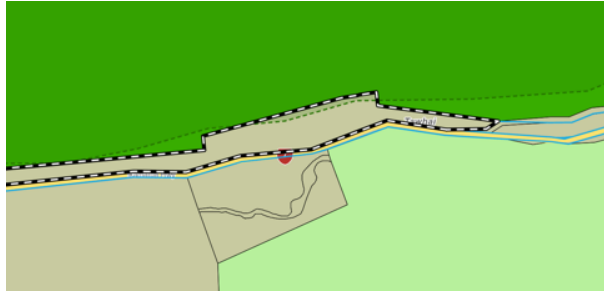
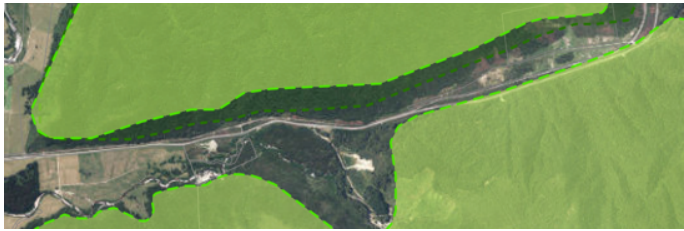
		or outstanding natural landscape overlays on them
Outstanding Natural Landscapes	37,000 hectares (approximately 10% of the privately owned land within the region)	Within the coastal environment ONLS will either have an HCNC or OCNC overlay also.
Coastal Environment	6925 hectares of outstanding coastal natural character	These locations are all also outstanding natural landscapes
Threatened land environments	A 2008 study ¹ found that there was 7481ha of Threatened Land Environments remaining on the West Coast. There has been some vegetation clearance in these areas over the last 15 years.	In Buller some of these areas are within the coastal environment (<100ha). Some of the 2356ha of SNA in the Grey District covers Threatened Land Environments. They are generally lowland areas not included as outstanding natural landscapes.






[8] Can I provide a commentary on Kiwirail Submission Point S442.096 which was referred to this topic from the Designations hearing.

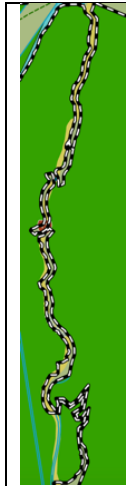
24. Submission Point S442.096 seeks that the Proposed District Plan Maps are amended to remove any overlays for; Outstanding Natural Features; Outstanding Natural Landscapes; and Outstanding Natural Character On KiwiRail's designation (as listed under "KRH1 KiwiRail Holdings Limited"). A similar submission point was discussed in the Coastal Environment Chapter and responded to in my Right of Reply for that chapter. Unfortunately, the submission was not considered as part of the Landscapes and Natural Features topic, which is where it should have been looked at.
25. In the notified Plan the Kiwirail Designation is affected by several Outstanding Natural Landscapes and one Outstanding Natural Feature. There are some changes recommended by Bridget Gilbert which affect these Outstanding Natural Landscapes, and I show these in the maps over.
26. Once the recommendations from Bridget Gilbert are considered the main areas where the ONL overlay overlaps on the Kiwirail Designation are at the Buller Gorge, Lake Brunner/Arnold River and the Otira Gorge/Arthurs Pass. I note that in all these locations the rail designation is substantially wider than the existing railway line, and encompasses large areas of native vegetation. In all these locations the rail corridor is acknowledged as passing through highly scenic areas and I do not consider the identification of these as ONLS as being inappropriate.

¹ Price R. and Briggs C. (2008) Threatened Environment Classification for the West Coast Region, New Zealand Landcare Research Contract Report: LC0809/076. Available online at <https://www.envirolink.govt.nz/assets/Envirolink/679-WCRC61.pdf>

Notified Plan	Bridget Gilbert Recommended Amendments
<p data-bbox="204 293 464 322">Buller Gorge – ONL39</p> 	<p data-bbox="837 293 1098 322">Buller Gorge – ONL39</p> <p data-bbox="837 338 1385 405">ONL extended to include the riverbed, Kiwirail Designation remains within the ONL</p> 
<p data-bbox="204 1673 453 1702">Buller Gorge – ONF2</p> 	<p data-bbox="837 1673 1465 1733">N/A – Bridget Gilbert did not review the Outstanding Natural Features</p>

	
<p>Inangahua ONL 39</p> 	<p>Inangahua ONL 39</p> <p>ONL pulled back from railway line, no longer affects the Designation</p> 
<p>Reefton ONL 38</p> 	<p>Reefton ONL 38</p> <p>ONL pulled back from railway line, no longer affects the Designation</p> 
<p>Tawhai ONL 38</p> 	<p>Tawhai ONL 38</p> <p>ONL pulled back from railway line, no longer affects the Designation</p> 
<p>Arnold River ONL 29</p>	<p>Arnold River ONL 29</p>

	<p>Kiwirail Designation remains within the ONL</p>
<p>Lake Brunner ONL 29</p>	<p>Lake Brunner ONL 29 Kiwirail Designation remains within the ONL</p>
	
<p>Otira ONL 28</p>	<p>Otira ONL 28 Kiwirail Designation remains within the ONL</p>
	
<p>Arthurs Pass ONL 28/24</p>	<p>Arthurs Pass ONL 28/24 Kiwirail Designation remains within the ONL</p>



[9] Is there room for non-statutory methods to be included at a Policy level as part of the future SNA identification process?

27. This matter was canvassed at the Joint Witness Caucusing and there was unanimous support for non-statutory methods to be included. No specific recommendations were provided on what methods should be included.

Definitions

[10] Can I confirm my final recommendations in relation to the matter of Specified Māori Land, Māori Land and Poutini Ngāi Tahu Land following caucusing with Te Tumu Paeroa and Ngāi Tahu planners.

28. I have caucused with Te Tumu Paeroa and Poutini Ngāi Tahu planners and a Joint Agreement has been prepared which recommends:
- Inclusion of a definition for Specified Māori Land (as per the NPSIB)
 - That the definition of Poutini Ngāi Tahu land be "land owned by Poutini Ngāi Tahu"
 - That provision be added to Policy ECO – P2 and new recommended Rule ECO – RXXX4 that provides for clearance of kānuka, mānuka and bracken on Specified Māori Land as a Permitted Activity
 - That an advice note referring to the provisions in the NPSIB be included in relation to Discretionary Activity Rule ECO – R7
 - That a new method ECO – M1 be added to the Plan
29. I consider that, within the fairly limited scope of the submissions available, these amendments appropriately address the requirements of the NPSIB. I have included these amendments in the updated recommended amendments to the Plan attached to this Right of Reply.

[11] Can I respond to the evidence of Ms Pull in relation to the definition of cultural harvest.

30. I note the response of Ms Pull in relation to clearance of cultural redress lands and in light of this I withdraw my recommendation to include this within the definition of cultural harvest. My recommended definition is as follows:

CULTURAL HARVEST

Cultural harvest means indigenous vegetation clearance for cultural use and in accordance with tikanga and kaitiakitanga, mahinga kai, collection or mining of Pounamu, Aotea stone or rock where this is undertaken by Poutini Ngāi Tahu. This includes clearance of vegetation by Poutini Ngāi Tahu for the maintenance of Poutini Ngāi Tahu Land

[12] Can I confirm my final recommendations for the definitions of Significant Natural Area and Area of Significant Indigenous Biodiversity

31. The definitions of Significant Natural Area and Areas of Significant Indigenous Biodiversity were discussed in the planner caucusing. It was agreed that clause a of the notified plan definition of Significant Natural Area was no longer appropriate and should be deleted. It was also agreed that given that the definition of Significant Natural Area would be much narrower (confined to existing identified SNAs) that the Area of Significant Indigenous Biodiversity definition was very useful in terms of the policies. The recommended amendments to the policies include this approach.
32. The caucusing did not discuss whether the definition of Area of Significant Indigenous Biodiversity should refer to the WCRPS (as per the notified plan) or the NPSIB (as per my recommendations in the s42A report).
33. I have considered this matter further and as the NPSIB specifically refers to the Appendix 1 criteria as being for the identification of SNAs whereas the WCRPS refers to its criteria as "criteria for identifying significant terrestrial and freshwater indigenous biological diversity", that for the purposes of how this definition is proposed to be used in the policies, that reference to the WCRPS criteria is more appropriate.
34. I therefore recommend the following further amendment to the definition of Area of Significant Indigenous Biodiversity:

AREA OF SIGNIFICANT INDIGENOUS BIODIVERSITY	<p>means, in relation to the Subdivision Rules,</p> <ol style="list-style-type: none"> a. an area identified as a Significant Natural Area in Schedule Four; or b. an area identified through an ecological assessment process undertaken by an ecologist as meeting the criteria for a Significant Natural Area significant indigenous biological diversity as set out in the West Coast Regional Council Policy-Statement-National Policy Statement for Indigenous Biodiversity, Appendix One.
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[13] How do other plans deal with exclusions from indigenous vegetation clearance – for maintenance, and in urban/planted situations – should there be exceptions in the definition?

35. I have reviewed the provisions for indigenous vegetation clearance in 5 recent District Plans as set out in the table below. These plans do not make exceptions for trimming – but I note that in all these localities it is unlikely that electricity distribution and telecommunication lines in particular would be substantially traversing bush clad areas. The situation on the West Coast in this regard is I consider largely unique. However, I note that the proposed Rule RXXX1 General Standards from the planner caucusing provides a wide exclusion for vegetation clearance for safe and efficient operation and repair of the National Grid, electricity distribution and telecommunications networks and that this could reasonably be considered to provide for trimming.
36. Two of the Plans only have vegetation clearance restrictions within SNAs and the coastal environment. Where the vegetation clearance restrictions are more comprehensive, then the Plans have specific exclusions for:
 - Vegetation planted or managed as part of a domestic or public garden
 - Shelterbelts
 - Vegetation planted and managed specifically for the purpose of harvesting as plantation forestry
 - Indigenous vegetation within an area of horticulture cropping or planting.

37. In all cases these exclusions are identified within the rule, not the definition of indigenous vegetation clearance. This follows the principles for definitions in the National Planning Standards that definitions should not become de facto rules.

Plan	Exclusions from Indigenous vegetation clearance
New Plymouth	Only regulate indigenous vegetation clearance in SNAs and the coastal environment. Includes trimming, no exclusions except for listed activities.
Porirua	Only regulate indigenous vegetation clearance in SNAs. Includes trimming, no exclusions except for listed activities
Timaru	Specifically provide for indigenous vegetation clearance where this has been planted or managed as part of a domestic or public garden or as a shelterbelt or planted and managed specifically for the purpose of harvesting.
Waimakariri	Specifically provide for indigenous vegetation clearance where this has been planted or managed as part of a domestic or public garden or as a shelterbelt or planted and managed specifically for the purpose of harvesting as plantation forestry.
Selwyn	No restriction on vegetation clearance in urban zones. Specifically provide for indigenous vegetation clearance where this has been planted or managed as part of a domestic or public garden, for amenity purposes, as a shelterbelt, planted and managed specifically for the purpose of harvesting as plantation forestry, or is within an area of horticulture cropping or planting.

38. Based on my analysis and in response to the evidence presented at the hearing, as well as the discussion around trimming at the planner caucusing, I recommend the following amendments to the redrafted (post Planner – caucusing) Permitted Activity General Standards (differences highlighted in yellow):

ECO – RXX1A General Standards

All Permitted activities outside of a Significant Natural Area must comply with the following relevant standards.

1. Within the coastal environment:
 - a. Any indigenous vegetation clearance is a maximum of 500m² per site over any continuous 3-year period or is a maximum of 20m² on any individual work site, or 20m² per linear hundred metre length for linear infrastructure; and
 - b. The indigenous vegetation clearance does not disturb, damage or destroy nesting areas or habitat of ~~protected~~ threatened or at-risk species; and
 - c. The indigenous vegetation clearance does not occur in an area of land environment of category one or two of the Threatened Environment Classification; and
2. Within the riparian margin of a water body:
 - a. It is a maximum of 20m² per linear 200m length of riparian margin; and
3. In all other locations outside of a Significant Natural Area it is:
 - a. A maximum of 2000m² on any site over any continuous 3-year period on a site that has not had an SNA assessment undertaken in accordance with Policy ECO – P1; or
 - b. A maximum of 5000m² on any site over any continuous 3-year period on a site that has had an SNA assessment in accordance with Policy ECO – P1; or
 - c. Is a maximum of 20m² on any individual work site, or 20m² per linear 100m length for linear infrastructure; and
4. Unless carried out by a statutory agency or their nominated contractor responsible for natural hazard mitigation, the clearance is not located within areas used and identified for natural hazard mitigation structures that are owned or managed by a statutory agency.

Except that the maximum vegetation clearance provisions in these general standards do not apply where:

- i. Specific to Clause 3, it is necessary to provide for the ongoing safe and efficient operation, maintenance and repair of the National Grid, electricity distribution and telecommunications lines; or
- ii. For all Clauses, the indigenous vegetation clearance is for network utility operations within any RESZ – Residential Zone, COMZ – Commercial and Mixed Use Zone, PORTZ – Port Zone, or IND – Industrial Zone property within the towns of Greymouth, Hokitika or Westport;
- iii. For all Clauses, the indigenous vegetation clearance is of vegetation planted and managed:
 - I. as part of a domestic or public garden for amenity purposes; or
 - II. as a shelterbelt; or
 - III. for the purpose of harvesting as plantation forestry.

Activity status where compliance not achieved: Restricted Discretionary

[14] Do we define “work site” for linear infrastructure?

39. The way in which the provisions are drafted post Joint Witness Caucusing I don't think there is a need for a definition of work site, but I do consider that it needs to be clarified that this is an infrastructure work site – not for any wider activity. I therefore recommend that recommended Rule ECO – RXX1A (Clauses 1a and 3c) are amended to refer to “infrastructure work site” in order to provide this clarity.

Overview

[15] Can I respond to the evidence of Transpower and Manawa Energy presented at the hearing in relation to the Overview.

40. In the s42A report I recommended the addition of the following text to the Overview section:

The NPSIB as amended October 2024 must be given effect to as soon as reasonably practical. Because The TTPP was developed notified prior to the NPSIB, it only partially gives effect to it – in as much as has been possible within the constraints of the scope of submissions made on the Plan.

41. Transpower seek an amendment to this to add: Of note, the NPSIB does not apply to the development, operation, maintenance or upgrade of electricity transmission network assets and activities. Manawa Energy make a similar point in their evidence.
42. This matter was discussed at length in the Planner Caucusing and there is a recommended policy which addresses the substantive issue – recognising that the RMA and RPS still apply to these activities, but that the NPSIB does not. I therefore support the proposed amendment to the Overview as sought by Transpower.
43. The evidence of Ms Styles also seeks amendment to reference “electricity generation, transmission and distribution activities” rather than “energy activities” and correct the references to renewable “energy” to being renewable “electricity generation”. I support these amendments as they clarify the matter for the reader and are consistent with the policy/rule redrafting from the planner caucusing.
44. My amended recommended text is as follows:

The NPSIB as amended October 2024 must be given effect to as soon as reasonably practical. Because The TTPP was developed notified prior to the NPSIB, it only partially gives effect to it – in as much as has been as possible within the constraints of the scope of submissions made to on the Plan. Of note, the NPSIB does not apply to the development,

operation, maintenance or upgrade of electricity transmission network assets and activities, although the requirements of the RMA and the WCRPS do apply. ...

... There is a considerable network of ~~energy~~ electricity generation, distribution and transmission activities and infrastructure, on the West Coast, including within areas of indigenous vegetation and biodiversity. Given the topography and extent of natural ecosystems and indigenous biodiversity on the West Coast practical management solutions are required to ensure maintenance and enhancement of the supply of renewable ~~energy~~ electricity generation to, and between, communities for the benefit of those communities and the wider environment from the use and development of ~~renewable energy~~ electricity generation.

[16] Can I respond to the evidence of Ngāi Tahu presented at the hearing in relation to the Overview.

45. In her evidence Ms Pull referred to the Ngāi Tahu submission covering letter and a matter that was not summarised as a submission point which states that the Ngāi Tahu Claim Settlement Act and Deed of Settlement confirmed the rangatiratanga of Ngāi Tahu and its relationship with the natural environment and whenua within the takiwa. On that basis she sought the addition of a reference to taonga species in the Overview section and proposed some text.
46. As I have discussed above, I do not consider that the Ngāi Tahu submission provides scope to add provisions that relate to taonga species, in accordance with the NPSIB, to the Plan. However, I agree with Ms Pull that as the Overview is explanatory text, which is not legally enforceable, then it would be possible to include this information as sought by Ms Pull.
47. Accordingly, I recommend the following amendment to the Overview section:

Under the RMA, the district and regional councils share responsibility for maintaining indigenous biodiversity. ~~Te Tai o Poutini Plan is~~ District councils are responsible for protecting and maintaining terrestrial (landbased) ecosystems, including the margins of the coast and waterbodies and the West Coast Regional Council is responsible for protecting and maintaining the non-terrestrial ecosystems (rivers, lakes, wetlands and the coast below mean high water springs). Poutini Ngāi Tahu also have cultural responsibilities as mana whenua and kaitiaki. Schedule 97 of the Ngāi Tahu Claims Settlement Act 1998 identifies some Taonga Species, along with Department of Conservation Documents and Iwi/Papatipu Rūnanga Management Plans.

[17] In light of the evidence and discussion at the hearing are there other amendments to the Overview Section that are recommended.

48. As was discussed at the hearing, and as a consequence of the recommended amendments to Policy 1 and the associated schedule from the planner caucusing, there are some additional amendments to the Overview text that I recommend as per the text below. I consider these amendments fall within the scope of submissions.

... 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.

49. Alongside this the reference in the Overview to the NESCF is incorrect and I recommend a correction to this.

Plantation forestry is principally regulated by the Resource Management (National Environmental Standard for Plantation Commercial Forestry) Regulations 20172023

(NES-PCF). However, the NES-PCF allows that district plans can be more stringent to protect ~~sSignificant nNatural aAreas~~ and significant indigenous ~~biodiversity~~ vegetation and significant habitats of indigenous fauna.

50. I also recommend that the "Strategic Objectives and Policies" section should move to under the "Other relevant Te Tai o Poutini Plan provisions" title as shown below:

Other relevant Te Tai o Poutini Plan provisions

Strategic Objectives and Policies - The Strategic Objectives and Policies are particularly 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.

Coastal Environment – the Coastal Environment Chapter.....

Objectives

[18] Can I respond to the requests for changes in Ms Inta's tabled evidence.

51. In her evidence Ms Inta sought that we include reference to "ecosystem services" in the objectives. I do not support this as ecosystem services are used more in an economic context to value services, not in an RMA context. As I outlined in the s42A report, we also now have more specific direction around, for example climate change and natural hazards, as well as the direction in the NPSIB and WCRPS, and the importance of healthy ecosystems in these contexts is more appropriately recognised in a district plan.
52. Ms Inta sought that Objective 1 (now Objective 4) have additional wording that states the reason being "to recognise their importance to the character and quality of the natural and physical environment and to the wellbeing of the people and communities". I do not support this amendment. I consider that as drafted the Objective is simple and clear. I do not consider an explainer is necessary for the objective. The objective is implementing the requirements of the RMA and WCRPS.
53. Ms Inta in her tabled evidence refers to the New Plymouth District Plan objectives. I do not consider their drafting superior to those in TTPP in terms of content and indeed I consider the objectives in the TTPP are clearer and more specific. This was a matter noted in the planner caucusing.
54. Ms Inta seeks that Objective 4 (now Objective 1) reference restoration and enhancement as well as protection as this is a matter required by the NPSIB. As I outline in relation to my analysis of scope in terms of implementation of the NPSIB, there is scope provided by two submissions, though not Ms Inta's, to address restoration within the chapter. Mr Brass from the Department of Conservation presented evidence at the hearing on this matter. I recommend that the wording proposed by Mr Brass be included in relation to this as follows:

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

[19] What impact does the withdrawal of submissions points from Te Tumu Paeroa have on any recommendations on objectives.

55. Te Tumu Paeroa have withdrawn submission points in relation to Policies ECO – P3 and ECO – P8 but retained their submission point on Objective ECO - O1 (now ECO -O4). In the s42A report I have recommended that this refer to protect "in partnership with landowners". On reflection from the hearing, further consideration of the NSPIB and discussions in planner caucusing I consider this would more appropriately be "in consultation" with landowners. My updated recommended text for Objective ECO – O4 is as follows:

ECO- O14 To identify, map and protect in partnership consultation with landowners, areas of significant indigenous vegetation and significant habitats of indigenous fauna on the West Coast/Te Tai o Poutini.

[20] Is there scope to redraft Objective ECO – O2 to read more like an Objective?

56. I agree that this objective reads like more a policy, and this was noted by Ms Styles in planner caucusing, however I cannot find scope in any submission to significantly redraft it.

Policies

[21] The following matters raised by Commissioners at the hearing have been addressed in the Planner Caucusing

57. The Planner Caucusing recommends a range of changes to the Policies, including a re-ordering of these to make it clear which are “general” policies. It also addresses some of the questions that the panel had at the hearing. I will not discuss these matters further here. The following queries of the commissioners have been addressed through the caucusing recommended provisions:

- Biodiversity offsetting and compensation in relation to renewable electricity generation and the national grid.
- Clarifying that ECO – P6 does not just apply to SNAs
- Rule cascade in relation to renewable electricity - should this end at Non-complying or Discretionary
- How the SNA identification process is best captured in the drafting of Policy ECO – P1
- Splitting out renewable electricity generation and transmission from ECO – P2
- Use of the definition Area of Significant Indigenous Biodiversity in Policy versus area of significant indigenous vegetation and significant indigenous fauna habitat

[22] Can I respond to the requests for changes in Ms Inta’s tabled evidence.

58. Ms Inta’s comments on drafting of Policies 1 and 2 are superseded by the redrafting recommended by the Joint Witness Statement.
59. In relation to ECO – P3 Ms Inta states that her concern is that there is no stand-alone policy which will maintain, restore and enhance indigenous biodiversity that is not considered significant. She also considers that an SNA will not require protection or restoration.
60. I consider that as recommended in the s42A report, ECO – P3 appropriately deals with both these matters. The maintenance, enhancement and restoration of overall indigenous biodiversity is dealt with comprehensively in ECO – P8 (now recommended as ECO – P1A). In terms of SNAs – while an area may be significant that does not necessarily mean that it is, for example, free of weeds and pests, fenced from stock, sufficiently buffered from edge effects and connected to wider significant areas supporting its long-term viability. These are all likely to be issues affecting many SNAs across the West Coast.
61. In relation to ECO – P4 Ms Inta is concerned that putting cycle trails through SNAs should not be a Permitted Activity. “Provide for” is generally the term used where resource consent is required. “Allow” is the policy term used to support a Permitted Activity. ECO – P4 is a “Provide for” policy. Therefore ECO – P4 does not support a Permitted Activity – and the proposed Permitted Activity for vegetation clearance in SNAs (ECO -R1B) is very restrictive.
62. In relation to ECO – P7 Ms Inta has a number of comments on drafting, some of which have been addressed through changes recommended from the Joint Witness Statement. Ms Inta is also concerned that “cumulative effects across the region” are not sufficiently addressed in this Policy. Given the use of this policy as an assessment criterion policy for resource consent applications, I consider it unreasonable that a resource consent applicant should be required to assess the cumulative effects of what could be quite small-scale clearance, on the entire region. Ms Inta argues that there is no policy that considers cumulative effects across the region. I consider that this is largely the domain of Policy ECO -P8 (recommended to be 1A) which specifically addresses the maintenance and enhancement of biodiversity across the districts.

63. In relation to ECO – P8, Ms Inta has sought reference to indigenous biodiversity in ECO – P8a. This was not discussed in the s42A report in error. I am happy to support the inclusion of this additional phrase into this policy as it improves clarity and is consistent with the direction of the NPSIB.
64. I recommend the following amendment to ECO – P8 (now recommended as ECO – P1A) (Joint Witness Statement Changes highlighted in green, my additional recommendations from this Right of Reply highlighted yellow).

ECO – P81A

Maintain indigenous habitats and ecosystems across the West Coast/Te Tai o Poutini **at a district scale** by:

- a. Maintaining, and where appropriate enhancing or restoring **indigenous biodiversity including** the functioning of ecological corridors, linkages, dunes and indigenous coastal vegetation and wetlands.
- b. ...

[23] Are there unintended consequences of allowing provisions in relation to Poutini Ngāi Tahu Land to flow through to new areas of land purchased in the future?

65. I have considered this carefully and I consider that the key requirement of the Permitted Activity Standard that the work be undertaken in accordance with an Iwi/Papatipu Management Plan is actually a fairly onerous requirement and therefore unintended consequences are unlikely.
66. There are three Iwi /Papatipu Management Plans in place, but these do not provide for indigenous vegetation clearance. The Lake Māhinapua Management Plan has specific direction for protecting indigenous vegetation in the lake and surrounding DOC land. The two Pounamu Management Plans are focussed on the management of pounamu.
67. In terms of the requirement for Iwi Management Plans these can only be made by the rūnanga authority in the area and have also to be endorsed by Te Rūnanga o Ngāi Tahu.

[24] Is there scope for Ms Pull's changes to Policy ECO - P8 in paragraph 71 of her evidence.

68. No. Te Tumu Paeroa submission 440.026 has now been withdrawn and the Ngāi Tahu further submission was in opposition to this. In light of this, I also must amend my recommended amendments to Policy ECO -P8, as there is no submission seeking some of the changes. My updated recommend wording is as follows: (Joint Witness Statement Changes highlighted in green, my additional recommendations from this Right of Reply highlighted yellow)

ECO - P81A

Maintain indigenous habitats and ecosystems across the West Coast/Te Tai o Poutini **at a district scale** by:

- a. Maintaining, and where appropriate enhancing or restoring **indigenous biodiversity including** the functioning of ecological corridors, linkages, dunes and indigenous coastal vegetation and wetlands;
- b. Minimising adverse effects on, and **providing improving** access, **where appropriate** to areas of indigenous biodiversity which are significant to Poutini Ngāi Tahu;
- c. **Restricting the modification or disturbance of coastal indigenous vegetation, dunes, estuaries and wetlands;**
- ~~e.~~ **d.** Preserving Managing adverse effects on protected wildlife threatened and at-risk species; and
- ~~d.e.~~ **e.** Encouraging and enabling site and landscape scale biosecurity programmes to manage plant and animal pests;

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

f. g. Except in relation to the National Grid and Renewable Electricity Generation Activities, Provide for biodiversity offsetting and biodiversity compensation as part of the effects management hierarchy in accordance with the principles set out in Appendix 3 and Appendix 4 in the National Policy Statement for Indigenous Biodiversity.

[25] In relation to ECO – P1 as the driver is the WCRPS Policy 1 should the Policy refer to the WCRPS not the NPSIB?

69. As I have outlined in the s42A report as the Appendix and principles of the NPSIB remain in force, I consider that these are what are required to be used to undertake the SNA assessment, even though the WCRPS is the major driver for completing the SNA process. I therefore consider the recommended wording of Policy ECO – P1 from the Joint Witness Caucusing to be appropriate.

[26] Can I provide some feedback on Bathurst's legal submission about implementing the NPSIB in relation to Policy ECO – P2.

70. The recommendations of the Joint Witness Caucusing include that ECO – P2 be split out into two parts and that the new ECO – P2A specifically provide for mineral extraction as per the NPSIB direction. I consider this largely addresses the issues raised in the legal submission from Bathurst about Policy ECO – P2. I do note that the Bathurst planning position is that mineral extraction of national or regional benefit should be included in this policy as per the NPS – FW, however I consider that the NPSIB is clear that mineral extraction must be of national benefit only.

71. Can I respond to the tabled evidence of KiwiRail in relation to Policy ECO – P2.

72. Kiwirail's tabled evidence relates to clause a of Policy ECO – P2 in relation to lawfully established activities. I have considered their argument and agree that as a result of changing the Policy to a "Provide for" policy the amendment to clause a requiring that adverse effects must be at the same scale and intensity as of the time of notification of the Plan is excessively onerous – as a resource consent should be able to provide for the activity to manage its adverse effects in accordance with the effects management hierarchy. I therefore recommend that the following amendment is made in response to this evidence:

ECO - P2

~~Allow~~ Provide for activities within areas of significant indigenous ~~vegetation or significant habitats of indigenous fauna~~ biodiversity where the activity has no more than minor adverse effects on the values of the area of significant indigenous ~~vegetation or fauna habitat~~ biodiversity and:

a. This is for a lawfully established activity ~~and adverse effects are no greater in intensity, scale, or character over time than at the operative date~~ and do not result in the loss of ecosystem representation or degradation of ecological integrity; or

...

[27] Can I respond to the evidence of DOC in relation to "loss of ecosystem representation" versus "extent" in Policy ECO - P2 (a).

73. In relation to policy direction from the NPSIB, Clause 3.10 in relation to SNAs specifically requires that loss of both ecosystem representation and extent must be avoided. It states:

Each of the following adverse effects on an SNA of any new subdivision, use, or development must be avoided, except as provided in clause 3.11:

- a) loss of ecosystem representation and extent:*
- b) disruption to sequences, mosaics, or ecosystem function:*
- c) fragmentation of SNAs or the loss of buffers or connections within an SNA:*
- d) a reduction in the function of the SNA as a buffer or connection to other*
- e) important habitats or ecosystems:*
- f) a reduction in the population size or occupancy of Threatened or At Risk*

74. In that respect I therefore have to agree with the Department of Conservation that the words "and extent" should be included in ECO – P2 clause a. I therefore recommend the following amendment to the Policy

ECO - P2

~~Allow~~ Provide for activities within areas of significant indigenous ~~vegetation or significant habitats of indigenous fauna~~ biodiversity where the activity has no more than minor adverse effects on the values of the area of significant indigenous ~~vegetation or fauna habitat~~ biodiversity and:

a. This is for a lawfully established activity ~~and adverse effects are no greater in intensity, scale, or character over time than at the operative date~~ and do not result in the loss of ecosystem representation ~~and extent~~ or degradation of ecological integrity; or

...

[28] Re ECO – P6 can I confirm my recommended amendments in light of the evidence presented by Westpower and the Department of Conservation, and in relation to the Coastal Environment, the evidence presented by Inger Perkins.

75. The Department of Conservation presented evidence in relation to submission point S602.070 that the word "local" had been erroneously deleted in my recommended amendments. I concur and recommend that word be reinstated.

76. The Department of Conservation also sought an additional clause be added to this policy as follows:

d. within a Significant Natural Area, result in: disruption to sequences, mosaics or ecosystem function; fragmentation or the loss of buffers or connections; or reduction in the function of the Significant Natural Area as a buffer or connection to important habitats or ecosystems."

77. In his evidence to the hearing, Mr Brass is concerned that ECO-P6 does not give effect to Clauses 3.10(2)(b)-(d) of the NPSIB, and there will be a lacuna in the plan whereby activities which are non-complying due to breach of Rule ECO-R7.1.b-d will not have applicable policies to be assessed against.

78. He proposes the additional clause c to address that gap in the plan.

79. I agree with Mr Brass that the recommended amendments to the rules do leave a policy gap and support the proposed addition to ECO – P6 as a pragmatic response and support this amendment. In terms of scope, I consider the addition of the clause arises as a consequential amendment as a result of my recommendation to accept Forest and Bird submission S560.504 whereby Rule ECO 8A – a non-complying activity is a recommended amendment. I also note that Forest and Bird's submission provides very wide scope for increased stringency and additional policy provisions within the Ecosystems and Biodiversity chapter.

80. In their evidence Westpower raised the concern that the wording is not consistent with the WCRPS Policy 2 which states that "activities shall be designed and undertaken in a way that does not cause" the outcomes identified in the subsequent clauses. Policy ECO – P6 simplifies this to "avoid activities" that result in those outcomes. I consider this is a minor difference, and as I outline in the s42A report, I do not support the verbatim copying of very technically worded policies from the WCRPS to TTPP. I note several submitters, including Buller District Council have sought definitions in relation to the ecological concepts already included in this policy. I consider that in order for policy to be effective – and implemented, it needs to be well understood by the Plan user. Technical ecological terms do not well achieve this. I consider that Policy ECO – P6 gives effect to Policy 2, Chapter 7 of the WCRPS, but in a more condensed and understandable manner to the non-ecologist reader.

81. I also note that my recommendation from the s42A report to replace "assessing consents" with "providing for" in response to Westpower submission point S547.294 did not come

through into the Appendix 1 to the s42A report and therefore include that in my recommended amendments below.

82. In relation to the submission points of Inger Perkins e.g. S462.021, S462.022 she argues that there are additional species that need to be protected in the Coastal Environment as outlined in the NZCPS. I have reviewed the NZCPS and refer to Policy 11 which states:

To protect indigenous biological diversity in the coastal environment:

- a) *avoid adverse effects of activities on:*
 - i. *indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;*
 - ii. *taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;*
 - iii. *indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;*
 - iv. *habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;*
 - v. *areas containing nationally significant examples of indigenous community types; and*
 - vi. *areas set aside for full or partial protection of indigenous biological diversity under other legislation; and*
- b) *...*

83. As currently drafted, I consider that Policy ECO – P6 adequately deals with threatened and at-risk species as required by this policy.

84. My overall recommended amendments to ECO – P6 are as follows (Joint Witness Statement Changes highlighted in green, my additional recommendations from this Right of Reply highlighted in yellow).

ECO - P6

In relation to all indigenous biodiversity, when assessing consents providing for subdivision, use and development, avoid activities which will:

- a. Prevent an indigenous species or community being able to persist in their habitats within their natural range in the Ecological District;
- b. Result in a degradation of the threat status, further measurable loss of indigenous cover or disruption to ecological processes, functions or connections in land environments in category one or two of the Threatened Environment Classification at the Ecological District level; and
- 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; and
- d. **Within a Significant Natural Area, result in: disruption to sequences, mosaics or ecosystem function; fragmentation or the loss of buffers or connections; or reduction in the function of the Significant Natural Area as a buffer or connection to important habitats or ecosystems.**

[29] Re ECO – P7 – are there matters in the NPSIB Section 3.10 that there is scope to address within this policy?

85. Item [6] in this right of reply outlines the scope available to implement the NPSIB. I consider that there is very limited scope to implement matters Section 3.10 of the NPSIB that are not already within the policy. I do not recommend any further amendments.

86. I note that there are some recommended changes to this policy as a consequence of the Joint Witness Caucusing.

[30] Do we need to cover the matters in the RPS Policy 7 within ECO – P8 more comprehensively and to better reflect the policies in the NPSIB?

87. I have reviewed the RPS Ecosystems and Biodiversity Policy 7 which states:

“ 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.”

88. The NPSIB also has policy direction around areas outside of SNAs as follows:

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

Policy 9: Certain established activities are provided for within and outside SNAs.

Policy 10: Activities that contribute to New Zealand’s social, economic, cultural, and environmental wellbeing are recognised and provided for as set out in this National Policy Statement.

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

89. The NPSIB approach differs from the WCRPS in that it focusses largely on the values present within indigenous biodiversity outside of SNAs, whereas the WCRPS policy focusses on providing for activities in relation to their effects. To some extent I consider the WCRPS approach may not be consistent with the NPSIB direction.

90. I also have reviewed the submissions made to this topic and cannot find any submission seeking that WCRPS Policy 7 be better reflected in the Plan. The closest submission providing scope would be that of West Coast Regional Council S488.022 which seeks that “the Plan is refined to ensure there are no adverse effects on the social or economic wellbeing of West Coast people and communities, and no undue burden is placed on the West Coast Community from the proposed Plan provisions”.

[31] Is there scope for Ms Pull’s changes to Policy ECO - P8 in paragraph 71 of her evidence.

91. No. Te Tumu Paeroa submission 440.026 has now been withdrawn, and the Ngāi Tahu further submission was in opposition to this. In light of this, I also must amend my recommended amendments to Policy ECO -P8, as there is no submission seeking some of the changes.

92. I also note that the Department of Conservation in their evidence to the hearing queried the deletion of matter c which I had recommended in the s42A report in response to the submission of Frida Inta who was concerned about duplication. Considering this more carefully I agree it is appropriate to retain matter c within this policy.

93. My updated recommend wording is as follows: (Joint Witness Statement Changes highlighted in green, my additional recommendations from this Right of Reply highlighted yellow)

ECO - P81A

Maintain indigenous habitats and ecosystems across the West Coast/Te Tai o Poutini **at a district scale** by:

- a. Maintaining, and where appropriate enhancing or restoring indigenous biodiversity including the functioning of ecological corridors, linkages, dunes and indigenous coastal vegetation and wetlands;
- b. Minimising adverse effects on, and providing improving access, where appropriate to areas of indigenous biodiversity which are significant to Poutini Ngāi Tahu;
- c. Restricting the modification or disturbance of coastal indigenous vegetation, dunes, estuaries and wetlands;
- ~~c.d.~~ Preserving Managing adverse effects on protected wildlife threatened and at-risk species; and
- ~~d.e.~~ Encouraging and enabling site and landscape scale biosecurity programmes to manage plant and animal pests;
- ~~e. f~~ Recognising the benefits of Encouraging and enabling active conservation management of indigenous biodiversity, including voluntary animal and plant pest and stock control and/or formal legal protection; and
- ~~f. g.~~ Except in relation to the National Grid and Renewable Electricity Generation Activities, Provide for biodiversity offsetting and biodiversity compensation as part of the effects management hierarchy in accordance with the principles set out in Appendix 3 and Appendix 4 in the National Policy Statement for Indigenous Biodiversity.

[32] ECO – P10 can I confirm my recommended amendments in light of the evidence presented by TIGA Minerals in relation to areas within the coastal environment.

- 94. I have reviewed the submission of TiiGa Minerals and agree that clause c of this policy should refer to "significant" adverse effects – as this is the direction in the NZCPS.
- 95. I note that the commissioners have queried whether clause a and b are a repetition. I can confirm this is not the case – Clause a of the NZCPS Policy 11 lists a range of ecosystem types and locations (e.g. areas containing nationally significant examples of indigenous biodiversity types) where adverse effects must be avoided. These areas may be identified as Significant Natural Areas, but at this stage in the development of TTPP this identification has not been undertaken.
- 96. My updated recommended amended policy is as follows:

ECO - P101B

Protect indigenous biodiversity in the coastal environment from inappropriate subdivision, use and development by:

- a. Avoiding adverse effects on indigenous biodiversity set out in Policy 11(a) of the NZCPS, and
- b. Avoiding adverse effects on significant indigenous biodiversity; and
- c. Avoiding, remedying or mitigating other significant adverse effects on coastal indigenous vegetation, dunes, estuaries, wetlands, habitats and species within the coastal environment in accordance with the effects management hierarchy and Policy 11(b) of the NZCPS.

Rules

[33] What matters raised by Commissioners at the hearing have been addressed in the Planner Caucusing?

- 97. The Planner Caucusing recommends a substantial structural change to the Permitted Activity Rules, which also addresses some of the questions that the panel had at the hearing. I will not discuss these matters further here. The following queries of the commissioners have been addressed through the caucusing recommended provisions:
 - How can we make the rules less complex?

- Chorus – small practical amount of clearance for new network utility infrastructure for RSI outside the Coastal Environment
- Including ECO – RXXX from the Natural Character of Waterbodies Chapter
- Addressing whether the rules/definitions should refer to Indigenous vegetation clearance and disturbance
- Whether there should be a separate rule for network utilities and the national grid

[34] Can I provide some examples of how other recent plans draft their rules around Permitted clearance and how they deal with rolling periods vs calendar years.

98. There is no consistent way that other plans deal with this. Most modern plans have very restrictive lists of activities that are Permitted, but no area limit included. Two recent plans that I found – Northland and New Plymouth took different approaches. In Far North the approach is to allow an area clearance over a calendar year, in New Plymouth the approach was similar to TTPP with a maximum area clearance in any five year period. The full list of Plans I reviewed is in the table below:

Plan	Permitted Clearance approach
Recent Plans	
Far North	Area/calendar year
New Plymouth	Area/five year period
Selwyn	Very restrictive list of activities but do not include an area limit in Permitted Activities
Waimakariri	Very restrictive list of activities but do not include an area limit in Permitted Activities
Timaru	Very restrictive list of activities but do not include an area limit in Permitted Activities
Porirua	Very restrictive list of activities but do not include an area limit in Permitted Activities
Wellington	Very restrictive list of activities but do not include an area limit in Permitted Activities
Older Plans	
Auckland	Cumulative removal on a site a 10 year period from Sept 2013
Christchurch	Very restrictive list of activities but do not include an area limit in Permitted Activities

[35] Could we include an exclusion for the Threatened Land Environments in the Permitted Activity standard

99. Yes, this would be possible as these areas are mapped and could be added as a layer to the TTPP Planning maps. The inclusion of a layer has already been recommended as part of the s42A report.

[36] Are there are any amendments to Rule ECO – R1B (Indigenous vegetation clearance in a Significant Natural Area) that I recommend in light of the evidence provided at the hearing

100. I consider rule ECO – R1B is appropriately restrictive, however I have some minor recommended changes that make the rule easier to read as outlined below:

ECO -R1B

Indigenous Vegetation Clearance within a Significant Natural Area

Activity Status Permitted

Where this is:

1. For the maintenance, operation and repair of **lawfully** established activities and structures including tracks, fences, drains, structures, infrastructure and renewable electricity generation activities where:
 - a. This is at the same or similar scale, character and intensity as at 14 July 2022; and
 - b. The clearance is within 3m of the established activity and is limited to a maximum area of 50m² per individual SNA; or
2. Necessary to remove vegetation that endangers human life or existing buildings or structures where this is certified by a Council Approved **Arboricultural** Contractor; or
3. For the safe and efficient operation (including maintenance and repair) of any formed public road, rail corridor or access where the removal is within 3m of the formed width of the road, rail corridor or access where this is undertaken by a Road or Rail Controlling Authority; or
4. To comply with section 43 of the Fire and Emergency Act 2017; or
5. The clearance is necessary in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or is removal of unwanted organisms declared under the Biosecurity Act 2015.

Activity status where compliance not achieved: Discretionary

[37] In light of the evidence presented at the hearing can I provide any updated recommendations on Rule ECO – R1/R1A

101. The Joint Witness Caucusing recommended significant restructuring of the Permitted Activity rules, and the splitting out of Rule ECO – R1/R1A into 5 separate rules. This addresses many matters of readability and complexity that were of concern to the commissioners.
102. Rule ECO – RXX1A is the General Standards rule which sets out the maximum permitted indigenous vegetation clearance in different locations. Rule ECO – RXX5 from the Joint Witness Caucusing is the “other activities” rule that applies when the more specific circumstances outlined in Rules ECO – RXX2, - RXX3 or – RXX4 do not apply.
103. In the Joint Witness Caucusing the group generally considered that it was simpler to have the same rules apply in all three districts and that the differentiation for Grey District added unnecessary complexity. As identified in the Joint Witness Statement, I do not agree with that point, as I consider that it is relevant that Grey District has undertaken an SNA process (although acknowledging that there will still be unidentified SNAs within the Grey District due to changes in criteria). In particular, as I outlined in the s42A report, I am concerned that the rule should recognise that properties within the Grey District that have already been assessed for SNAs and had an SNA included in the Plan should be treated differently – recognising that it is less likely that the indigenous vegetation on the remainder of the site will meet the significance threshold. I recommend an amendment to the rule developed in the Joint Witness Caucusing to address this within clause 3b of Rule ECO -RXX1A
104. The second matter in relation to the general standards that I recommend an amendment to the standards, is providing a general, smaller allowance, for vegetation clearance outside of the coastal environment which is not tied to specific activities. I consider the evidence presented by several of the landowner submitters (e.g. Lynn Lever) highlighted the significant regulatory burden that arises where the rule is tied to specific activities. This means even very small areas of clearance for activities not referenced in the rule (e.g. 10m² to build a rainwater tank) would require a resource consent. I had provided for this in my recommendations in the s42A report, but again due to the complexity issue, this was not pulled through into the recommendations in the Joint Witness Statement.
105. I consider the evidence of Mr Brass from the Department of Conservation addressing this matter. In his evidence Mr Brass proposed that prior to a District – wide SNA assessment being undertaken, an allowance of 2000m²/3 years would be acceptable to the Department and that following a District – wide SNA assessment, and updating of Scheduled Four, that a 5000m²/3 years limit would be acceptable to the Department of Conservation.

106. I do note the evidence of Ms Jane Marshall in relation to, in particular the coastal environment, where the cumulative effect of indigenous vegetation clearance could be significant. I therefore do not recommend any changes to indigenous vegetation clearance limits in the coastal environment outside of the urban zones.
107. My recommended amendments to this rule are as follow:

ECO – RXX1A General Standards

All Permitted activities outside of a Significant Natural Area must comply with the following relevant standards.

1. Within the coastal environment:
 - a. Any indigenous vegetation clearance is a maximum of 500m² per site over any continuous 3-year period or is a maximum of 20m² on any individual infrastructure work site, or 20m² per linear hundred metre length for linear infrastructure; and
 - b. The indigenous vegetation clearance does not disturb, damage or destroy nesting areas or habitat of protected threatened or at risk species; and
 - c. The indigenous vegetation clearance does not occur in an area of land environment of category one or two of the Threatened Environment Classification; and
2. Within the riparian margin of a water body:
 - a. It is a maximum of 20m² per linear 200m length of riparian margin; and
3. In all other locations outside of a Significant Natural Area it is:
 - a. A maximum of 2000m² on any site over any continuous 3-year period on a site that has not had an SNA assessment undertaken in accordance with Policy ECO – P1; or
 - b. A maximum of 5000m² on any site over any continuous 3-year period on a site that has had an SNA assessment in accordance with Policy ECO – P1 or within the Grey District, has an SNA included within Schedule 4 that is located on the same property; or
 - c. Is a maximum of 20m² on any individual infrastructure work site, or 20m² per linear 100m length for linear infrastructure; and
4. Unless carried out by a statutory agency or their nominated contractor responsible for natural hazard mitigation, the clearance is not located within areas used and identified for natural hazard mitigation structures that are owned or managed by a statutory agency.

Except that the maximum vegetation clearance provisions in these general standards do not apply where:

- i. Specific to Clause 3, it is necessary to provide for the ongoing safe and efficient operation, maintenance and repair of the National Grid, electricity distribution and telecommunications lines; or
- ii. For all Clauses, the indigenous vegetation clearance is for network utility operations within any RESZ – Residential Zone, COMZ – Commercial and Mixed Use Zone, PORTZ – Port Zone, or IND – Industrial Zone property within the towns of Greymouth, Hokitika or Westport; or
- iii. For all Clauses, the indigenous vegetation clearance is of vegetation planted and managed:
 - I. as part of a domestic or public garden for amenity purposes; or
 - II. as a shelterbelt; or
 - III. for the purpose of harvesting as plantation forestry.

Activity status where compliance not achieved: Restricted Discretionary

ECO – RXX5

Indigenous vegetation clearance and disturbance within the Buller and Westland Districts and outside of the coastal environment a Significant Natural Area not provided for in another Permitted Activity Rule

Activity Status Permitted

Where this is:

1. 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; or

2. Necessary to remove vegetation that endangers human life or existing buildings or structures; or
3. For the construction of parks facilities, parks furniture or public access points within an Open Space and Recreation Zone; or
4. For installation of an environmental monitoring and extreme weather event monitoring facility; or
5. For the establishment of a river crossing point up to 3m wide; or
6. For new natural hazard mitigation structures undertaken by a statutory agency or their nominated contractor; or
7. Unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or is removal of unwanted organisms declared under the Biosecurity Act 2015; or
8. To comply with section 43 of the Fire and Emergency Act 2017; or
9. To upgrade public walking or cycling tracks up to 3m in width undertaken by the Council or its approved contractor; or
10. Within an area subject to a QEII National Trust Covenant or Ngā Whenua Rahui Kawaneta, a Reserves or Conservation Act covenant or a Heritage covenant under the Heritage New Zealand/Pouhere Taonga Act and the vegetation disturbance is authorised by that legal instrument; or
11. For the establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site that does not exceed 500m² clearance per allotment and where this is not located within a riparian margin of a waterbody; or
12. For mineral exploration or prospecting activities within the MINZ - Mineral Extraction Zone or BCZ – Buller Coalfield Zone; or
13. Outside of the coastal environment or riparian margins of waterbodies it is removal of windthrow timber through:
 - i. Use of helicopter recovery methods; or
 - ii. Where ground-based recovery is only undertaken from areas adjacent to existing vehicle tracks; or
14. For any other purpose, where this is not located within a riparian margin of a waterbody or the coastal environment, and does not exceed 2000m² clearance per property over a 3 year period.

Activity status where compliance not achieved: Controlled Activity where this is indigenous vegetation clearance with an approved plan or permit issued under the Forests Act, Otherwise Restricted Discretionary

[38] Can I respond to Kiwirail's tabled evidence in relation to Rule ECO – R2

108. Based on the recommendations of the Joint Witness Caucusing Rule ECO – R2 is proposed to be deleted and replaced by Rules ECO – RXX1A (General Standards) and ECO – RXX1 (Network Utility Operations/Renewable Electricity Generation/National Grid)
109. In their tabled evidence Kiwirail sought a number of changes to Rule ECO – R2 which are addressed at least in part by these recommended new rules, specifically in relation to the coastal environment (which was the subject of Rule ECO – R2):
 - Provision for maintenance, operation, repair and upgrade of lawfully established activities and structures;
 - Provision for clearance of 20m² per linear 100m length for linear infrastructure;
 - Provision for installation of new network utility infrastructure where the construction corridor does not exceed 3m in width.
110. Kiwirail were also concerned about the approach of including Threatened Land Environments within the Permitted Activity standards as they were concerned they may not be mapped. I can confirm that maps exist of these locations and have been recommended for inclusion in the TTPP maps.

[39] Can I comment on the DOC proposal for stepped permitted clearance in the Coastal Environment that relates to different types of ecosystems.

111. While I understand the merits of the proposal from DOC from an ecological and biodiversity perspective, I consider this proposal to be very difficult to manage from a planning perspective. The differences between different types of coastal ecosystems are not necessarily evident to the layperson, and therefore in order to implement a stepped approach, high quality maps showing where the different ecosystem types are located would be required. Ideally these would then be synthesised down into vegetation zones (e.g. most vulnerable and less vulnerable) – so requiring additional technical assessment. I am not aware that any of that is currently available, and I consider that a substantial ecological and GIS exercise would need to be undertaken to produce this information.
112. If the information became available then this matter could be considered as part of a future Plan Change, but I do not recommend any amendment to the Plan at this time.

[40] Can I provide any updated recommendations on SUB – R7 in light of the evidence presented at the hearing.

113. In terms of specific matters raised at the hearing I note that Ms Inta sought that there be reference in this rule to the effects management hierarchy in order to better give effect to the NPSIB. Ms Inta did not submit on this matter, however scope on this could be provided by Neil Moat (and similar) submission points S535.017 and S535.024 which specifically seek that offsetting and compensation be provided for in the rule.
114. However, given that the rule is in fact an incentive rule giving bonus lots for subdivision I consider that providing access to the full effects management hierarchy and potentially allowing for vegetation clearance if there is an alternative mitigation such as biodiversity offsetting or compensation would defeat the purpose of the rule and be inappropriate. For this reason, I have not supported these submissions and do not propose an amendment to the rule.
115. Commissioners have also asked whether there is scope to add a timeframe for the assessment (e.g. having been done in the last 10 years). I have not found any scope in submissions for this but note that the WCRPS only became operative in 2020, and I am not aware that there has been any use of the significance criteria for ecological assessment of many sites to date, so the issue of an “old” assessment is only likely to arise towards the end of the life of the Plan.
116. Commissioners have also asked if there is a gap within the rule in avoiding significant adverse effects on other biodiversity in this rule and Rule SUB – R9. I cannot find a submission that provides scope to address this matter.
117. As I have recommended that the definition of Area of Significant Indigenous Biodiversity refer to the WCRPS significance criteria, in order to be consistent, I also consider that Clause 2 of this rule should refer to the WCRPS rather than the NPSIB.
118. There are also a number of minor amendments I recommend to the wording of the rule, to make it easier to read and clearer which I show in the recommended wording below.

SUB - R7/ECO—R4

Subdivision of Land to Create Allotments Containing an Area of Significant Indigenous Biodiversity Where Legal Protection of the Area of Significant Indigenous Biodiversity is Proposed

Activity Status: Controlled

Where:

1. One new allotment with a minimum lot size of 41,000m² is created from the parent title, provided that in the GRUZ - General Rural Zone there is a balance area remaining on the original title of at least 4 ha; and
2. An assessment of the site against the significance criteria in the NPSIB WCRPS Appendix 1 is provided with the application and this is undertaken by a suitably qualified or experienced ecologist unless the site has already been assessed identified as to be an SNA as part of a district – wide SNA assessment process; and
3. The Any areas of significant indigenous biodiversity is are legally protected in perpetuity by way of a conservation covenant with an authorised agency or via consent notice on the title and is are contained within a single allotment; and
4. The subdivision will not result in buildings or access ways being located within the identified area of significant indigenous biodiversity or the need for clearance within the area¹³⁵ of significant indigenous vegetation to provide for a future building site or¹³⁶ future access to any site; and
5. Subdivision standards S2-S11 are complied with.

...

[41] Can I provide any updated recommendations on SUB – R9 in light of the evidence presented at the hearing.

119. Ms Inta presented evidence seeking the buffering of SNAs as a matter of discretion in this rule. This submission point (S552.121) was incorrectly assigned to SUB – R15 (as there are no matters of discretion in a Discretionary Activity) and is relevant to this SUB – R9. I consider that it would be appropriate to amend Matter of Discretion b. to include reference to buffers.
120. Consistent with the recommended amendments to Rule SUB – R7 there are also minor amendments I recommend to the wording of the rule, to make it easier to read and clearer which I show in the recommended wording below.

SUB - R9/ECO—R6

Subdivision of Land to create Allotments Containing an Area of Significant Indigenous Biodiversity Where Legal Protection of the Area of Significant Indigenous Biodiversity is Proposed not meeting Rule SUB – R7

Activity Status Restricted Discretionary

Where:

1. Up to three allotments with a minimum lot size of 41000m², are created from the parent title;
2. An assessment of the site against the significance criteria in the NPSIB WCRPS Appendix 1 is provided with the application and this is undertaken by a suitably qualified or experienced ecologist unless the site has already been assessed identified as to be an SNA as part of a district – wide SNA assessment process; and
3. The Any areas of significant indigenous biodiversity is are legally protected in perpetuity by way of a conservation covenant with an authorised agency or via consent notice on the title and is are contained within a single allotment;
4. The subdivision will not result in buildings or access ways being located within any Significant Natural Area identified in Schedule Four or the need for clearance of significant indigenous vegetation to provide for a future building site or future access to any site; and
5. Subdivision standards S2-S11 are complied with.

Discretion is restricted to:

- a. Whether there are other regulations impacting the site that have meant the land is unable to be used for economic rural uses;

- b. The extent to which the subdivision layout, access, allotment size and design and the location of building platforms may adversely impact the significant indigenous vegetation and/or significant habitat of indigenous fauna and whether buffering of significant areas is also appropriate;
- c. ...

[42] Is there a need for subdivision non- complying activity relating to the “avoid” directions in the NPSIB/RPS.

- 121. The “avoid” directions in the NPSIB and the WCRPS specifically relate to identified SNAs. In that respect Rule SUB – R27 which I recommended to be deleted was inappropriate as it related specifically to the bonus lot matters. Scope to address this is provided by Forest and Bird S560.225/S560.273.
- 122. I do not consider that the NPSIB/WCRPS provisions specifically provide a direction that a non-complying activity for subdivision of an SNA is required. The NPSIB provisions refer to specific matters in 3.10 (2) which are largely addressed in Policy ECO – P6 – against which any Discretionary Activity would be assessed.
- 123. In addition, Clauses 3.10 (3) and 3.10 (4) of the NPSIB specifically anticipate the use of the effects management hierarchy to manage adverse effects. Avoidance is only the first step in that hierarchy.
- 124. The specific provisions in the NPSIB which are relevant are:

Policy 7: SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development.

3.10 (2) Each of the following adverse effects on an SNA of any new subdivision, use, or development must be avoided, except as provided in clause 3.11:

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

3.10 (3) Any adverse effects on an SNA of a new subdivision, use, or development that are not referred to in subclause (2), or that occur as a result of the exceptions in clause 3.11, must be managed by applying the effects management hierarchy.

3.10 (4) Where adverse effects on an SNA are required to be managed pursuant to subclause (3) by applying the effects management hierarchy, an applicant must be required to demonstrate:

- a) how each step of the effects management hierarchy will be applied; and*
- b) if biodiversity offsetting or biodiversity compensation is applied, the applicant has complied with principles 1 to 6 in Appendix 3 and 4 and has had regard to the remaining principles in Appendix 3 and 4, as appropriate.*

Maps

[43] Springcreek Forestry (S52.001) -please provide the map showing it doesn't have an SNA.

- 125. The map below shows the property with the Legal Description Part RS 6357 which Springcreek Forestry's submission sought to have the SNA removed. As can be seen from the map below – which is a snip from the TTPP website with the ONL, ONF and SNA layers turned on, there is no natural environment overlay affecting this property.



Recommendations:

1. That the following amendments be made to the definitions:

CULTURAL HARVEST

Cultural harvest means indigenous vegetation clearance for cultural use and in accordance with tikanga and kaitiakitanga, mahinga kai, collection or mining of Pounamu, Aotea stone or rock where this is undertaken by Poutini Ngāi Tahu. This includes clearance of vegetation by Poutini Ngāi Tahu for the maintenance of Poutini Ngāi Tahu Land

AREA OF SIGNIFICANT INDIGENOUS BIODIVERSITY

means, in relation to the Subdivision Rules,

- a. an area identified as a Significant Natural Area in Schedule Four; or
- b. an area identified through an ecological assessment process undertaken by an ecologist as meeting the criteria for a Significant Natural Area significant indigenous biological diversity as set out in the West Coast Regional Council Policy Statement National Policy Statement for Indigenous Biodiversity, Appendix One

SIGNIFICANT NATURAL AREA

means

a. areas that have been assessed as an area of significant indigenous vegetation or significant habitat of indigenous fauna in accordance with the criteria set out in the West Coast Regional Policy Statement; or

areas that have been identified as Significant Natural Areas in any West Coast Regional or District Plan. For the avoidance of doubt, only the wetlands identified in Schedule 1 of the West Coast Regional Land and Water Plan are considered to be Significant Natural Areas.

2. That the following amendments are made to the Ecosystems and Biodiversity Overview Section

Overview

Biological diversity, or biodiversity, describes the variety and diversity of all life forms and the ecosystems they inhabit. Indigenous biodiversity is biodiversity that is native to New Zealand/Aotearoa me Te Waipounamu and relates to individual birds, plants, insects and other species and also includes the ecosystems where these species live, such as forests and sand dunes.

The West Coast/Te Tai o Poutini contains a significant amount of intact natural diversity by comparison with other parts of New Zealand/Aotearoa me Te Waipounamu. Continuous tracts of lowland and coastal forests and freshwater as well as coastal wetlands cover large areas. In many places indigenous ecosystems and habitats extend unbroken from the mountains to the sea. 84% of the land area is under the management of the Department of Conservation. In total an estimated 90% of the West Coast/Te Tai o Poutini is covered in indigenous vegetation - compared with 24% nationally.

While the West Coast/Te Tai o Poutini is fortunate to have a wide range of diverse and intact ecosystems and vegetation types, there are some ecosystems and vegetation types not well represented in the protected areas network. These are generally ecosystems found in the lowland areas of the West Coast/Te Tai o Poutini. Alongside this, parts of the West Coast/Te Tai o Poutini include the last habitats or strongholds of some native species threatened with extinction. Well-functioning ecosystems provide resilience to climate change and can provide protection to communities from natural hazards

Under the RMA, the district and regional councils share responsibility for maintaining indigenous biodiversity. Te Tai o Poutini Plan is District councils are responsible for protecting and maintaining terrestrial (land-based) ecosystems, including the margins of the coast and waterbodies and the West Coast Regional Council is responsible for protecting and maintaining the non-terrestrial ecosystems (rivers, lakes, wetlands and the coast below mean high water springs). Poutini Ngāi Tahu also have cultural responsibilities as mana whenua and kaitiaki. Schedule 97 of the Ngāi Tahu Claims Settlement Act 1998 identifies some Taonga Species, along with Department of Conservation Documents and Iwi/Papatipu Rūnanga Management Plans.

The RMA requires Te Tai o Poutini Plan district councils to manage indigenous biodiversity in two particular ways. Firstly, the control of any actual or potential effects of the use, development, or protection of land for the purpose of maintaining indigenous biodiversity.. Secondly, it is required to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Specifically, to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and more broadly, for the control of any actual or potential effects of the use, development, or protection of land for the purpose of maintaining indigenous biodiversity.

The National Policy Statement for Indigenous Biodiversity (NPSIB) came into force on 4 August 2023 and TTPP is required to give effect to this. The NPSIB requires Councils to protect, maintain and restore indigenous biodiversity in a way that:

- recognises tangata whenua as kaitiaki, and people and communities as stewards, of indigenous biodiversity; and
- provides for the social, economic and cultural wellbeing of people and communities, now and into the future

The NPSIB as amended October 2024 must be given effect to as soon as reasonably practical. Because The TTPP was developed notified prior to the NPSIB, it only partially gives effect to it – in as much has been as possible within the constraints of the scope of submissions made to on the Plan. Of note, the NPSIB does not apply to the development, operation, maintenance or upgrade of electricity transmission network assets and activities, although the requirements of the RMA and the WCRPS do apply.

Because of the extremely large land extensive area covered by indigenous vegetation on the West Coast/Te Tai o Poutini, detailed comprehensive assessment of each piece of vegetation for its identification of significance has not yet been undertaken completed.

In the Grey District, an evaluation process has been underway for a was undertake a number of years ago, and this has enabled. This identified 37 Significant Natural Areas to be identified within the Grey District. These list of these Significant Natural Areas can be found are included in Schedule Four and they are also shown on the maps.

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.

It is expected that further areas will be identified and mapped as Significant Natural Areas through a comprehensive process of ecological assessment across each district. This will include the identification of SNAs on public land as required by the NPSIB and that these Significant Natural Areas will be added to the Plan through subsequent Plan change processes.

Te Tai o Poutini Plan also encourages integrated management of indigenous biodiversity and supports landowners, local government, Poutini Ngāi Tahu and other biodiversity partners working together on a voluntary basis to maintain and enhance indigenous biodiversity, including methods such as legal protection and good land management.

There is a considerable network of energy electricity generation, distribution and transmission activities and infrastructure, on the West Coast, including within areas of indigenous vegetation and biodiversity. Given the topography and extent of natural ecosystems and indigenous biodiversity on the West Coast practical management solutions are required to ensure maintenance and enhancement of the supply of renewable energy electricity generation to, and between, communities for the benefit of those communities and the wider environment from the use and development of renewable energy electricity generation.

The Ecosystems and Indigenous Biodiversity chapter contains objectives, policies, and rules for managing effects on indigenous biodiversity, including for the assessment and identification of significant indigenous vegetation and significant habitats of indigenous fauna. This chapter contains rules relating to vegetation clearance that apply throughout the West Coast. There are also specific rules that apply within significant natural areas, outstanding natural features and landscapes and the coastal environment.

Indigenous vegetation clearance in the Coastal Environment or adjacent to waterbodies

This chapter includes provisions for protection significant indigenous diversity within the coastal environment above mean highwater springs as shown on the Planning maps. This chapter also includes provisions for Wwhere indigenous vegetation clearance is proposed within riparian margins next to rivers, lakes and coastal wetlands. refer to the Natural Character and Margins of Waterbodies chapter of the Plan for the Rules around this clearance.

Plantation/Commercial Forestry

Plantation forestry is principally regulated by the Resource Management (National Environmental Standard for Plantation Commercial Forestry) Regulations 2017 (NES-PCF). However the NES-PCF allows that district plans can be more stringent to protect sSignificant nNatural aAreas and significant indigenous biodiversity within the coastal environment as provided for in the NZCPS Policy 11. Where provisions within this chapter are more stringent, they over-rule the requirements of the NES - PCF an advice note to that effect is included within the relevant Rule.

Strategic Objectives and Policies

The Strategic Objectives and Policies are particularly 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.

Wetlands on the West Coast

The National Environmental Standards for Freshwater Management includes regulations for activities within, and within setbacks from, natural wetlands. These activities are managed by the West Coast Regional Council under the NES for Freshwater regulations. It should be noted that the setbacks for activities within those regulations may be different to those set out in this Plan and may require resource consent to be sought from the regional council. The West Coast Regional Council Land and Water Plan identifies a list of Regionally Significant Wetlands. In accordance with the West Coast Regional Policy Statement, these areas are known as Significant Natural Areas and have specific Rules around their management in the Regional Land and Water Plan. They are also subject to regulation by the West Coast Regional Council under the National Environmental Standard for Freshwater Management – which also has regulations around how other wetlands can be managed.

Other relevant Te Tai o Poutini Plan provisions

Strategic Objectives and Policies -The Strategic Objectives and Policies are particularly 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.

Coastal Environment- the Coastal Environment Chapter contains the objectives, policies and rules for activities within the coastal environment overlay - including buildings and structures and earthworks

Natural Features and Landscapes – the Natural Features and Landscapes Chapter contains provisions in relation to the landscapes and natural features in Schedules Five and Six. Poutini Ngāi Tahu values are part of what makes these areas significant.

Natural Character and Activities Adjacent to Waterbodies - the Natural Character and Margins of Waterbodies contains the objectives, policies and rules relating to activities adjacent to waterbodies including buildings and structures and earthworks.

Activities on the Surface of Water – the Activities on the Surface of Water chapter contains provisions for the surface of waterbodies.

Historic Heritage - the Historic Heritage Chapter contains the provisions in relation to the sites and areas identified in Schedule One.

Notable Trees - the Notable Trees Chapter contains the provisions in relation to the trees identified in Schedule Two. Some trees are listed in this schedule due to their botanical values.

Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters

3. That the following amendments are made to the Ecosystems and Biodiversity Objectives

ECO - 041

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

ECO- 014

To identify, map and protect in partnership consultation with landowners areas of significant indigenous vegetation and significant habitats of indigenous fauna on the West Coast/Te Tai o Poutini.

4. That the following amendments are made to the Policies

ECO - P2

Allow Provide for activities within areas of significant indigenous vegetation or significant habitats of indigenous fauna biodiversity where the activity has no more than minor adverse effects on the values of the area of significant indigenous vegetation or fauna habitat biodiversity and:

- a. This is for a lawfully established activity and adverse effects are no greater in intensity, scale, or character over time than at the operative date and do not result in the loss of ecosystem representation and extent or degradation of ecological integrity; or
- b. This is for maintenance of improved pasture as part of a regular cycle of periodic maintenance; or
- c. It is for a Poutini Ngāi Tahu Activities cultural purpose; or
- d. This is undertaken on Poutini Ngāi Tahu or Te Rūnanga o Ngāi Tahu land in accordance with an Iwi/Papatipu Rūnanga Management Plan; or

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 need or operational need to be located in the area, and is for the purpose of:

- i. Construction or upgrade of regionally significant infrastructure; or
- ii. Mineral extraction that provides significant national benefit; or
- iii. Aggregate extraction that provides significant national or regional benefit; or
- iv. The operation or expansion of any coal mine that was lawfully established before 4 August 2023; except that, after 31 December 2030, this exception applies only to such coal mines that extract coking coal

e. This is for the construction or upgrade of regionally significant infrastructure.

- e. The activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat.

ECO - P6

In relation to all indigenous biodiversity, When assessing consents providing for subdivision, use and development, avoid activities which will:

- a. Prevent an indigenous species or community being able to persist in their habitats within their natural range in the Ecological District;
- b. Result in a degradation of the threat status, further measurable loss of indigenous cover or disruption to ecological processes, functions or connections in land environments in category one or two of the Threatened Environment Classification at the Ecological District level; and
- 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; and
- d. Within a Significant Natural Area, result in: disruption to sequences, mosaics or ecosystem function; fragmentation or the loss of buffers or connections; or reduction in the function of the Significant Natural Area as a buffer or connection to important habitats or ecosystems.

Advice Note:

Information on the Threat Classification status of individual species can be found on the New Zealand Threat Classification System data base at <https://nztns.org.nz>

ECO - P81A

Maintain indigenous habitats and ecosystems across the West Coast/Te Tai o Poutini at a district scale by:

- a. Maintaining, and where appropriate enhancing or restoring indigenous biodiversity including the functioning of ecological corridors, linkages, dunes and indigenous coastal vegetation and wetlands;
- b. Minimising adverse effects on, and providing improving access, where appropriate to areas of indigenous biodiversity which are significant to Poutini Ngāi Tahu;
- c. Restricting the modification or disturbance of coastal indigenous vegetation, dunes, estuaries and wetlands;
- ~~c.d. Preserving~~ Managing adverse effects on protected wildlife threatened and at-risk species; and
- ~~d.e. Encourage and enable site and landscape scale biosecurity programmes to manage plant and animal pests~~
- ~~e. f. Recognising the benefits of~~ Encouraging and enabling active conservation management of indigenous biodiversity, including voluntary animal and plant pest and stock control and/or formal legal protection; and
- f. Except in relation to the National Grid and Renewable Electricity Generation Activities, provide for biodiversity offsetting and biodiversity compensation as part of the effects management hierarchy in accordance with the principles set out in Appendix 3 and Appendix 4 in the National Policy Statement for Indigenous Biodiversity.

ECO - P101B

Protect indigenous biodiversity in the coastal environment from inappropriate subdivision, use and development by:

- a. Avoiding adverse effects on indigenous biodiversity set out in Policy 11(a) of the NZCPS, and
- b. Avoiding adverse effects on significant indigenous biodiversity; and
- c. Avoiding, remedying or mitigating other significant adverse effects on coastal indigenous vegetation, dunes, estuaries, wetlands, habitats and species within the coastal environment in accordance with the effects management hierarchy and Policy 11(b) of the NZCPS.

5. That the following amendments are made to the Rules

ECO – RXX1A General Standards

All Permitted activities outside of a Significant Natural Area must comply with the following relevant standards.

1. Within the coastal environment:
 - a. Any indigenous vegetation clearance is a maximum of 500m² per site over any continuous 3-year period or is a maximum of 20m² on any individual infrastructure work site, or 20m² per linear hundred metre length for linear infrastructure; and
 - b. The indigenous vegetation clearance does not disturb, damage or destroy nesting areas or habitat of protected threatened or at risk species; and
 - c. The indigenous vegetation clearance does not occur in an area of land environment of category one or two of the Threatened Environment Classification; and
2. Within the riparian margin of a water body:
 - a. It is a maximum of 20m² per linear 200m length of riparian margin; and
3. In all other locations outside of a Significant Natural Area it is:
 - a. A maximum of 2000m² on any site over any continuous 3-year period on a site that has not had an SNA assessment undertaken in accordance with Policy ECO – P1; or

- b. A maximum of 5000m² on any site over any continuous 3-year period on a site that has had an SNA assessment in accordance with Policy ECO – P1 or within the Grey District, has an SNA included within Schedule 4 that is located on the same property; or
 - c. Is a maximum of 20m² on any individual infrastructure work site, or 20m² per linear 100m length for linear infrastructure; and
4. Unless carried out by a statutory agency or their nominated contractor responsible for natural hazard mitigation, the clearance is not located within areas used and identified for natural hazard mitigation structures that are owned or managed by a statutory agency.

Except that the maximum vegetation clearance provisions in these general standards do not apply where:

- i. Specific to Clause 3, it is necessary to provide for the ongoing safe and efficient operation, maintenance and repair of the National Grid, electricity distribution and telecommunications lines; or
- ii. For all Clauses, the indigenous vegetation clearance is for network utility operations within any RESZ – Residential Zone, COMZ – Commercial and Mixed Use Zone, PORTZ – Port Zone, or IND – Industrial Zone property within the towns of Greymouth, Hokitika or Westport;
- iii. For all Clauses, the indigenous vegetation clearance is of vegetation planted and managed:
 - I. as part of a domestic or public garden for amenity purposes; or
 - II. as a shelterbelt; or
 - III. for the purpose of harvesting as plantation forestry.

Activity status where compliance not achieved: Restricted Discretionary

ECO -R1B

Indigenous Vegetation Clearance within a Significant Natural Area

Activity Status Permitted

Where this is:

- 6. For the maintenance, operation and repair of lawfully established activities and structures including tracks, fences, drains, structures, infrastructure and renewable electricity generation activities where:
 - b. This is at the same or similar scale, character and intensity as at 14 July 2022; and
 - c. The clearance is within 3m of the established activity and is limited to a maximum area of 50m² per individual SNA; or
- 7. Necessary to remove vegetation that endangers human life or existing buildings or structures where this is certified by a Council Approved Arboricultural Contractor; or
- 8. For the safe and efficient operation (including maintenance and repair) of any formed public road, rail corridor or access where the removal is within 3m of the formed width of the road, rail corridor or access where this is undertaken by a Road or Rail Controlling Authority; or
- 9. To comply with section 43 of the Fire and Emergency Act 2017; or
- 10. The clearance is necessary in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or is removal of unwanted organisms declared under the Biosecurity Act 2015.

Activity status where compliance not achieved: Discretionary

ECO – RXX5

Indigenous vegetation clearance and disturbance within the Buller and Westland Districts and outside of the coastal environment a Significant Natural Area not provided for in another Permitted Activity Rule

Activity Status Permitted

Where this is:

1. 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; or
2. Necessary to remove vegetation that endangers human life or existing buildings or structures; or
3. For the construction of parks facilities, parks furniture or public access points within an Open Space and Recreation Zone; or
4. For installation of an environmental monitoring and extreme weather event monitoring facility; or
5. For the establishment of a river crossing point up to 3m wide; or
6. For new natural hazard mitigation structures undertaken by a statutory agency or their nominated contractor; or
7. Unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or is removal of unwanted organisms declared under the Biosecurity Act 2015; or
8. To comply with section 43 of the Fire and Emergency Act 2017; or
9. To upgrade public walking or cycling tracks up to 3m in width undertaken by the Council or its approved contractor; or
10. Within an area subject to a QEII National Trust Covenant or Ngā Whenua Rahui Kawaneta, a Reserves or Conservation Act covenant or a Heritage covenant under the Heritage New Zealand/Pouhere Taonga Act and the vegetation disturbance is authorised by that legal instrument; or
11. For the establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site that does not exceed 500m² clearance per allotment and where this is not located within a riparian margin of a waterbody; or
12. For mineral exploration or prospecting activities within the MINZ - Mineral Extraction Zone or BCZ – Buller Coalfield Zone; or
13. Outside of the coastal environment or riparian margins of waterbodies it is removal of windthrow timber through:
 - iii. Use of helicopter recovery methods; or
 - iv. Where ground-based recovery is only undertaken from areas adjacent to existing vehicle tracks; or
14. For any other purpose, where this is not located within a riparian margin of a waterbody or the coastal environment, and does not exceed 2000m² clearance per property over a 3 year period.

Activity status where compliance not achieved: Controlled Activity where this is indigenous vegetation clearance with an approved plan or permit issued under the Forests Act, Otherwise Restricted Discretionary

SUB - R7/ECO-R4

Subdivision of Land to Create Allotments Containing an Area of Significant Indigenous Biodiversity Where Legal Protection of the Area of Significant Indigenous Biodiversity is Proposed

Activity Status: Controlled

Where:

1. One new allotment with a minimum lot size of 41,000m² is created from the parent title, provided that in the GRUZ - General Rural Zone there is a balance area remaining on the original title of at least 4 ha; and
2. An assessment of the site against the significance criteria in the NPSIB WCRPS Appendix 1 is provided with the application and this is undertaken by a suitably qualified or experienced ecologist unless the site has already been assessed identified as to be an SNA as part of a district – wide SNA assessment process; and

3. The Any areas significant indigenous biodiversity is are legally protected in perpetuity by way of a conservation covenant with an authorised agency or via consent notice on the title and is are contained within a single allotment; and
4. The subdivision will not result in buildings or access ways being located within the identified area of significant indigenous biodiversity or the need for clearance within the area of significant indigenous vegetation to provide for a future building site or future access to any site; and
5. Subdivision standards S2-S11 are complied with.

Matters of control are:

- a. Subdivision layout, access, design, location and proximity of building platforms to areas of significant indigenous biodiversity;
- b. The provision of infrastructure and services for drinking water, wastewater, stormwater, telecommunications and energy
- c. The adequacy of water supply for firefighting;
- d. Specification of the location of building sites and access through the use of consent notices;
- e. Management of potential reverse sensitivity effects on existing land uses, including network utilities and regionally significant infrastructure, rural activities or significant hazardous facilities
- f. Measures to address any natural hazards or geotechnical constraints
- g. Management of earthworks, including earthworks for the location of building platforms and access ways;
- h. The protection of habitats of threatened or at-risk species; and
- i. The measures to minimise avoid, remedy or mitigate any adverse effects on:
 - i. The significant indigenous biodiversity;
 - ii. ~~The cultural significance to~~ Poutini Ngāi Tahu Values.

Advice Note: This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to either of Rules SUB – R2 or SUB - R4.

Activity status where compliance not achieved: Restricted Discretionary where standard 1 is not complied with. Discretionary where standards 2-45 are not complied with.

SUB - R9/ECO—R6

Subdivision of Land to create Allotments Containing an Area of Significant Indigenous Biodiversity Where Legal Protection of the Area of Significant Indigenous Biodiversity is Proposed not meeting Rule SUB – R7

Activity Status Restricted Discretionary

Where:

1. Up to three allotments with a minimum lot size of 41000m, are created from the parent title;
2. An assessment of the site against the significance criteria in the NPSIB WCRPS Appendix 1 is provided with the application and this is undertaken by a suitably qualified or experienced ecologist unless the site has already been assessed identified as to be an SNA as part of a district – wide SNA assessment process;
3. The Any areas of significant indigenous biodiversity is are legally protected in perpetuity by way of a conservation covenant with an authorised agency or via consent notice on the title and is are contained within a single allotment;
4. The subdivision will not result in buildings or access ways being located within any Significant Natural Area identified in Schedule Four or the need for clearance of significant indigenous vegetation to provide for a future building site or future access to any site; and

5. Subdivision standards S2-S11 are complied with.

Discretion is restricted to:

- a. Whether there are other regulations impacting the site that have meant the land is unable to be used for economic rural uses;
- b. The extent to which the subdivision layout, access, allotment size and design and the location of building platforms may adversely impact the significant indigenous vegetation and/or significant habitat of indigenous fauna and whether buffering of significant areas is also appropriate;
- c. The provision of infrastructure and services for drinking water, wastewater, stormwater, telecommunications and energy
- d. The adequacy of water supply for firefighting
- e. Management of potential reverse sensitivity effects on existing land uses, including network utilities and regionally significant infrastructure, rural activities or significant hazardous facilities
- f. Management of earthworks including earthworks for the location of building platforms and access ways;
- g. The protection of habitats of threatened or at risk species.
- h. The measures to ~~minimise~~ avoid, remedy or mitigate any adverse effects on:
 - i. The significant indigenous biodiversity; and
 - ii. ~~The particular cultural, spiritual and/or heritage values, interests or associations of importance to Poutini Ngāi Tahu Values as kaitiaki and mana whenua that are associated with the significant indigenous vegetation and/or significant habitats of indigenous fauna and the potential impact on those values, interests or association.~~

Activity status where compliance not achieved: Discretionary